

# The Town of Cramerton Land Development Code

Cramerton, North Carolina



**Adopted Date: May 7, 2024**

**As Amended through November 19, 2024**

# The Town of Cramerton Land Development Code

**Effective Date: May 7, 2024**

Planning Board Review and Recommendation: April 4, 2024  
Approved by the Town Board of Commissioners: May 7, 2024

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## Table of Contents

Chapter 1. General .....	1-1
1.1 Title .....	1-1
1.2 Authority .....	1-1
1.3 Jurisdiction.....	1-1
1.4 Purpose .....	1-1
1.5 Legal Status Provisions.....	1-2
1.6 Transitional Provisions .....	1-2
1.7 Consistency with Approved Plans .....	1-3
Chapter 2. Administration .....	2-4
2.1 Established Boards and Staff .....	2-4
2.2 Organization.....	2-4
2.3 Oath of Office .....	2-4
2.4 Board of Commissioners.....	2-4
2.5 Planning Board.....	2-5
2.6 Board of Adjustment .....	2-6
2.7 Administrator .....	2-8
2.8 Technical Review Committee (TRC).....	2-10
2.9 Miscellaneous Administration Authorities .....	2-10
Chapter 3. Procedures.....	3-11
3.1 General Provisions .....	3-11
3.2 Submission Procedures .....	3-11
3.3 Public Involvement Meetings .....	3-14
3.4 Public Notice .....	3-14
3.5 Plan Requirements .....	3-16
3.6 Quasi-Judicial Processes and Evidentiary Hearings.....	3-21
3.7 Development Review Process Table.....	3-23
3.8 Zoning Permit.....	3-25
3.9 Temporary Use Permit .....	3-26
3.10 Sign Permit.....	3-27
3.11 Common Signage Plan.....	3-28
3.12 Written Intepretation .....	3-30
3.13 Subdivisions.....	3-30
3.14 Site Plans.....	3-40
3.15 Traffic Impact Analysis .....	3-44
3.16 Construction Drawings .....	3-53
3.17 As-Builts.....	3-53

3.18	Text Amendment.....	3-54
3.19	Rezoning / Map Amendments.....	3-56
3.20	Conditional Zoning.....	3-59
3.21	Developer Agreements.....	3-63
3.22	Special Use Permit.....	3-65
3.23	Variances.....	3-67
3.24	Administrative Appeals.....	3-69
3.25	Modifications to Development Approvals.....	3-70
3.26	Vested Rights.....	3-73
3.27	Permit Choice.....	3-76
3.28	Nonconformities.....	3-77
3.29	Enforcement.....	3-79
Chapter 4.	Zoning Districts and Dimensional Standards.....	4-83
4.1	Establishment of Zoning Districts.....	4-83
4.2	Measurements and Standards.....	4-86
4.3	Table of Dimensional Standards.....	4-92
4.4	Overlay Zoning District Regulations.....	4-94
Chapter 5.	Uses and Use Standards.....	5-106
5.1	Establishment of Uses.....	5-106
5.2	Uses Not Specifically Mentioned in the Code.....	5-106
5.3	Developments with Multiple Principal Uses.....	5-107
5.4	Group Development.....	5-107
5.5	Table of Permitted Land Uses.....	5-108
5.6	Agricultural Use Standards.....	5-110
5.7	Residential Use Standards.....	5-112
5.8	Accommodation Use Standards.....	5-114
5.9	Institutional and Civic Use Standards.....	5-115
5.10	Commercial Use Standards.....	5-117
5.11	Industrial Use Standards.....	5-121
5.12	Infrastructure and Transportation Use Standards.....	5-123
5.13	Accessory Structures and Uses.....	5-123
5.14	Additional Uses.....	5-127
5.15	Temporary Structures and Uses.....	5-127
Chapter 6.	Subdivision and Infrastructure.....	6-131
6.1	Purpose and Intent.....	6-131
6.2	Applicability.....	6-131
6.3	Monuments Required.....	6-131
6.4	Conformity to Comprehensive Transportation Plan.....	6-131

6.5	Compliance with Zoning Regulations.....	6–131
6.6	General Street Layout and Ownership .....	6–131
6.7	Acceptance of Maintenance of Streets Inside Town.....	6–132
6.8	Minimum Requirements for Streets Outside Town .....	6–133
6.9	Street Right-of-way Dimensions.....	6–133
6.10	Paving Widths.....	6–134
6.11	Requirements for Street Paving .....	6–134
6.12	Street Grades and Alignment.....	6–135
6.13	Pedestrian Walkways.....	6–136
6.14	Layout of Blocks .....	6–137
6.15	Lot Layout.....	6–137
6.16	Subdivision Names, Street Names, and Building Numbers .....	6–137
6.17	Water Supply and Sanitary Sewer Collection.....	6–138
6.18	Storm Sewers and Surface Water Drainage.....	6–138
6.19	Public Utilities and Services .....	6–139
6.20	Performance Guarantee Requirements .....	6–139
Chapter 7.	Environmental Protection.....	7–144
7.1	Soil, Sedimentation, and Erosion Control.....	7–144
7.2	Stormwater Management.....	7–144
7.3	Flood Prevention.....	7–144
7.4	Stream Buffers and Setbacks.....	7–144
7.5	Resource Conservation Areas .....	7–145
Chapter 8.	General Development Standards.....	8–147
8.1	Open Space and Recreation.....	8–147
8.2	Alternative Residential Design Standards.....	8–155
8.3	Landscaping and Tree Protection .....	8–155
8.4	Buffers, Street Trees, and Screening.....	8–161
8.5	Off-Street Parking and Loading Requirements .....	8–170
8.6	Outdoor Lighting .....	8–182
8.7	Site Design Standards.....	8–189
8.8	Pedestrian Design Considerations.....	8–190
8.9	Building Design and Maintenance Standards.....	8–192
8.10	Infill Development Standards .....	8–195
Chapter 9.	Signs.....	9–199
9.1	General Intent.....	9–199
9.2	Definitions & Sign Types.....	9–199
9.3	Sign Illumination .....	9–202
9.4	Unsafe Signs.....	9–202

9.5	Measurement .....	9–202
9.6	Permit Required.....	9–203
9.7	Prohibited Signs.....	9–203
9.8	Exempt Signs.....	9–205
9.9	Signs Requiring A Permit .....	9–207
9.10	Specifications for Signs Requiring a Permit .....	9–209
9.11	Temporary Signs.....	9–211
9.12	Enforcement.....	9–212
Chapter 10.	Definitions .....	10–214
10.1	Interpretation of Terms and Words .....	10–214
10.2	Abbreviations.....	10–214
10.3	General Terms.....	10–215
	-A.....	10–215
	-B.....	10–215
	-C.....	10–217
	-D.....	10–218
	-E.....	10–219
	-F.....	10–220
	-G.....	10–220
	-H.....	10–221
	-I.....	10–221
	-J.....	10–221
	-L.....	10–222
	-M.....	10–223
	-N.....	10–223
	-O.....	10–224
	-P.....	10–224
	-R.....	10–225
	-S.....	10–226
	-T.....	10–233
	-U.....	10–233
	-V.....	10–233
	-W.....	10–233
	-Y.....	10–234
	-Z.....	10–234
10.4	Use Definitions .....	10–234
	-A.....	10–234
	-B.....	10–237

-C- .....	10-238
-D- .....	10-239
-E- .....	10-241
-F- .....	10-241
-G- .....	10-242
-H- .....	10-243
-I- .....	10-243
-J- .....	10-244
-M- .....	10-244
-N- .....	10-246
-O- .....	10-247
-P- .....	10-247
-Q- .....	10-247
-R- .....	10-248
-S- .....	10-249
-T- .....	10-250
-W- .....	10-251
Appendix A Land Use Classifications .....	252
Appendix B. Wireless Telecommunication Facilities .....	258
Appendix C. Recommended Planting Tables .....	270
Appendix D. Certifications .....	280

## Chapter 1. General

### 1.1 TITLE

The official title of this document shall be the “Land Development Code of the Town of Cramerton, North Carolina”, and shall be known and may be cited hereinafter as such or as the “Land Development Code”, the “LDC”, the “Code”, or the “Ordinance.”

### 1.2 AUTHORITY

The provisions enacted herein are under the authority of North Carolina General Statutes, Chapter 160A, Article 8, Section 174, General Ordinance Authority and Section 175, Enforcement; and Chapter 160D, which extends to cities the authority to enact regulations that promote the health, welfare and safety of the community.

### 1.3 JURISDICTION

- A. Except as herein provided, the provisions of this Ordinance shall apply within the entire corporate limits of the Town of Cramerton and the entire extraterritorial jurisdiction area as may be hereafter be brought within the purview of this Code pursuant to law which shall be established and detailed on the Town’s Official Zoning Map pursuant to NCGS 160D-105(a), as signed by the Mayor and certified by the Town Clerk. The boundary lines shown on said map are incorporated and made a part of the LDC as if fully set out herein.
- B. The current Zoning Map and all its prior versions shall be kept on file in digital or paper format with the Town Clerk. While the digital file shall be accessible to view from the Town website at all times, the paper format is available for public viewing during normal business hours. The original official version of the map shall bear the seal of the Town. It shall be the final authority as to the status of the current zoning district classification of land within the Town’s jurisdiction and shall only be amended in accordance with the provisions of this Ordinance.

### 1.4 PURPOSE

This Code is adopted to promote and protect the health, safety, and general welfare of the residents, businesses, and visitors of Cramerton. Specifically, it is the intention of this Chapter to:

- A. Implement the overall vision and goals of the Town as outlined in the Comprehensive Plan and other officially adopted plans of the Town;
- B. Provide for adequate transportation, utilities, stormwater management, parks, and other public facilities and amenities;
- C. Improve the quality of life by increasing mobility, providing adequate light and air, preventing overcrowding of land, protecting the integrity and sustainability of neighborhoods, and ensuring safety;
- D. Provide for the orderly, safe, and efficient subdivision and development of land in the Town and its extraterritorial jurisdiction (ETJ);
- E. Conserve the value of buildings and development by encouraging the most appropriate use of land throughout the Town;
- F. Protect natural resources and conserve the Town’s natural features, such as open spaces, bodies of water, trees, vistas, and watersheds;



- G. Promote alternative transportation modes, such as cycling, walking, and transit; and,
- H. Support the residents, business community, and developers with clear, concise, and efficient regulations, processes, and procedures.

## **1.5 LEGAL STATUS PROVISIONS**

### **A. Conflict with Other Laws**

1. Whenever the regulations of this Ordinance require a greater width or size of yards, or other open space, or require a lower height of buildings, or require a greater percentage of lot to be left unoccupied or impose other, more restrictive standards than are required in or under any other statute, ordinance, or agreement, the regulations and requirements of this Ordinance shall govern.
2. It is not intended that this Ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, vested rights, special use permits, zoning permits, or building permits previously adopted or issued pursuant to law and effective on the adoption date of this Ordinance.
3. All suits at law or in equity and/or all prosecutions resulting from the violation of any Zoning Ordinance or Subdivision Ordinance heretofore in effect, which are as of the adoption date pending in any of the courts of this State or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance but shall be prosecuted to their finality, the same as if this Ordinance had not been adopted, and any and all violations of the existing Cramerton Zoning Ordinance and/or Subdivision Ordinance, prosecutions or suits for which have not yet been instituted, may be hereafter filed and prosecuted. Nothing in this Ordinance shall be construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may heretofore have been instituted or prosecuted.

### **B. Separability**

If any portion(s) or provision(s) of this Ordinance are found by a court of competent jurisdiction to be invalid or unconstitutional, such court decision, shall not affect the validity of this Ordinance as a whole or any part thereof other than that part so declared to be unconstitutional or invalid.

### **C. Date Of Adoption and Effective Date**

This Ordinance is adopted by the Board of Commissioners of Cramerton on May 7, 2024 and shall become effective upon adoption.

## **1.6 TRANSITIONAL PROVISIONS**

### **A. Conforming Uses and Structures**

1. Any use or structure existing prior to the effective date of this Ordinance that conforms to the regulations of this Ordinance for permitted uses and satisfies the dimensional requirements and any other applicable regulations of the district in which it is located may be continued, provided any use, structural, or other changes shall comply with the provisions of this Ordinance.
2. Any use or structure existing prior to the effective date of this Ordinance that would be permitted by this Ordinance with a special use permit in the district in which it is located may be continued as if a special use permit had been issued, provided that any use, structural, or other changes shall comply with the provisions of this chapter.

3. Any use or structure existing prior to the effective date of this Ordinance that would be permitted by this Ordinance with Conditional Zoning (or previously as a conditional use), may be continued, provided that any use, structural, or other changes shall comply with the Conditions of the Conditional District and any associated plan approved as a portion of the original rezoning, otherwise the provision of this Code shall apply.

**B. Effect of Amendment**

If subsequent amendments to this Ordinance or the Zoning Map result in the creation of additional nonconformities or conformities, such nonconformities or conformities shall be governed by the provisions of this [Section 3.28 Nonconformities](#), unless otherwise stated in the amendment.

**C. Applications and Prior Approvals**

**1. Applications Submitted but Not Approved Prior to Effective Date**

Any complete application submitted before the effective date of this Ordinance, but not yet approved, is subject to Permit Choice, as outlined in [Section 3.27](#). Development may be completed in conformance with applicable permits and conditions of the regulations in effect at the time of submission of the application, even if such application does not fully comply with the provisions of this chapter.

**2. Applications Submitted and Approved Prior to the Effective Date**

Where a permit, site plan, subdivision, planned development, or special use was approved prior to the effective date of this Ordinance, the provisions of the ordinance that was in effect at the time of approval shall apply, subject to the limitation of Vested Rights as outlined in [Section 3.26](#) and provided they do not conflict with the original conditions of approval.

**D. Construction Begun Prior to Adoption**

Nothing in this Ordinance shall be deemed to require any change in the plans, construction, or designed use of any building or structure upon which a building permit was secured prior to the adoption of this Ordinance, provided said construction was in conformance with the Town of Cramerton Zoning Ordinance adopted by the Cramerton Town Board of Commissioners on May 7, 2024, and any amendment subsequent thereto and provided the building permit remains valid.

## **1.7 CONSISTENCY WITH APPROVED PLANS**

**A. Comprehensive Plan**

As a condition of adopting and applying zoning regulations under N.C.G.S. Chapter 160D, the Town shall adopt and reasonably maintain a land-use plan that sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of the jurisdiction. The development regulations contained herein should be consistent with the adopted Town of Cramerton Land Use Plan, adopted in June 2022, and any subsequent revisions.

**B. Adopted Plans and Policies**

All proposed subdivisions and land development shall be placed and designed in a manner consistent with the adopted plans and policies of the Town.

## Chapter 2. Administration

### 2.1 ESTABLISHED BOARDS AND STAFF

The following elected and appointed bodies shall have the various powers and responsibilities in administering this Ordinance and for reviewing and making decisions on applications for development approval, appeals, and amendments to this Ordinance as stated herein:

- A. The Board of Commissioners
- B. Planning Board
- C. Board of Adjustment
- D. Administrator
- E. Technical Review Committee

### 2.2 ORGANIZATION

The boards provided by this Ordinance may adopt rules and maintain records in conformance with the following:

- A. **Rules of Conduct**  
A Board may adopt rules necessary to conduct its affairs and to establish Board organization, procedures, and the conduct of its meetings.
- B. **Conformance of Rules**  
The rules adopted by a Board shall be in accordance with North Carolina State law and the provisions of this Ordinance.
- C. **Election and Terms of Officers**  
Each Board shall elect a Chairman and Vice-Chairman from its membership. These officers shall serve for a term of one year, or until the expiration of the term of their appointment to the Board on which they serve.
- D. **Record of Meetings**  
Each Board shall keep accurate minutes of its proceedings and the actions taken in its meetings. When holding quasi-judicial hearings, the Board of Commissioners and the Board of Adjustment shall keep a transcript of the meeting and maintain a record of the evidence presented during the hearing.

### 2.3 OATH OF OFFICE

All members appointed to boards under this Article shall, before entering their duties, qualify by taking an oath of office as required by G.S. 153A-26 and G.S. 160A-61.

### 2.4 BOARD OF COMMISSIONERS

#### A. Establishment

The Town Board of Commissioners is established and composed pursuant to the Town Charter, Article III and the Town Code of Ordinances, Chapter 30. The qualified voters of the entire Town shall elect the Board. The Board shall be composed of five (5) members to serve staggered terms of

four (4) years and until their successors are elected and qualified. Two (2) members of the Board shall be elected in 2013 and quadrennially thereafter for four (4) year terms, and three (3) members shall be elected in 2015 and quadrennially thereafter for four (4) year terms.

**B. Power and Duties**

In execution of the provisions of this chapter, the Town Board of Commissioners shall be responsible for final action regarding the following:

1. Text Amendments;
2. Zoning Map Amendments/Rezoning;
3. Conditional Zoning;
4. Major Subdivision - Preliminary Plats;
5. Major Site Plans;
6. Special Use Permits;
7. Zoning Vested Rights;
8. Developer Agreements.

**C. Conflict of Interest**

1. A Town Board of Commissioners member shall not vote on any legislative or quasi-judicial decision regarding a development regulation adopted pursuant to this LDC where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Town Board of Commissioners member shall not vote on any zoning amendment if the landowner of the property subject to a 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.
2. Quasi-Judicial Decisions. A member of any board exercising quasi-judicial functions pursuant to this LDC 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 violations of due process 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.

**D. Board Statements Required**

**1. Consistency Statement.**

In regard to a zoning text or map amendment, once the Board of Commissioners has made a final decision to either adopt or reject the proposal, the Board shall approve a statement describing whether its action is consistent or inconsistent with *The Land Use Plan* and any other relevant plans having applicability to the proposed amendment.

**2. Statement of Reasonableness.**

When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the Board of Commissioners.

**2.5 PLANNING BOARD**

**A. Establishment**

The Planning Board is established and composed pursuant to G.S. § 160D-301.

**B. Power and Duties**

In execution of the provisions of this Chapter, the Planning Board shall have the following power and duties.

**1. General Authority**

- a. The Planning Board may exercise additional powers as may be described elsewhere in this chapter and as permitted by North Carolina General Statutes.
- b. The Planning Board shall perform related duties as directed by the Town Board of Commissioners.

**2. Review Authority.**

The Planning Board shall review and make recommendations regarding the following:

- a. Text Amendments;
- b. Zoning Map Amendments/Rezoning;
- c. Conditional Zoning;
- d. Major Subdivision - Preliminary Plats;
- e. Major Site Plans;
- f. Establishment of Vested Rights; and,
- g. Developer Agreements.
- h. Comprehensive Land Use Plan Adoption and Amendments

**C. Conflict of Interest**

Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this LDC 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 board member shall not vote on any zoning amendment if the landowner of the property subject to a 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 pursuant to NCGS 160D-109(b).

**D. Quorum**

Three (3) or more members of the Planning Board shall constitute a quorum.

**E. Voting**

The concurring affirmative vote of a majority of the members present and qualified to vote is required to make a recommendation or any other decision in favor of an applicant. Tie votes must be considered recommendations for disapproval.

**F. Vote of the Chairman**

The Chairman of the Planning Board, or Vice-Chairman serving in that role in their absence or temporary disqualification, shall vote as any other member of the Board.

**2.6 BOARD OF ADJUSTMENT**

**A. Establishment**

- 1. The Board of Adjustment is established pursuant to G.S. § 160D-302.

2. There shall be and is hereby created a Board of Adjustment consisting of five (5) members. Four (4) members shall be residents of the Town of Cramerton, and shall be appointed by the Cramerton Town Board of Commissioners, and one (1) member, who shall be a resident of the extraterritorial area, shall be appointed by the Board of County Commissioners of Gaston County, for overlapping terms of three (3) years. All members shall have equal duties, responsibilities, powers, and privileges.
3. Two (2) alternate Board of Adjustment members shall also be appointed. Each alternate Board of Adjustment member shall reside within the Town of Cramerton's corporate limits. Said members shall serve in the absence of regular Board of Adjustment members. Said alternate members shall be appointed in the same manner as regular members. Such alternate members, while attending any regular or special meetings of the Board and serving in the absence of any regular member, shall exercise all of the powers and duties of such regular member so absent.
  - a. An alternate member may serve in place of any regular Board of Adjustment member. Alternate members shall be compensated in the same manner as regular members.
  - b. Nothing herein contained shall be so interpreted as to forbid any member from being appointed to succeed himself.

**B. Powers and Duties**

The Board of Adjustment shall have all the powers and duties authorized by North Carolina General Statute 160D-302, and in the manner provided for in this Ordinance. In execution of the provisions of this chapter, the Board of Adjustment shall have the following powers and duties:

**1. General Authority**

The Board of Adjustment may exercise additional powers as may be described elsewhere in this chapter and as permitted by North Carolina General Statutes. Boards shall follow quasi-judicial procedures in determining appeals of administrative decisions, special use permits, certificates of appropriateness, variances, or any other quasi-judicial decision pursuant to G.S. § 160D-406.

**2. Final Authority**

The Board of Adjustment shall be responsible for final action regarding the following:

- a. Variances; and,
- b. Zoning Map interpretation specific to lot lines and district boundaries

**C. Administrative Appeals**

The Board of Adjustment shall hear and decide appeals from and review any order, requirement, decision, or determination made by the Administrator. The appeal of any decision rendered by the Administrator shall be filed within thirty (30) days of receipt of the Administrator's decision. The Board of Adjustment, after having held a public hearing on the matter, may reverse or affirm, in whole or in part, the decision of the Administrator that was appealed.

**D. Conflict of Interest**

1. **Appointed Boards.** Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this LDC 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 board member shall not vote on any zoning amendment if the landowner of the property subject to a 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.

2. **Quasi-Judicial Decisions.** A member of any board exercising quasi-judicial functions pursuant to this LDC 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 violations of due process 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.

**E. Quorum**

Three (3) or more members of the Board of Adjustment shall constitute a quorum. However, a vote on a variance will require a 4/5 vote.

**F. Voting**

The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under G.S. 160D-109(d) 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. (NCGS 160D-406(i))

## **2.7 ADMINISTRATOR**

**A. Designation**

The Town Manager shall appoint an Administrator who shall be duly sworn in and charged with administering and enforcing the provisions of this Ordinance. The Administrator shall administer certain provisions of this chapter as may be required below.

**B. Delegation of Authority**

The Administrator may designate any staff member to represent the Administrator in any function assigned by this Code but shall remain responsible for any final action.

**C. Powers and Duties**

In execution of the provisions of this Chapter, the Administrator shall have the following powers and duties.

**D. General Authority**

1. The Administrator may exercise additional powers as may be described elsewhere in this chapter and as permitted by North Carolina General Statutes.
2. The Administrator shall perform related duties as directed by the Town Board of Commissioners.

**E. Review Authority**

The Administrator shall make recommendations regarding the following:

1. Text Amendments;
2. Zoning Map Amendments (Rezoning);
3. Conditional Zoning;
4. Concept Plans;
5. Major Site Plan Review; and

6. Zoning Vested Rights.

**F. Final Authority**

The Administrator shall be responsible for final action regarding the following:

1. Exempt And Expedited Subdivisions – Final Plats;
2. Minor Subdivision - Preliminary and Final Plats;
3. Major Subdivision - Final Plat Review;
4. Minor Site Plan Review;
5. TIA - Traffic Impact Analyses;
6. Zoning Permits;
7. Sign Permits;
8. Common Signage Plans;
9. Construction Drawings.
10. Temporary Use Permits

**G. Minor Modifications**

The Administrator is responsible for the review and approval (or denial) of minor modifications and administrative adjustments in accordance with [Section 3.25](#) of this Ordinance.

**H. Determinations**

The Administrator is responsible for decisions made in the implementation, administration, and enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this Ordinance. Within fourteen (14) days after a decision on an administrative determination is made, a copy of the decision shall be provided to the property owner and the party seeking determination, Written notice of the decision shall be made by personal delivery, electronic mail, or first-class mail. A copy of the decision may also be filed with the Administrator and available for public inspection during regular office hours.

**I. Additional Duties**

1. Establish application content requirements and a submission schedule for the review of applications and appeals.
2. Determine completeness of all applications for development approval.
3. Maintain the Official Zoning Map and related materials.
4. Enforce the regulations contained within this Ordinance. In exercising the full police power of the Town, the Administrator, or duly authorized representative, may enter any building, structure, or premises to perform any duty imposed by this Ordinance, provided entry is made with proper notice and at reasonable hours.
5. Maintain the official copy of the Land Development Code.
6. Maintain a record of all permits and approvals.

**J. Conflict of Interest.**

No staff member shall make a final decision on an administrative decision required by this LDC 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 under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this LDC unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with the Town to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the Town, as determined by the Town.

## **2.8 TECHNICAL REVIEW COMMITTEE (TRC)**

### **A. Establishment**

A committee consisting of members of relevant Town of Cramerton Department Heads and other outside agencies, and professionals hired by the Town, tasked with reviewing technical plans and documents ahead of development approval. At a minimum the following representatives shall make up TRC:

1. Town Manager
2. Planning Director / Administrator
3. Public Works
4. Parks and Recreation
5. NCDOT
6. Fire Department / Emergency Management
7. Gaston County
8. Gastonia (Utilities)
9. Town Engineer
10. Technical consultants, as contracted by the Town

### **B. Powers and Duties**

In execution of the provisions of the chapter, the Technical Review Committee shall have the following Review Authority and shall make recommendations regarding the following:

1. Rezoning (Map) and Text Amendments (where warranted)
2. Conditional Zonings;
3. Planned Development Review;
4. Minor Subdivision - Preliminary Plat;
5. Major Subdivision - Preliminary Plat;
6. All Final Plats;
7. Minor Site Plan;
8. Major Site Plan;
9. Construction Drawings

## **2.9 MISCELLANEOUS ADMINISTRATION AUTHORITIES**

- A. Building Code Enforcement. Building Code Enforcement shall be in accordance with G.S. 160D, Article 11. As of the date of this UDO, Building Code enforcement is handled by Gaston County.
- B. Additional Authority. The Town has certain Additional Authority as provided in G.S. 160D, Article 13.
- C. Judicial Review. N.C.G.S. 160D, Article 14 authorizes judicial review of certain Town decisions.

## Chapter 3. Procedures

### 3.1 GENERAL PROVISIONS

To establish an orderly process to develop land within the jurisdiction of the Town of Cramerton, consistent with standard development practices and terminology, this section provides a clear and comprehensible development process that is fair and equitable to all interests including the applicants, affected neighbors, Administrator, staff and related agencies, and the Town Board of Commissioners.

#### A. No Construction to Commence without Permit

No land shall be used or occupied, and no structures shall be erected, moved, extended, or enlarged, nor shall any timbering, clearing, and grubbing, or filling of any lot for the construction of any building be initiated until the Administrator has issued an appropriate development approval which will certify that the proposed work is in conformity with the provisions of this ordinance.

#### B. Development Approvals Run with the Land

Unless provided otherwise by law, all rights, privileges, benefits, burdens, and obligations created by development approvals made pursuant to this Article attach to and run with the land.

#### C. Certificate of Compliance

1. No structure hereafter erected, moved, structurally altered or changed in use shall be used or occupied until a certificate of compliance has been issued by the Administrator or his designee. Any certificate of compliance issued shall state that the structure or portion of a structure is in compliance with the information stated on the zoning permit. A certificate of compliance shall not be issued unless the proposed use of the structure conforms to the applicable provisions of this Ordinance.
2. If the certificate of compliance is denied, the Administrator shall state in writing the reasons for refusal and the applicant shall be notified of the refusal within five (5) business days from the date of denial. A record of all certificates of compliance shall be kept on file in the office of the Administrator and copies shall be furnished, on lawful request to all interested parties.

### 3.2 SUBMISSION PROCEDURES

The following requirements shall apply to all applications prior to and for development approval as identified in this Article.

#### A. Applicants

Applications for development approvals may only be made by the landowner, a lessee or person holding an option or contract to purchase or lease land with the permission of the landowner, or an authorized agent of the landowner. The director of the appropriate department, or designee, may require an applicant to present evidence of the authority to submit an application.

#### B. Pre-Submittal Meeting

A pre-submittal conference with the Administrator or designee held prior to the applicant submitting an application for development approval to discuss the procedures, standards and regulations required for development approval in accordance with this chapter. The meeting is required with certain applications as outlined on the Development Process Table in Section [3.7](#). For all other applications, the Pre-Submittal meeting is optional.

1. At the time of the pre-submittal conference, applicants shall submit a sketch plan for review by the Administrator. This plan should, in simple sketch form, show the proposed layout of streets, lots and other features in relation to existing conditions.

2. When a subdivision is to be developed in stages, a master plan shall be submitted for the entire development and a preliminary plat shall be submitted for each individual stage. A final plat is submitted for individual stages as each stage is developed. Each new stage shall be developed adjacent to an earlier stage.

**C. Forms**

Applications required under this Code shall be submitted with application forms approved by and available from the Planning Department.

**D. Fees**

Application filing fees shall be established and updated as needed to defray the actual cost of processing the application, as listed in the approved Fee Schedule maintained by the Town. Fees shall be submitted with applications.

**E. Plans**

The necessary engineered and/or surveyed plans shall be submitted with each application as outlined in Section [3.5](#).

**F. Completeness Review**

**1. Submission**

- a. All completed applications for development approval shall be submitted to the Administrator, including the application fee, all appropriate forms and documentation, and the plan sets in accordance with the requirements of this Article and the Fee Schedule adopted by the Town Board of Commissioners.
- b. Applications sufficient for processing shall be submitted to the Administrator or designee, in accordance with the established submission schedule. Schedules indicating submittal dates shall be developed each year and made available to the public.

**2. Completeness Determination**

- a. An application shall be considered submitted only after it has been determined to be complete as provided below, not upon submission to the Administrator.
- b. On receiving a development application, the Administrator shall, within ten (10) business days, determine whether the application is complete or incomplete. A complete application is one that:
  - (1) Contains all information and materials required by this Land Development Code for submittal of the applicable type of application, and in sufficient detail, format, and readability for the Town of Cramerton Administrator to evaluate the application for compliance with applicable review standards; and
  - (2) Is accompanied by the fee established for the applicable type of application.
- c. **Complete Applications**  
Once the application has been determined complete, the Administrator shall:
  - (1) Accept the application as submitted in accordance with the procedures and standards of this Code in effect at the time of the submittal; and

- (2) Provide the applicant written notice of application submittal acceptance electronically.
- (3) Copies of the application and plans shall be referred by the Administrator to the appropriate reviewing entities.

**d. Incomplete Applications**

- (1) On determining that the application is incomplete, the Administrator shall, within ten (10) business days following submittal, provide the applicant with written notice of the submittal deficiencies electronically. The applicant may correct the deficiencies and resubmit the application for a completeness review.
- (2) If the applicant fails to resubmit an application within fifteen (15) calendar days after being first notified of submittal deficiencies, the application submittal shall be considered abandoned. If an applicant submits a request in writing to the Administrator within fifteen (15) calendar days of the application abandonment date, fifty (50%) percent of the application fee paid for the withdrawn application shall be refunded.

**G. Additional Information as Needed**

The presumption shall be that all the information required in the application forms is necessary to satisfy the requirements of this section. However, it shall be recognized that each application is unique, and more or less information may be required according to the needs of the particular case. The applicant may rely on the recommendations of the Administrator as to whether more or less information should be submitted.

**H. Withdrawal of Application**

1. An applicant may withdraw an application at any time, by filing a statement of withdrawal with the Administrator or designee.
2. The statement of withdrawal shall be signed by all persons who signed the application, or in the event of death or incompetence, by the estate's lawful personal representative.
3. The Administrator may withdraw applications due to the failure of the applicant to submit required information within ninety (90) days of the initial request.
4. An applicant may postpone a scheduled public hearing once per application for up to ninety (90) days after the date the first public hearing was scheduled to occur, after which the Administrator may withdraw the application

**I. Related Applications**

1. Related applications necessary for development approvals may be filed and reviewed simultaneously, at the option of the applicant, and with approval from the Administrator. Any application that also requires a rezoning, variance or special use permit, shall not be eligible for final approval until the rezoning, variance, or special use permit has been granted.
2. Related applications submitted simultaneously are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of any related applications until the denied or disapproved application is resolved.

## J. Active Application Time Period

1. Requests for additional information, corrections, or other modifications for all applications, unless otherwise indicated in this Ordinance, shall be returned to the Administrator or designee within ninety (90) days from the date comments on the application are officially issued. Failure to meet this deadline shall result in the application being considered withdrawn and voided, thus requiring a new application, including all requirements associated with a new application.
2. Requests for additional information, corrections, or other modifications for applications submitted to address a notice of violation shall be returned to the Administrator or designee within thirty (30) days from the date comments on the application are officially issued. Failure to meet this deadline shall result in the application being considered withdrawn and voided, thus requiring a new application, including all requirements associated with a new application.

### 3.3 PUBLIC INVOLVEMENT MEETINGS

After the application has been deemed complete but prior to the placement of an application on the agenda of a Planning Board or Board of Commissioners meeting or approval by the Administrator or designee, the applicant shall hold a mandatory public involvement meeting for applications as designated on the Development Process Table in Section [3.7](#).

- A. Only the initial application for a development shall require a neighborhood meeting unless there are changes in use, an increase of dwelling units or square footage of more than 10%, or a reduction in buffers.
- B. The purpose of the public involvement meeting shall be to inform the neighborhood of the nature of the proposed land use and development features, explain the site plan if any, and solicit comments.
- C. The applicant shall provide notice by first-class mail (at the last addresses listed for such owners in the county tax records) to all property owners within and immediately abutting the subject property. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. The notice shall be mailed at least ten (10) days but not more than twenty-five (25) days prior to the date of the neighborhood meeting.
- D. The applicant shall prepare and submit to the Administrator or designee a meeting summary that outlines attendance, major points discussed, and any agreements reached between the parties involved.
- E. The Administrator or designee may alter the neighborhood meeting procedures in cases where there are absentee land owners, limited number of land owners, or other situations they may limit the ability of adjoining property owners to attend the meeting.

### 3.4 PUBLIC NOTICE

Public notice for certain applications will be required prior to consideration and/or approval in accordance with the table in Section [3.7](#), and with the specific requirements of this Article.

#### A. Published Notice

1. An advertisement shall be placed by the Town and published in a newspaper of general circulation once a week for two (2) successive weeks, The first publication shall appear no less than ten (10) days or more than twenty-five (25) days prior to the date of the public hearing.. An annexation public hearing requires a single notice.
2. **Optional Published Notice.**

The first-class mail notice required under subsection C. of this section may not be required if a zoning map amendment proposes to change the zoning designation of more than fifty (50) properties, owned by at least fifty (50) different property owners. The Town may, instead, elect as an alternative to publish notice of the hearing as outlined in subsection A.1., above, provided that each advertisement shall not be less than one-half of a newspaper page in size.
3. All published notices shall contain the following:
  - a. Parcel Identification Number;
  - b. The address of the subject property (if available);
  - c. The general location of the land that is the subject of the application, which may include, a location map;
  - d. A description of the action requested;
  - e. The current and proposed zoning districts;
  - f. The time, date and location of the public hearing;
  - g. A phone number to contact the Town; and
  - h. A statement that interested parties may appear at the public hearing.

**B. Posted Notice.**

1. A sign shall be placed in a prominent location on the subject property(ies) or on an adjacent public street or highway right-of-way not less than ten (10) days prior to the hearing in which the application shall be reviewed.
2. The posted sign shall include the following information:
  - a. A case number.
  - b. Notice of the pending action, and
  - c. Phone number to contact for additional information.
3. When multiple parcels are included, a posting on each individual parcel is not required but the Town shall post sufficient notices to provide reasonable notice to interested persons.
4. When multi-tenant properties are required to be posted pursuant to Section C.2, below, signage shall be posted by the applicant, and shall comply with the following:
  - a. Signage shall be posted in the right-of-way immediately adjacent to the multi-tenant property at a conspicuous location visible from the nearest public street or streets if the property fronts on multiple streets.
  - b. The sign shall not measure less than eighteen inches by twenty-four inches (18" X 24"), and constructed of durable materials sufficient to withstand the effects of weather.
  - c. Signage shall be posted at least ten (10) calendar days prior to the date of the meeting.
  - d. The content of the required posted notice shall be as listed in subsection 2, above.

### C. Mailed Notice.

1. The Town shall notify by first-class mail (at the last addresses listed in the county tax records) the affected property owner and all property owners and tenants within and immediately abutting the subject property. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners or tenants as if they directly abut the subject property.
2. Where the tax records reflect a mailing address for an owner of property under subsection 1. to be different than the address of the property owned, then notification shall also be mailed to the address of the property itself. The applicant shall comply with subsection 1. requirements, except if the individual mailing addresses of tenants in any type multi-tenant properties are not readily available, the multi-tenant property shall be posted in accordance with Section 3.4.B.4.
3. The notice must be mailed at least ten (10) but not more than twenty-five (25) days prior to the date of the public hearing. The Town shall certify to the Town Board of Commissioners that fact that mailings occurred, and such certificate shall be deemed conclusive in the absence of fraud.
4. Mailed notices shall contain the following:
  - a. Parcel Identification Number;
  - b. The address of the subject property (if available);
  - c. The general location of the land that is the subject of the application, which may include, a location map;
  - d. A description of the action requested;
  - e. The current and proposed zoning districts;
  - f. The time, date and location of the public hearing;
  - g. A phone number to contact the Town; and
  - h. A statement that interested parties may appear at the public hearing.

### 3.5 PLAN REQUIREMENTS

Required plan sheets submitted as a part of an application must have the necessary information for the Administrator and Boards to make an adequate and informed decision on the proposed land development. However, the Administrator may waive or require additional information based on the type of application, site conditions, or the stage of the development process in which the plan is being reviewed.

#### A. General

1. Unless otherwise noted, plans required by this Ordinance, or any portion thereof, with the exception of sketch plans, shall be prepared:
  - a. By an engineer, architect, landscape architect, or land surveyor who is authorized by the State of North Carolina to practice as such;
  - b. To a scale of one inch equal to forty (40) feet (1" = 40') or larger;
  - c. In one or more sheets to show clearly the information required by this section and to facilitate the review and approval of the site plan;
  - d. Showing all horizontal dimensions in feet;

- e. Indicating decimal fractions of a foot shall be rounded to the closest one-hundredth of a foot (0.00); all bearings shall be in degrees, minutes, and seconds; and,
- f. Showing the name and address of the owner or developer, the north arrow, the date, the scale of the drawing, and the number of sheets. In addition, it shall reserve a blank space three (3) inches in width by five (5) inches in length for the use of the approving authority.

**B. Sketch Plans, Site and Master Plans, Preliminary Plats, Construction Drawings, and Final Plats**

1. The following plans and plats shall have a property boundary, as determined by survey, of the area to be developed with all bearings, distances, and curve data shown and depicting or containing the information indicated in the following table. An "X" indicates that information is required.

Information Required	Sketch Plan	Site Plan/ Master Plan	Preliminary Plat	Construction Drawings	As-Builts	Final Plat
<b>Cover Sheet:</b>						
Name of Development	X	X	X	X	X	X
Scale (Graphic and written)		X	X	X	X	X
North Arrow	X	X	X	X	X	X
Vicinity map		X	X	X	X	
Address of Development or Subdivision, including PINs	X	X	X	X	X	X
Town Project Number		X	X	X	X	X
Name, address, and contact information of owner of record, applicant, and/or developer	X	X	X	X	X	X
Name, Address, Phone and Seal of the Plan Preparer		X	X	X	X	X
Zoning Classification (existing and proposed)	X	X	X	X	X	X
Site Acreage	X	X	X	X	X	X
Certification Blocks ( <a href="#">See Appendix D</a> )		X	X		X	X
<b>Title Block:</b>						
Property title, PIN no., subdivision name and/or designation	X	X	X	X	X	X
Location (township, county, state)	X	X	X	X	X	X
Date(s) of survey and/or plat preparation and revisions	X	X	X	X	X	X
Name, address, registration number and seal of surveyor, engineer, or other professional / preparer		X	X	X	X	X
<b>Site Data / Calculations:</b>						
Total acreage of tract and breakout of acreage of parks, open space, zoning district and proposed land use		X	X	X	X	X
Total number of lots existing and proposed	X	X	X	X	X	X
Total number of housing units by housing type		X	X	X	X	
Building information (sq footage, number of stories)		X	X	X	X	



Information Required	Sketch Plan	Site Plan/ Master Plan	Preliminary Plat	Construction Drawings	As-Builts	Final Plat
Parcel data (required and proposed)	X	X	X	X	X	
-Lot Size	X	X	X	X	X	X
-Setbacks	X	X	X	X	X	X
-Building Height	X	X	X	X	X	
-Lot Width	X	X	X	X	X	X
-Building Coverage	X	X	X	X	X	
Typical Lot Diagram (show building orientation, driveway location, setbacks, etc)	X	X	X	X	X	
Impervious Surface Calculations		X	X	X	X	X
Parking calculations (required and proposed)	X	X	X	X	X	
Linear feet in roads		X	X	X	X	X
Proposed utility providers		X	X	X	X	
Dates, Status, Conditions of previous approvals and applications relevant to the application or site		X	X	X	X	
Required notes		X	X	X	X	X
<b>Existing Conditions Plan:</b>						
Dimensions, scale, and north arrow	X	X	X	X		X
Professional seal		X	X	X		X
Site size, metes and bounds of property boundary, with north arrow, scale (in graphic and list format), and measurable graphic of larger site showing context of area of proposed change		X	X	X		X
Property lines and Property Identification Number (PIN) of site and adjacent properties	X	X	X	X		X
Zoning districts (of site and adjacent properties to confirm buffer requirements)	X	X	X	X		X
Register of Deeds book and page number for any adjacent platted subdivisions		X	X	X		X
Adjacent property owner information		X	X	X		X
Owner information for the parcel of the project location		X	X	X		X
Existing street names	X	X	X	X		X
Existing Land use (of site and adjacent properties)	X	X	X	X		X
Adjacent streets (name and right-of-way width)	X	X	X	X		X
Any existing features located within the right-of-way		X	X	X		X
Setbacks	X	X	X	X		X
Existing building footprint(s) with square footage and number of stories		X	X	X		
Existing infrastructure: loading areas, parking, driveways, alleys, streets, sidewalks, dumpsters, lighting, septic tanks, drain fields, wells, hydrants (within 500 feet of site), water meters, culverts		X	X	X		X

Information Required	Sketch Plan	Site Plan/ Master Plan	Preliminary Plat	Construction Drawings	As-Builts	Final Plat
(other subsurface features), utility or other easements (type, size, and whether public or private), railroads, cemeteries, etc.						
Existing recorded open space or common areas (including easements)	X	X	X	X		X
Topographic contours, contours shall extend 100' past property limits		X	X	X		
Water features (name and location), stream buffers, drainage ways, wetlands, and other environmental features	X	X	X	X		X
Existing vegetation (with general description and location)		X	X	X		
Demolition proposed (on this sheet or separate if existing conditions under demolition are illegible)		X	X	X		
<b>Proposed Site Features:</b>						
Proposed street, lot, and open space layout (subdivision)	X	X	X	X		X
Proposed building layout	X	X	X	X	X	
Existing property lines to be subdivided or recombined	X	X	X	X		X
Exact lot lines, bearings, distances, and lot/block nos.		X	X	X	X	X
Zoning District boundaries	X	X	X	X	X	X
Minimum building setback lines	X	X	X	X	X	X
Proposed Lot Area of each new lot created		X	X	X	X	X
Proposed parks, school sites, or other open spaces and responsible parties/owners	X	X	X	X		X
The zoning classifications of the tract and adjoining property	X	X	X	X		
Buffer Widths, Street Trees, Landscaped areas (typical plantings)	X	X	X	X	X	X
Street Trees and other site landscaping (actual locations) - see Landscape Plan		X	X	X	X	
Retaining walls		X	X	X	X	X
The exact location of floodplain, flood fringe, and floodway (FEMA map number, date, and zone designation)		X	X	X	X	X
<b>Landscape Plan:</b>						
Title of project		X	X	X	X	X
Dimensions, scale, and north arrow		X	X	X	X	X
Professional seal		X	X	X	X	X
All required open space including the size of each area and which open space type		X	X	X	X	X
Indigenous or native vegetation to remain	X	X	X	X	X	
Identify all required landscaping		X	X	X	X	
Vehicle use areas including parking, aisles, and driveways		X	X	X	X	X
Roadways and access points		X	X	X	X	X
Plant spacing and native status		X	X	X	X	

Information Required	Sketch Plan	Site Plan/ Master Plan	Preliminary Plat	Construction Drawings	As-Builts	Final Plat
Overhead and underground utilities		X	X	X	X	X
Tree coverage calculations and areas, with samples, if applicable to the changes proposed	X	X	X	X		
Existing vegetation to remain (with critical root zones shown)		X	X	X		
Tree protection fencing location (reference detail location if on separate sheet)		X	X	X		
Proposed landscaping (meeting minimum size and species mixing requirements)		X	X	X	X	
Detailed Plant list (keyed to plan and showing what requirement each plant will fulfill, caliper size and height of plants, condition of root ball, common name and botanical name, number of each plant)		X	X	X	X	
Landscape buffers (labeled with slope, required width, required plantings, and required fencing, walls, or berms)		X	X	X	X	
Stream buffers		X	X	X	X	X
Samples of existing vegetation in required buffers (with critical root zones)		X	X	X		
Street trees (with calculations)		X	X	X	X	
Screening (with height, details, cross-sections, etc.)		X	X	X	X	
Lighting, water, sewer, storm drainage systems, and easements (half-toned) to check for conflicts		X	X	X	X	
Planting details (for trees, shrubs, and groundcover)		X	X	X	X	
Fences, walls and/or berms (with height and details)		X	X	X	X	
<b>Roadways and Circulation:</b>						
Proposed streets, curbs, dimensions, grades, and linear feet	X	X	X	X	X	
Connecting streets and platted streets on adjoining properties	X	X	X	X	X	X
Rights-of-way, locations and dimensions	X	X	X	X	X	X
Approximate or final grades		X	X	X	X	
Street names		X	X	X	X	X
Roadway cross-sections		X	X	X	X	
Sidewalks, bike lanes, and other improvements	X	X	X	X	X	
Circulation drives	X	X	X	X	X	
Parking and loading areas, dimensioned (ADA Compliant)	X	X	X	X	X	
Bicycle parking		X	X	X	X	
Electric Vehicle Charging Stations		X	X	X	X	
Paths, greenways, bike trails	X	X	X	X	X	
<b>Existing and Proposed Utilities:</b>						
Utility, drainage, access, conservation and other easements of record		X	X	X	X	X

Information Required	Sketch Plan	Site Plan/ Master Plan	Preliminary Plat	Construction Drawings	As-Builts	Final Plat
Transmission lines / provision of electrical service		X	X	X	X	
Natural gas lines		X	X	X	X	X
Sanitary sewers, location, line size, top and invert elevations		X	X	X	X	
Wastewater Treatment		X	X	X	X	
Water lines, location and line size		X	X	X	X	
Cable/Broadband/Fiber		X	X	X	X	
Stormwater facilities, drains, culverts, ponds	X	X	X	X	X	X
Plans for individual water supply and sewerage disposal connections (permission letters from agencies required to be submitted)		X	X	X	X	
Fire hydrants		X	X	X	X	
Streetlights or other site lighting		X	X	X	X	
<b>Grading / Erosion Control and Sedimentation Plans:</b>						
Proposed Grading / topography at 5' intervals, elevations, and slope calculations		X	X	X	X	
A copy of Erosion Control Plan (approval letter from the County required to be submitted)		X	X	X	X	
Building and Architectural Elevations		X	X	X		
Phasing Plan (as needed for Master Plans and Phased Subdivisions)		X	X	X		
Details and Cross Sections		X	X			
Traffic Impact Analysis (if needed). See Section 3.15 .		X	X	X		
Restrictions (Easements, Covenants) and Ownership / Maintenance Documentation						X

### 3.6 QUASI-JUDICIAL PROCESSES AND EVIDENTIARY HEARINGS

All quasi-judicial processes are required to have an evidentiary hearing.

#### A. Notice.

1. **Public notice of the meetings is required.** Mailed and Posted Notice shall be provided in accordance with the requirements of Section 3.4.
2. **Continuation of Hearing with Notice.** The Board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular Board meeting without further advertisement.

#### B. Evidentiary Hearing.

Evidentiary hearings are required to gather competent, material, and substantial evidence. They are held by the body making the quasi-judicial decision, either Board of Adjustment or Board of Commissioners.

**1. Contact with Decision-Making Board Members**

Contact with any members of a decision-making board prior to the evidentiary public hearing by any individual regarding the matter is prohibited.

**2. Materials**

The Administrator or staff to the Board shall transmit to the board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the board prior to the hearing as long a copy is also provided to the appellant or applicant and to the landowner if that person is not the appellant or applicant. The administrative materials shall become a part of the hearing record.

**3. Oaths**

The Board Chair or any member acting as chair and the clerk to the Board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board determining a quasi-judicial matter, willfully swears falsely is guilty of a Class 1 misdemeanor.

**4. Presentation of Evidence**

The applicant, the local government, and any person who would have the standing to appeal the decision under G.S. 160D-1402(c) shall have the right to participate as a party at the evidentiary hearing. This includes presenting evidence, cross-examination of witnesses, objecting to evidence and making legal arguments. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board. Further, the Council/Board may subpoena witnesses and compel the production of evidence.

**5. Administrator as Witness**

The official who made the decision or the person currently occupying that position, if the decision-maker is no longer employed by the local government, shall be present at the evidentiary hearing as a witness.

**6. Competent Evidence Required**

All decisions shall be based on competent evidence entered in as part of the record. The term "competent evidence," as used in this subsection, shall not preclude reliance by the decision-making board on evidence that would not be admissible under the rules of evidence as applied in the trial division of the General Court of Justice if (i) the evidence was admitted without objection, or (ii) the evidence appears to be sufficiently trustworthy and was admitted under such circumstances that it was reasonable for the decision-making board to rely upon it. The term "competent evidence," as used in this subsection, shall not be deemed to include the opinion testimony of lay witnesses as to any of the following:

- a. The use of property in a particular way would affect the value of other property.
- b. The increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety.
- c. Matters about which only expert testimony would generally be admissible under the rules of evidence.

**7. Objections**

Objections regarding jurisdictional and evidentiary issues, including, but not limited to, the timeliness of an appeal or the standing of a party or the inclusion or exclusion of administrative materials, may be made to the Board. The Board chair shall rule on any objections, and the chair's rulings may be appealed to the full board. These rulings are also subject to judicial review pursuant to G.S. 160D-1402. Objections based on jurisdictional issues may be raised for the first time on judicial review.

**8. Voting**

A simple majority is needed for all quasi-judicial decisions with the exception of variances that require a concurring vote of four-fifths of the Board. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under G.S. 160D-109(d) shall not be considered members of the board for calculation of the majority if there are no qualified alternates available to take the place of such members.

**9. Decisions**

Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be in writing, reflect the Board's determination of contested facts and their application to the applicable standards. Each decision approved by the board shall be signed by the chair.

**10. Effective Date**

A quasi-judicial decision is effective upon filing the written decision with the clerk to the Board. The decision of the Board shall be delivered within a reasonable time by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and any person who has submitted a written request for a copy of the decision.

**11. Judicial Review**

Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160D-1402.

**C. Appeals from Quasi-Judicial Decisions**

An appeal from the decision of the Board of Adjustment regarding a quasi-judicial decision may be made by an aggrieved party and shall be made to the Superior Court of Gaston County in the nature of certiorari. Any such petition shall be filed with the clerk of the superior court by the later of thirty (30) days after the decision is effective or after a written copy thereof is given in accordance with G.S. 160D-406(j). When first-class mail is used to deliver notice, three (3) days shall be added to the time to file the petition. The decision of the Board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

**3.7 DEVELOPMENT REVIEW PROCESS TABLE**

Development Approval	Section	Process Type	Required Meetings	Reviewer	Public Notice	Approving Body	Appeal	Validity
Temporary Use Permit	<a href="#">3.9</a>	ADMIN		A		A	BOA	Varies
Zoning Permit	<a href="#">3.8</a>	ADMIN				A	BOA	1 year
Sign Permit	<a href="#">3.10</a>	ADMIN		A		A	BOA	6 months
Common Signage Plan	<a href="#">3.11</a>	ADMIN		A		A	BOA	1 year
Written Interpretation	<a href="#">3.12</a>	ADMIN		A		A	BOA	6 months
Exempt Plat	<a href="#">3.13</a>	ADMIN		A		A	BOA	1 year
Expedited Plat	<a href="#">3.13</a>	ADMIN		A		A	BOA	1 year
Minor Subdivision Preliminary Plat	<a href="#">3.13</a>	ADMIN		A, TRC		A	BOA	1 year
Major Subdivision Preliminary Plat	<a href="#">3.13</a>	ADMIN	PSM PIM	A, PB, & TRC		BOC	NCSC	1 year
Final Plat	<a href="#">3.13</a>	ADMIN		A, TRC		A	BOA	30 days
Minor Site Plan	<a href="#">3.14</a>	ADMIN		A, TRC		A	BOA	1 year
Major Site Plan	<a href="#">3.14</a>	ADMIN	PSM PIM	A, PB, & TRC		BOC	BOA	1 year
Traffic Impact Analysis (TIA)	<a href="#">3.15</a>	ADMIN		A, TRC		A	BOC	1 year
Construction Drawings (CDs)	<a href="#">3.16</a>	ADMIN		A, TRC		A	BOA	1 year
As-Builts	<a href="#">3.17</a>	ADMIN		A, TRC		A	N/A	N/A
Text Amendment	<a href="#">3.18</a>	LEGIS	PSM	A & PB	A	BOC	NCSC	
Rezoning/ Map Amendment	<a href="#">3.19</a>	LEGIS	PSM	A & PB	A or C, B	BOC	NCSC	
Conditional Zoning	<a href="#">3.20</a>	LEGIS	PSM PIM	A, PB, & TRC	A, B, C	BOC	NCSC	May be rescinded after two years
Developer Agreement	<a href="#">3.21</a>	LEGIS		A, PB	B, C	BOC	NCSC	Varies
Special Use Permit	<a href="#">3.22</a>	QJ	PSM PIM	A, TRC	B, C	BOC	NCSC	1 year
Variance	<a href="#">3.23</a>	QJ	PSM	A	B, C	BOA	NCSC	30 days to appeal
Admin. Appeal	<a href="#">3.24</a>	QJ		A	B, C	BOA	NCSC	
Interpretation of Zoning Boundaries		QJ		A	B, C	BOA	NCSC	30 days to appeal

ADMIN = Administrative  
LEGIS= Legislative  
QJ= Quasi-Judicial

PB= Planning Board  
TRC = Technical Review Committee  
BOC = Board of Commissioners  
BOA = Board of Adjustment  
A = Administrator

NCSC = NC Superior Court  
PIM = Public Involvement Meeting  
PSM = Pre-Submittal Meeting

Public Notice:  
A=Published Notice  
B=Posted Notice  
C=Mailed Notice

### 3.8 ZONING PERMIT

#### A. Applicability

1. It shall be unlawful to begin moving, constructing, altering, or repairing, except ordinary repairs, of any building or other structure on a site including an accessory structure, until the Planning Department has issued a zoning permit for such work.
2. It shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use or any lot on which there is a nonconforming use, until the Planning Department has issued a zoning permit for such intended use, including a determination that the proposed use, in all respects, conforms to the provisions of this chapter.
3. It shall be unlawful to undertake any land-disturbing activity until the Planning Department has issued a zoning permit for such work.
4. No zoning permit is required for permitted temporary uses (see [Section 3.9](#))



#### B. Timing of Application

In all cases where a building permit is required, application for a zoning permit shall be made concurrently with the application for a building permit. In all other cases, application shall be made before initiating any of the activities that trigger compliance with this section.

#### C. Action by Administrator

If the proposed application is in conformity with the provisions of this chapter, the Planning Department shall issue a zoning permit, provided that all of the following conditions shall apply:

1. Issuance of a zoning permit shall in no case be construed as waiving any provisions of this section;
2. The Administrator shall not grant any exceptions to the actual meaning of any clause, standards, or regulation contained in this chapter to any person making application to excavate, construct, move, alter or use buildings, structures or land;
3. The Administrator shall issue a permit when the imposed conditions of this chapter are complied with by the applicant regardless of whether the use of the permit would violate contractual or other arrangements (including, but not by way of limitation, restrictive covenants) among private parties; and
4. The zoning permit shall include a determination that plans, specifications and the intended use of such structure and land do, in all respects, conform to the provisions of this chapter. Prior to the issuance of a zoning permit, the Administrator or designee shall consult with other applicable departments, as necessary.
5. If the proposed application, is not in conformity with the provisions of this chapter, the Administrator or designee shall not issue the zoning permit and shall provide in writing the cause of such disapproval to the applicant.



**D. Expiration**

Once a zoning permit has been issued, all activities pursuant to such permit shall be commenced within six (6) months. If the proposed moving, constructing, altering, repairing, or use of land, as set forth in an application for a zoning permit, is discontinued for a period of one (1) year or more, the zoning permit shall lapse and be of no further force and effect.

**3.9 TEMPORARY USE PERMIT**

**A. Applicability**

1. Temporary uses occurring on property outside of the public right-of-way, including those operating for less than thirty (30) days within a one-year time period, shall obtain a temporary use permit from the Planning Department that outlines conditions of operations to protect the public, health, safety and welfare subject to the standards of Section [5.15](#), Temporary Structures and Uses.
2. Temporary uses occurring within the public right-of-way require approval by the Town Board of Commissioners.



**B. Action by Planning Department**

1. After receiving a complete application, the Planning Department shall have up to thirty (30) days to review the application.
2. Following completion of the technical review period, the Planning Department shall approve the issuance of a temporary **use permit subject to the following:**
  - a. No lighting or electrical service shall be provided without an electrical permit;
  - b. No temporary use structure shall be erected without a building permit;
  - c. No temporary use structure shall block fire lanes or pedestrian or vehicular access;
  - d. The site of the temporary use shall be cleared of all debris at the end of the temporary use. All temporary structures shall be cleared from the site within five days after the use is terminated;
  - e. Written permission of the property owner for the temporary use shall be provided;
  - f. Adequate parking shall be provided;
  - g. Required parking for other uses shall remain available;
  - h. Adequate traffic control measures shall be provided;
  - i. Adequate provisions for trash disposal and sanitary facilities shall be provided; and
  - j. When appropriate, adequate provisions for crowd control shall be provided.

**C. Revocation of a Temporary Use Permit**

A temporary use permit shall be revoked if the Administrator finds that the terms of the permit have been violated or that there is a hazard to the public health, safety and welfare.

**D. Exceptions**

Temporary uses conducted by bona fide nonprofit organizations, as defined by and registered with the North Carolina Office of the Secretary of State, shall be exempt from this section, except that a temporary use permit must be obtained prior to any scheduled event.

**3.10 SIGN PERMIT**

**A. Applicability**

1. Except as otherwise provided in Article 7, no sign may be erected, located, or altered in any manner until a sign permit, and building permit, if necessary, has been secured from the Planning Department. The change of copy on a legally constructed sign shall not require a permit unless it is included as part of an approved common signage plan (see Section [3.11](#)).
2. All signs erected in conformance with these regulations shall display a sticker which is issued by the Planning Department. Any sign which does not display this sticker shall be considered a zoning violation or nonconforming sign, and subject to the relative provisions of this chapter.



**B. Action by Administrator**

Following completion of the technical review period, the Administrator or designee shall approve the sign permit, provided the sign meets all requirements of this chapter, and all other applicable electrical and North Carolina Building Code requirements.

**C. Inspection of Permanent Signs**

1. The applicant shall request an inspection by the appropriate inspector after installation of the signs.
2. If the signs are found to be in compliance, the applicant shall receive a permanent seal which identifies the sign. The applicant shall attach the identification in a conspicuous location which is accessible to the Administrator or designee. It is recommended that businesses place the permit in a lower corner of the front door of the business in those cases where the seal is not affixed to the sign.
3. The sign permit shall be null and void if sign installation is not completed within six (6) months or the signs are not in conformance with the approved application.
4. Valid sign permits will be issued to the applicant as indicated on the application.

**D. Temporary Sign Permit**

A temporary sign permit shall be issued in accordance with [Chapter 9, Signs](#). A common signage plan shall not be required for applications for temporary sign permits.

**E. Revocation of a Sign Permit**

The sign permit shall be revoked if a sign is found to be in violation of the requirements of this chapter, or other applicable electrical and North Carolina State Building Code requirements.

### 3.11 COMMON SIGNAGE PLAN

#### A. Applicability

1. Except as listed below, the owners or developers of two (2) or more contiguous lots, a non-residential or mixed-use complex, or any multi-tenant use shall submit a common signage plan for approval as part of the site plan application. Other applicants may voluntarily submit a common signage plan in accordance with the standards of this section. Such developments may increase the amount of signage otherwise permitted by a maximum amount of twenty-five percent (25%) after approval of the common signage plan.
2. Applications for temporary sign permits shall not be required to submit an approved common signage plan.

#### B. Application Requirements

1. The elements of a common signage plan. The applicant shall indicate the standards of consistency of all signs on the subject property with regard to:
  - a. Colors: a maximum of four (4), including white, may be used. Federal and state registered trademarks may be employed in addition to the specified colors, but may not exceed twelve (12) square feet in copy area.
  - b. Letter/graphics style.
  - c. Location of each sign.
  - d. Materials used in sign construction.
  - e. Maximum dimensions and proportion.
  - f. Limitation in number of free standing signs to one per street frontage.
  - g. The process and procedures that will be taken for a change of tenant as they relate to the removal and replacement of signage. Procedures shall be in accordance with the requirements of [Section 3](#) of this Code.
  - h. Other restrictions imposed by the applicant.
2. Where an application for site plan review is also required, the common signage plan shall be submitted concurrently with the site plan (see [Section 3.14 Site Plans](#)).

#### C. Action by Approving Body

1. Upon submission of a completed application, the Administrator or designee shall review the common signage plan for consistency with the requirements of this code.
2. Following completion of the technical review, the Administrator shall make a decision on the application in cases of a minor Site Plan or where the application is not a portion of a Site Plan Application. In cases of a major Site Plan, the common signage plan application shall be given to



the Planning Board for their review and recommendation prior to the Board of Commissioners, deciding on the common signage plan.

3. The Administrator or Board of Commissioners may allow modifications to the lettering style to accommodate state and federally registered trademarks (logos) if the approving body feels that the intent of the common signage plan requirements is maintained. In allowing modifications, the approving body may limit the logo size.
4. The requirements of a common signage plan shall apply to all tenants within a related project, even if the properties have been subdivided.

**D. Revisions and Amendments**

1. Amendments to the Common Signage Plan require an application for review. Information related to each of the existing signs previously installed as a part of the existing signage plan may need to be provided by the applicant should the information not be available to the Director during their review.
2. The approving body for the original Common Signage Plan shall be the approving body for the Amendment.
3. The proposed amendment shall not render any of the existing conforming signs as non-conforming.
4. It shall be the responsibility of the applicant and/or property owner to enforce the terms of the common signage plan. A current copy of such plan, including any amendments, must be kept on file in the Planning Department.

**E. Existing Signs Not Conforming to Common Signage Plan**

If any new or amended common signage plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within three (3) years, all signs not conforming to the proposed amended plan or to the requirements of this chapter in effect on the date of submission.

**F. Binding Effect**

After approval of a common signage plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provisions of this chapter. In case of any conflict between the provisions of such a plan and any other provision of this chapter, this Section shall control.

### 3.12 WRITTEN INTERPRETATION

#### A. Applicability

When uncertainty exists, the Administrator or designee, after consultation with other involved staff and the Town Attorney, shall be authorized to make all interpretations concerning the provisions of this chapter.

#### B. Action by Administrator

1. The Administrator shall review and evaluate the request in light of the text of this chapter, the Zoning Map, the adopted plans and policies of the Town and any other relevant information;
2. Following completion of the technical review period, the Administrator shall render an opinion.
3. The interpretation shall be provided to the applicant in writing.

#### C. Official Record

The Administrator shall maintain an official record of all interpretations. The record of interpretations shall be available for public inspection during normal business hours.



### 3.13 SUBDIVISIONS

#### A. General Requirements

##### 1. Compliance Required

- a. Within the jurisdiction of this Article, no subdivision shall be made, platted, or recorded for any purpose, nor shall parcels resulting from such subdivision be sold or offered for sale unless such subdivision meets all the requirements of this Article and applicable development regulations contained in this Ordinance.
- b. No street shall be maintained or accepted by the Town, or shall any street lights, water, or sewer be extended to or connected with any subdivision of land, or shall any permit be issued by any administrative agent or department of the Town for the construction of any building or other improvements requiring permit, upon any land for which a plat is to be approved, unless and until the requirements set forth in this chapter have been complied with.

##### 2. Plat Approval Required

No final plat of any subdivision within the Town of Cramerton shall be filed or recorded by the County register of deeds until it shall have been prepared, submitted to, reviewed, and approved by the appropriate authority, in accordance with this Article, and such approval entered in writing on the plat.

##### 3. Exempt Subdivisions

Any plat of property exempted from the regulations of this Code shall be certified as exempt by the Administrator or, in the limited circumstances specified in G.S. 47-30.f.(11), a professional land surveyor, prior to such plat being recorded. A final plat shall be submitted to the Town for certification and review as such plat is not exempt from any zoning or other local ordinances.

Any exemption from the regulations of this chapter shall not be deemed an exemption from any other applicable ordinance.

The following is the criteria in determination of an exempt subdivision:

- a. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town as shown in the Land Development Code (LDC).
- b. The division of land into parcels greater than ten (10) acres if no street right-of-way dedication is involved, and if the resultant lots are equal to or exceed the standards of the Town as shown in its LDC.
- c. The public acquisition by purchase of strips of land for the widening or opening of streets.
- d. The division of a tract in single ownership whose entire area is no greater than (2) acres into not more than three (3) lots, if no street right-of-way dedication is involved, and if the resultant lots are equal to or exceed the standards of the Town as shown in its LDC.
- e. Division of land ordered by a court of law, to include division of property in a divorce decree, in condemnation proceedings, or in the settlement of a decedent's estate.

**4. Improvements/Performance Guarantees**

Before final plat approval, each subdivision shall either contain the improvements specified in this ordinance and all conditions of approval or a satisfactory performance guarantee shall have been posted with the Town pursuant to Section [3.13](#). The improvements shall be installed in accordance with the requirements of this article and paid for by the developer unless other means of financing are specifically allowed and paid for by the developer. The land shall be dedicated and reserved in each subdivision as specified in Section [3.13](#). Each subdivision shall adhere to the minimum standards of design established by this ordinance.

**5. Aggregation**

For any tract of land, no more than five (5) lots may be created by means of the minor subdivision review process. It is the intent of this section to preclude any attempt to avoid the major subdivision review process by the sequential subdivision of land into two (2) or more minor subdivisions. To that end, two (2) or more subdivisions shall be aggregated and treated as a single subdivision under this article when they are either contiguous to one another or contiguous to property owned or controlled by the person owning or controlling the land to be subdivided.

**6. Filing or Recording of Unapproved Plat**

Filing or recording of a plat of a subdivision not having the approval of the appropriate authority, as required in this Ordinance, shall be punishable as provided by Section [3.13](#).

**7. Penalties for Selling Lots in an Unapproved Subdivision**

The owner or agent of the owner of any land to be subdivided within the area of jurisdiction of this Ordinance who transfers or sells or agrees to sell such land by reference to or exhibition of or by any other use of a plat of a subdivision of such land before such plat has been approved by the applicable authority and recorded by the register of deeds, shall be in violation of this Ordinance and subject to the regulations of Section [3.13](#). The description of the land by metes and bounds in the instrument of transfer shall not exempt the transaction from these penalties. Such transfer, sale, or agreement may be enjoined by appropriate action.

**8. Effect of Plat Approval on Status of Dedication, Acceptance**

- a. The approval of a plat shall not be deemed to constitute or affect an acceptance by the public for maintenance purposes of the dedication of any road, ground, or other improvements shown upon the plat.
- b. Acceptance of such dedications shall be only by resolution of the Board of Commissioners or appropriate action by the State Department of Transportation. The Board of Commissioners shall consider such resolutions only on a determination that any required improvements have been properly installed and all applicable conditions met, as set out in this Ordinance.

**9. Effect of Subdivision Regulations on Naming Streets**

It shall be unlawful for any person, in laying out any new street or road, to name such street or road on any plat, by any marking, or in any deed or instrument without first getting the approval of the appropriate authority. Any person violating this subsection shall be subject to enforcement procedures as provided in [Section 3.13](#).

**10. Phased Development.**

When a subdivision is to be developed in phases, a master plan shall be submitted for the entire development and a preliminary plat shall be submitted for each individual stage. A final plat is submitted for individual stages as each stage is developed. Each new stage shall be developed adjacent to an earlier stage.

**B. Expedited Subdivision.**

**1. Applicability.**

Only a plat for recordation (Final Plat) is required for the division of a tract or parcel of land in single ownership. The final plats shall meet the drafting requirements contained in Section 3.13, bear the appropriate certificates and be recorded with Gaston County. This plat is subject to an expedited review by the Administrator if all the following criteria are met:

- a. The tract or parcel to be divided is not exempted from:  
*“The division of land into parcels greater than ten (10) acres if no street right-of-way dedication is involved, and if the resultant lots are equal to or exceed the standards of the Town as shown in its LDC.”*
- b. No part of the tract or parcel to be divided has been divided under this subsection into the ten (10) years prior to division.
- c. The entire area of the tract or parcel to be divided is greater than five (5) acres.
- d. After division, no more than three (3) lots result from the division.
- e. After division, all resultant lots comply with all of the following:
  - (1) All lot dimension size requirements of the applicable land-use regulations, if any.
  - (2) The use of the lots is in conformity with the applicable zoning requirements if any.
  - (3) A permanent means of ingress and egress are recorded for each lot.

**2. Action by the Administrator.**

Upon submission of a completed application, the Administrator shall review the final plat for consistency with the requirements of this chapter. The Administrator shall determine whether the plat conforms to the standards of a Minor Subdivision / Final Plat.

**3. Action following approval**

Upon final plat approval, the applicant may begin preliminary site work. All site work shall be performed in compliance with the requirements of this chapter, and other applicable regulations of the Town, Gaston County, and the state. The final plat shall be recorded in the Gaston County Record of Deeds.

**4. Endorsements on Final Plats**

All minor subdivision final plats shall contain the following certificates:

- a. Certificate of Ownership;
- b. Certificate of Survey and Accuracy;
- c. Certificate of Approval by the Administrator; and
- d. Gaston County Plat Review Officer’s Certificate.

**Expedited Subdivision**





## C. Minor Subdivision

### 1. Applicability

- a. A minor subdivision is a subdivision that does not involve any of the following:
- (1) Creation of a total of more than five (5) lots;
  - (2) Creation of any new public streets;
  - (3) Extension of any water or sewer lines; or
  - (4) Installation of drainage improvements through one (1) or more lots to serve one (1) or more other lots.
  - (5) Requirement of a traffic impact analysis as established in Section [3.15, Traffic Impact Analysis](#).
- b. A subdivision or recombination of lots meeting the following criteria may be considered a minor subdivision and is subject to the same review process as a minor subdivision:
- (1) No lot or parcel of land shall be created or sold that does not conform to the minimum standards of the applicable zoning district;
  - (2) Easements or rights-of-way shall not be changed;
  - (3) Street alignment and block sizes shall not be changed;
  - (4) The character of the area shall be maintained;
  - (5) A recombination of existing parcels may be approved by the Administrator, subject to the following:
    - (a) The resultant lots are equal to the standards of this chapter or more closely conform to the minimum lot size standards in this chapter;
    - (b) The total number of lots is not increased;
    - (c) All the metes and bounds boundaries of the affected lots are shown;
    - (d) All lot boundaries changed or eliminated by requested combination are indicated by dashed lines;
    - (e) The title block contains the word "recombination";
    - (f) Structures on the affected lots are shown and the requested recombination does not violate setback requirements of the Article 2 of this chapter;
    - (g) The recombination plat is signed by all property owners if either the number of lots is reduced or different owners for different lots are involved in the



recombination;

- (h) The recombination plat is signed and sealed by a registered surveyor;
- (i) The recombination plat is certified by the Administrator; and
- (j) The recombination plat conforms to all laws and ordinances for the recordation of maps.

**2. Action by the Administrator.**

Upon submission of a completed application, the Administrator shall schedule the minor subdivision / final plat for review by the Technical Review Committee. The Technical Review Committee shall review the plat for consistency with the requirements of this chapter. The Administrator shall, after review by the Technical Review Committee, determine whether the plat conforms to the standards of a Minor Subdivision / Final Plat.

**3. Action following approval**

Upon minor subdivision / final plat approval, the applicant may begin preliminary site work. All site work shall be performed in compliance with the requirements of this chapter, and other applicable regulations of the Town, Gaston County, and the state. The final plat shall be recorded in the Gaston County Record of Deeds.

**4. Endorsements on Final Plats**

All minor subdivision final plats shall contain the following certificates:

- a. Certificate of Ownership;
- b. Certificate of Survey and Accuracy;
- c. Certificate of Approval by the Administrator; and
- d. Gaston County Plat Review Officer's Certificate.

## D. Major Subdivision

### 1. Applicability

A major subdivision is a subdivision that does not meet the requirements or criteria of an exempt subdivisions, an expedited subdivision, or a minor subdivision.

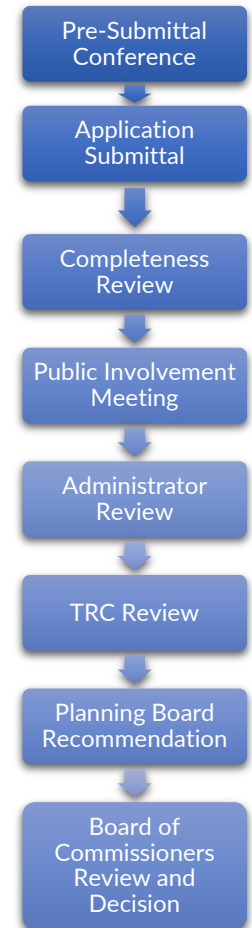
### 2. Preliminary Plat Review

Major subdivisions require the submission of a preliminary plat. The preliminary plat shall be approved administratively by the Board of Commissioners.

#### a. Action by the Administrator / Planning Board

- (1) Upon submission of a completed application, the applicant shall schedule a Public Involvement Meeting (PIM).
- (2) Upon submission of a completed application, the Administrator shall complete a technical review and schedule the preliminary plat for review by the Technical Review Committee. The Technical Review Committee shall review the preliminary plat for consistency with the requirements of this chapter.
- (3) The following agencies shall be given an opportunity to review the proposed plat as needed:
  - (a) County Superintendent of Schools.
  - (b) County Health Department.
  - (c) State Department of Transportation District Engineer.
  - (d) State Department of Natural Resources and Community Development.
  - (e) Town of Cramerton Public Works and Fire Departments
  - (f) Town of Cramerton Police Department
  - (g) Town of Cramerton Parks and Recreation Department
- (4) The Administrator shall, after the review cycle(s) by the Technical Review Committee, schedule the meeting before the Planning Board.
- (5) Upon completion of the technical review, the Administrator or designee shall prepare a report that reviews the application in light of comments provided by the Technical Review Committee, and in light of the adopted plans and policies of the Town and the general requirements of this chapter. The report, plat, and any related application materials shall be forwarded to the Planning Board for recommendation. After Planning

## Major Subdivision



Board review, the project shall then be reviewed by the Board of Commissioners for final approval.

**b. Action by the Board of Commissioners**

In considering a major subdivision, Board of Commissioners shall consider the compliance with the Ordinance in accordance with its rules of procedure and the General Statutes of North Carolina. The Board shall note that this is an administrative proceeding and as such, there shall be no subjective considerations. If the application meets the requirements of the ordinance, the Board of Commissioners must approve the Preliminary Plat.

- (1) After considering the Administrator's comments and Planning Board's recommendation, the Board of Commissioners shall approve or disapprove the major subdivision with or without conditions or send the site plan back to the Technical Review Committee for additional consideration.
- (2) The Town Board of Commissioners should provide reasoning for such actions. These reasons shall be given to the applicant.
- (3) Major subdivision plats requiring revisions shall be returned to the Board of Commissioners within ninety (90) days or the application shall be considered withdrawn. One extension period may be granted by the Board of Commissioners.

**c. Action Following Approval**

- (1) Upon preliminary plat approval, the applicant shall prepare and submit construction drawings in accordance with the requirements of this Chapter, specifically the Plan Requirements of Section [3.5](#) and Section [3.16](#). All work shall be performed in compliance with the requirements of [Chapter 6, Subdivision and Infrastructure](#), and other applicable regulations of the Town, Gaston County, and the state.
- (2) Approval of a preliminary plat does not constitute approval of the final plat. Application for approval of the final (record) plat will be considered only after the requirements for preliminary plat approval have been fulfilled and after all other specified conditions have been met.

## E. Final Plat Review

### 1. Applicability

A final plat shall be required for all subdivision of land in the Town of Cramerton and its extraterritorial jurisdiction.

### 2. Action by Administrator

- a. Upon submission of a completed application, the Administrator shall within sixty (60) days schedule the final plat for review by the Technical Review Committee. The Technical Review Committee shall review the final plat for consistency with the approved preliminary plat, as applicable, and the general requirements of this chapter.
- b. Upon completion of the technical review, the Administrator may approve the final plat, deny the final plat, or send the plat back for additional consideration.
- c. If the final plat is disapproved by the Administrator, the reasons for such disapproval shall be stated in writing, specifying the provisions of this chapter with which the final plat does not comply.

### 3. Final Plat Approval Criteria

Final plats shall be approved when the following conditions exist:

- a. Consistency with the adopted plans and of polices of the Town.
- b. The plat substantially complies with the approved preliminary plat, as applicable.
- c. The plat complies with the standards of [Chapter 6, Subdivision and Infrastructure](#), and the other applicable requirements of this chapter;
- d. New and residual parcels will conform to the requirements of this chapter and other applicable regulations;
- e. All necessary right-of-way has been offered for reservation or dedication; and
- f. All necessary drainage easements have been provided.

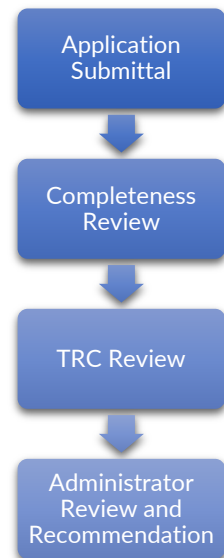
### 4. Endorsements on Final Plats

#### a. Major Subdivision Final Plats

All major subdivision final plats shall contain the following certificates:

- (1) Certificate of Ownership and Dedication;
- (2) Certificate of Survey and Accuracy;
- (3) Certificate of Approval of Water Supply and Sewage and Disposal Systems (County);
- (4) Certificate of Approval of the Design and Installation of Streets, Utilities, and other Required Improvements;

## Final Plat



(5) Certificate of Approval for Recording by the Administrator.

(6) Gaston County Plat Review Officer's Certificate.

**b. Major Subdivision Final Plats (Within the Cramerton ETJ)**

All final plats located outside the corporate limits of the Town, but within the planning jurisdiction, shall contain the following certificates:

(1) NCDOT Engineer Certificate; and

(2) Certificate of Approval of Non-Municipal Water Supply & Sewage Disposal Systems.

c. When required by the federal government, all final plats shall contain a Certificate for a Federally Funded Project.

**d. Action After Approval**

(1) The applicant shall file the approved final plat with the County Register of Deeds for recording within sixty (60) days after the date of approval. The Administrator, upon receipt of a written request, may extend this date an additional thirty (30) days, if the request is received prior to the original expiration date and the final plat meets all applicable provisions of this chapter.

(2) The approval of a final plat shall not be deemed to constitute or affect the acceptance or affect the acceptance by the Town of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the Town may, by resolution, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction. Acceptance or dedication of lands or facilities located within the subdivision regulation jurisdiction but outside the corporate limits of the Town shall not place on the Town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility, and the Town shall in no event be held to answer in any civil action or proceeding for failure to open, repair, or maintain any street located outside its corporate limits.

**e. Dedication and Improvements**

(1) In the development of any subdivision, the applicant shall be required to dedicate any additional right-of-way necessary to the width required by the Town for streets adjoining the property, to install curbs and gutters and pave all streets adjoining the property to Town standards, and to install sidewalks in accordance with the policies and requirements of [Chapter 6, Subdivisions and Infrastructure](#).

(2) The applicant shall bear the costs of the installation of all on-site improvements as required by this chapter, including provision for surface drainage, pavement, landscaping, and utilities. Any applicant required to install or construct off-site improvements pursuant to this section may, with the approval as a condition of subdivision approval, and upon a determination by the Administrator that such improvements are not necessary or desirable at the time, but will be needed in the future, make a payment in lieu of such improvements or part thereof. The amount of any such payment shall be an amount estimated by the Town to be the actual and total installation and construction costs of such improvements. The amount paid for

a given improvement shall be considered total and complete payment for the improvements considered, and will preclude any further assessment of the property in the event that the Town elects to install such improvements at a later date.

**f. Guarantees of Improvements**

Guarantee of improvements shall be made in accordance with [Chapter 6](#).

**g. Inspections of Required Improvements**

Inspections of improvements shall be made in accordance with [Chapter 6](#).

**3.14 SITE PLANS**

**A. Applicability.**

1. All proposed development, except for dwelling units on individual lots (single-family detached, single-family attached, duplexes, triplexes, and quads), shall be subject to the site plan review process.
2. Temporary uses may require site plan review (see Section [3.9, Temporary Use Permit](#)).

**B. Site Plan Types**

A site plan is a development plan prepared to scale, showing accurately and with complete dimensions, the boundaries of the site and the location of all buildings, streets, uses, and principal site development features proposed for a specific parcel of land. There are two (2) types of site plans with differing levels of approval required for each. The criteria for establishing which type of site plan and the corresponding level of approval for each are indicated below.

**1. Minor Site Plans.**

The following shall be reviewed as a minor site plan:

- a. Parking lot expansions where there is no increase in excess of five percent (5%) of floor area of the principal structure;
- b. Accessory uses in commercial districts involving structures less than five hundred (500) square feet; and
- c. Amenity facilities, park and open area uses in approved subdivisions.
- d. Projects listed below shall also be reviewed as a minor site plan provided they do not require a traffic impact analysis in accordance with Section [3.15, Traffic Impact Analysis](#); do not require modification of the standards established in this chapter other than those which the Administrator or designee may modify administratively; and do not involve the issuance of a special use permit.
  - (1) Developments of less than (20,000) square feet of building for nonresidential uses;

Minor Site Plan



- (2) Expansion of an existing conforming structure or expansion of a previously approved site plan by five percent (5%) or less in floor area or number of units.

**2. Major Site Plans**

The following shall be reviewed as a major site plan:

- a. Any development requiring site plan review not listed in above in subsection B.1., above, as a minor site plan shall be considered a major site plan.
- b. Any multi-family residential development, not otherwise considered a subdivision
- c. Any project, not considered a subdivision, requiring a Traffic Impact Analysis
- d. Any project, not considered a subdivision, requiring a Special Use Permit.

**C. Plan Review Procedures:**

**1. Minor Site Plan**

**a. Action by Administrator**

- (1) Upon submission of a completed application, the Administrator shall schedule the minor site plan for review by the Technical Review Committee. The Technical Review Committee shall review the minor site plan for consistency with the requirements of this chapter.
- (2) After technical review, the Administrator shall determine whether the minor site plan conforms to the requirements of this chapter.

**2. Major Site Plan Review**

**a. Action by Administrator / Planning Board**

- (1) Upon submission of a completed application, the Administrator or designee shall schedule the major site plan for review by the Technical Review Committee. The Technical Review Committee shall review the major site plan for consistency with the requirements of this chapter.
- (2) Upon completion of the technical review, the Administrator or designee shall prepare a report that reviews the application in light of comments provided by the Technical Review Committee, and in light of the adopted plans and policies of the Town and the general requirements of this chapter. The report, site plan and any related application materials shall be forwarded to the Planning Board for recommendation. After Planning Board review, the project shall then be reviewed by the Board of Commissioners for final approval.

**Major Site Plan**





**b. Action by Board of Commissioners**

- (1) After considering the Administrator's comments and Planning Board's recommendation, the Board of Commissioners shall approve or disapprove the major site plan, with or without conditions, or send the site plan back to the Technical Review Committee for additional consideration.
- (2) Major site plans requiring revisions shall be returned to the Board of Commissioners within ninety (90) days or the application shall be considered withdrawn. One extension period may be granted by the Board of Commissioners.

**3. Approval Criteria**

In approving a site plan, the Administrator, TRC, the Planning Board, and Board of Commissioners shall consider the compliance with the Ordinance. The Board shall note that this is a legislative proceeding and as such, there shall be no subjective considerations. If the application meets the requirements of the ordinance, the Board must approve the Site Plan.

**a. Period of Validity**

An approved site plan shall expire two (2) years from the date of approval unless the proposed development is pursued as set forth below:

- (1) A complete building permit application has been submitted and remains valid;
- (2) Where more than one (1) building is to be built, the applicant may submit a series of building permit applications. The first application shall be submitted within two (2) years from the date that site plan approval is granted. Each subsequent application shall be submitted within one hundred eighty (180) days from the date of issuance of a certificate of occupancy for the previous building; or
- (3) If no building permit is required, a certificate of occupancy has been issued.

**b. Building Permit/Certificate of Occupancy**

- (1) No building permit or certificate of occupancy shall be issued until the required site plan of the proposed use or development has been approved by the appropriate Town officials.
- (2) In order to secure a vested right for a site plan, the applicant must submit a site-specific development plan, or request the Board approve said site plan as a site specific development plan, in accordance with [Section 3.26](#), Vested Rights.

**D. Dedication and Improvements**

1. In the development of any property for which a site plan is required in this section, the applicant shall be required to dedicate any additional right-of-way necessary to the width required by the Town for streets adjoining the property, to install curbs and gutters and pave all streets adjoining the property to Town standards, and to install sidewalks in accordance with the policies and requirements of [Section 6.13](#).
2. The applicant shall bear the costs of the installation of all on-site improvements as required by this Chapter, including provision for surface drainage, pavement, landscaping, and utilities. Any applicant required to install or construct off-site improvements pursuant to this section may, with the approval of the Administrator as a condition of site plan approval, and upon a

determination by the Administrator that such improvements are not necessary or desirable at the time, but will be needed in the future, make a payment in lieu of such improvements or part thereof. The amount of any such payment shall be an amount estimated by the Town to be the actual and total installation and construction costs of such improvements. The amount paid for a given improvement shall be considered total and complete payment for the improvements considered and will preclude any further assessment of the property in the event that the town elects to install such improvements at a later date. Full payment shall be made before any building permit or certificate of occupancy is issued for any use shown on the site plan.

3. For all residential and planned developments approved the effective date of this Chapter, recreation and open space dedication, or payment of fee-in-lieu thereof in accordance with Section [8.1](#) shall be required.

#### **E. Guarantees of Improvements**

1. Prior to the approval of any site plan, the applicant shall submit a cost estimate and time schedule for installation of each phase of the site improvements.
2. The Town shall require a bond guaranteeing required on-site and off-site improvements. This bond shall be in the amount determined by the Town Manager. This bond shall be in cash, certified check, or be made by a bonding/insurance company authorized to do business in North Carolina.
3. As each phase of improvements is implemented and inspected by the Town, the bond amount shall be reduced by the costs of the installed improvements.
4. In the event that the applicant wishes to occupy any building or any portion of any building prior to the completion of the required site improvements, the bond guaranteeing improvements shall be retained by the Town until the remaining required improvements are completed.

#### **F. Inspections of Required Improvements**

Inspections during of site improvements shall be made in accordance with [Section 6.20](#).

### 3.15 TRAFFIC IMPACT ANALYSIS

Transportation impacts, and how to mitigate them, are an important consideration for our community when a significant development is proposed. Public policy makers, citizens and developers all have a stake in understanding and responding to additional demands on the transportation system. A Transportation Impact Analysis (TIA) is a tool used to evaluate the incremental impacts on the surrounding transportation infrastructure and how to mitigate them to maintain safe traffic and transportation operations.

#### A. TIA Determination

The Town shall determine the need for a TIA upon receipt of any development application (by-right or rezoning) accompanied by a sketch or schematic plan. Type 16-s of development applications could include, but are not limited to, multi-family developments, single family developments, commercial developments, or annexation requests. If warranted, the transportation consultant assigned by the Town shall prepare the TIA. At the discretion of the North Carolina Department of Transportation (NCDOT) and the Town, a transportation technical memorandum, in lieu of a full TIA report, may be allowed for some developments. If proposed street connections are not consistent with adopted plans, then an explanation or proposed transportation mitigation alternative that is equal or better shall be discussed in the study. NCDOT and the Town will be responsible for determining whether the alternative mitigation plan meets and/or exceeds the performance standards of the proposed street connections in the adopted plans.

#### B. Minimum Thresholds for TIAs

A TIA will be required to accompany the development plan when expected gross trip generation is one thousand (1000) total trips or more both entering and exiting the site in a twenty-four (24) hour period, and/or one hundred (100) total trips both entering and exiting the site during either the AM or PM peak hours (prior to any trip reductions applied - see Subsection G(10)). The gross trip generation will be calculated by the Town based on information (proposed project summary and development plan) provided by the applicant and the final determination for requiring the TIA will be made by the Town. The Town may also determine the need for a TIA or Transportation Technical Memorandum based on special circumstances associated with the development, even if the gross trips fall below this threshold. This may be due to location, an intersection or thoroughfare nearby that is at or above capacity, the nature of the use, or one of the following:

1. Traffic generated from a non-residential development that could potentially significantly impact adjacent residential neighborhoods.
2. Traffic operation issues for current and/or future years on nearby streets are expected to be significantly worsened by traffic generated from the proposed new development.
3. Major and minor thoroughfares near the site are experiencing significant/unacceptable delays.
4. Traffic safety issues exist at the intersection or street that would serve the proposed new development.
5. The proposed land use differs significantly from the adopted Comprehensive Land Use Plan for the Town.



6. The internal street or access system is not anticipated to accommodate the expected traffic generation.
7. The proposed development project includes a drive-through facility, or other uses such as schools that require significant on site circulation that may have an off-site impact to adjoining roads and/or intersections.
8. The amount, behavior and/or assignment of traffic is significantly different from a previously approved TIA, or more than twenty-four (24) months have passed since completion of previous TIA.

**C. Scoping Meeting**

A mandatory scoping meeting is required prior to beginning the TIA to discuss the requirements and strategies for a TIA specific to the site and the proposed development. Background information shall be submitted by the applicant five or more business days prior to the scoping meeting and shall include a conceptual site plan showing proposed access points, proposed land use and densities, structure, and parking envelopes. The Town, the transportation consultant assigned by the Town, and the applicant(s) are required to attend the mandatory scoping meeting, and representatives from the NCDOT District office and Gaston-Cleveland-Lincoln Metropolitan Planning Organization (GCLMPO) will be invited and encouraged to attend as needed. The applicant may invite members of his/her development team as needed.

**D. Scoping Document**

A Scoping Document, documenting the understood scope and parameters of the TIA, shall be prepared by the transportation consultant assigned by the Town. The Scoping Document shall be signed by the applicant, the Town, and the NCDOT District Engineer (if access to a state road is involved) before the consultant can begin work on the TIA. Failure by the applicant to provide accurate information or failure by the assigned transportation consultant to follow the Scoping Document shall result in disapproval of the TIA. If significant changes are made to the parameters outlined in the Scoping Document, a revised Scoping Document will be required.

**E. Fees**

After the scoping meeting, the transportation consultant assigned by the Town shall submit a summary of consultant fees for preparing the TIA to the Town. Per the Scoping Document, the applicant shall agree to provide payment in full to the Town for preparation of the TIA so that the Town can release the work to the consultant. The Town may require all or a portion of the estimated fees to be paid to the Town prior to commencement of the work. Any additional services incurred by the transportation consultant in addition to the Scoping Document must be approved by the Town and agreed to and paid for by the applicant prior to performance of the additional work.

**F. Transportation Mitigation Agreement (TMA)**

Upon completion of the TIA, certain on- or off-site transportation mitigation measures may be required as recommended by the TIA. If so, the transportation consultant assigned by the Town shall prepare a Transportation Mitigation Agreement (TMA) which will summarize the following:

1. Development plan.
2. Phasing and timing of development (if applicable).
3. Site access and points of ingress/egress.
4. On and off-site improvements required to adequately mitigate the project impacts to the Town's transportation system, including vehicular, pedestrian, and bicycle improvements.

5. Trigger points and deadlines for construction of any improvements.

The TMA must be signed by the applicant, Town and NCDOT (if the mitigation involves a state roadway). All required mitigation measures must be implemented prior to final Certificate of Occupancy (CO) or prior to the issuance of the first Zoning Permit for residential developments. If the development program is planned to be phased, the TIA shall address the phasing of improvements for each phase of development and the applicant shall provide a financial guarantee as outlined in the Town's Land Development Code in the amount of one hundred twenty percent (120%) of all phased transportation improvements prior to issuance of the CO or Zoning Permit for the first phase. The cost estimate will be performed by the Town (or consultant hired by the Town) and submitted to the applicant to provide payment. The cost estimate will include costs for planning/design, permitting, construction and right-of-way.

#### **G. TIA Outline and Contents**

The outline and contents of what is required to be included in the TIA will be discussed at the scoping meeting and included in the Scoping Document. A detailed summary of the expected content and methodologies to be used in the TIA is discussed below.

- 1. Cover/Signature page**

Includes the project name, location, name of the applicant, contact information for the applicant, and date of the study. The name, contact information, registration number, signature, and seal of a duly qualified and registered professional engineer in the State of North Carolina are also required to appear on this page.

- 2. Table of Contents**

Includes a list of all section headings, figures, tables, and appendices included in the TIA report. Page numbers shall denote the location of all information, excluding appendices, in the TIA report.

- 3. Executive Summary**

Includes a description of the study findings, a general description of the project scope, study horizon years, expected transportation impacts of the project, and mitigation measure recommendations. Technical publications, calculations, documentation, data reporting, and detailed design shall not be included in this section.

- 4. Project Description**

Includes a detailed description of the development, including the size of the parcel, development size, existing and proposed uses for the site, anticipated completion dates (including phasing). It shall also include the square footage of each use and/or the number and size of dwelling units proposed, and a map and copy of the site plan provided by the applicant.

- 5. Site Description**

Includes a description of the project location within the Town and region, existing zoning and use (and proposed use if applicable), and key physical characteristics of the site, including general terrain and environmentally sensitive or protected areas.

- 6. Site Access**

A complete description of the ingress/egress of the site shall be explained and depicted. It shall include number of driveways, their locations, distances between driveways and intersections, access control (full-movement, leftover, right-in/right-out, etc.) types of driveways (two-way, one-way, etc.), traffic controls, etc. Internal streets (lanes, flow, and queuing), parking lots, sidewalks, bicycle lanes, and designated loading/unloading areas shall also be described. Similar

information for adjacent properties, including topographic grade relationship, shall be provided to evaluate opportunities for internal connections. The design, number, and location of access points to collector and arterial roadways immediately adjacent to the site must be fully analyzed. The number of access points shall be kept to a minimum and designed to be consistent with the type of roadway facility. Driveways serving the site from state roads shall be designed in accordance with the NCDOT's Policy on Street and Driveway Access and/or the Town standards, as applicable.

## **7. Study Area**

The limits of the study area shall be based on the location, size and extent of the proposed project, and an understanding of existing and future land uses and traffic conditions surrounding the site. The limits of the study area for the TIA shall be reviewed and approved by the Town and NCDOT staff at the mandatory scoping meeting. At a minimum, the study area shall include all streets and signalized intersections within a one (1) mile radius of the proposed site and/or where site traffic estimated for build-out of the project will constitute ten percent (10%) or more of any signalized intersection approach during the peak hour. During the scoping meeting, staff may reduce the radius due to conditions specific to the site based on request by applicant and supported with valid reasoning. Unsignalized intersections between the required signalized intersections will be added to the scope as directed by the Town. To initially determine the impacts, the Town will maintain a database of recent peak-hour intersection turning movement counts. The applicable intersection counts will be equated to current year baseline volumes. Based on the proposed development program submitted by the applicant, a preliminary trip generation analysis, distribution and assignment will be performed within the area surrounding the site and compared to the current year base volumes. Related impacts or current operational problems may dictate that other intersections be included in the study area as determined by Town staff and/or NCDOT staff. A narrative describing the study area shall identify the location of the proposed project in relation to the existing transportation system and list the specific study intersections and/or segments. Any unique transportation plans or policies applicable to the area (e.g., CATS bus service and future plans) shall be mentioned. A site location map shall be provided and shall identify natural features, major and minor roadways within the study area, study intersections, and a boundary of the site under consideration.

## **8. Existing Conditions**

Shall include a narrative and map that represents AM and PM peak-hour turning-movement volumes for all intersections within the study area. Traffic volumes shall represent fifteen (15) minute interval weekday turning-movement counts (Tuesday through Thursday), include heavy-vehicle, pedestrian, and bicycle counts, no more than twelve (12) months old and shall be collected during periods of the year when local schools are in session and during weeks that have no observed federal, state, or local holidays and periods. The required count timeframes are from 6:30-8:30AM and 2:00-7:00PM. The PM count timeframe is expected to cover peaking characteristics caused by shift changes for local industrial plants, local area school dismissal times, as well as typical employment PM peaking characteristics; however, site-specific conditions may necessitate additional or different traffic counting hours and/or days depending on the development program and location within the Town. These unique circumstances will be determined and directed by the Town. The Town will determine if modified peak hours or weekend analyses shall be included in the TIA at the mandatory scoping meeting. For example, twelve (12) or sixteen (16) hour turning movement counts shall be required to complete the analysis if a traffic signal warrant analysis is required as part of the TIA. The source of existing traffic volume information shall be explicitly stated (e.g., Town counts, new counts collected by the applicant, NCDOT counts, etc.). If previous counts were obtained, only counts collected within the one year of the scoping meeting will be deemed acceptable. Summary sheets for existing turning movement counts shall be included in the appendix of the TIA report. A separate narrative and map shall be prepared to describe the

characteristics of surrounding major roadways, including functional classification, number of lanes, posted speed limit, existing average daily traffic volumes, typical cross section, intersection control, and lineal distance between major roadways. Field notes for the existing conditions investigation may be included in the appendix of the TIA report.

**9. Future Year Conditions**

Unless otherwise approved by the Town, future year conditions for a single-phase development shall be analyzed for the year the development is expected to be at full occupancy (build-out year) and five (5) years after the build-out year (build-out + 5). For multiple-phased developments, the scenarios shall be completed in order, with any improvements specified by development included in the subsequent build scenarios, including five (5) years after the full build-out year (build-out + 5). Specific analysis periods to include in the study shall depend greatly upon the development program, proposed project phasing plan, and significant improvements programmed for the surrounding transportation system. The approved offsite developments and transportation projects to be included in the base future-year background conditions for the transportation system within the study area shall be determined during the scoping meeting. Transportation improvements assumed in the future-year background conditions analysis may include those with an expected completion date concurrent with that of the development and funded either by the Town, NCDOT, or indicated as a required condition of approval from another nearby development application. Only projects approved by the Town at the scoping meeting may be included in the analysis as future existing infrastructure. Those improvements committed by other projects must be clearly identified in the report as approved offsite development road improvements. Adjacent development traffic information used in the development of the future year background traffic volumes shall be included in the appendix of the TIA report. Unfunded, planned infrastructure projects may be mentioned in the TIA, but the description shall specifically identify that these projects are not included in the background condition. Future year background traffic volumes shall be forecasted using historical growth rate information, regional models, and/or TIA reports for development approved by the Town but not yet built. A narrative and map shall be prepared that presents turning movement volumes for each peak hour for all intersections identified within the study area. Future year base traffic volumes, other development volumes, and site traffic volumes shall be clearly separated and combined in the map.

**10. Trip Generation**

Base trip generation for the proposed land use(s) shall be calculated using data published in the latest version of the Institute of Transportation Engineers' (ITE) Trip Generation Manual. Data limitations, data age, choice of peak hour of adjacent street traffic, choice of independent variable, and choice of average rate versus equation shall be discussed at the mandatory scoping meeting. Local trip generation rates may be acceptable if appropriate validation is provided by the applicant to support them. Any deviation from ITE trip generation rates shall be discussed in the mandatory scoping meeting and documented in the Scoping Document if approved by the Town and NCDOT. The NCDOT Municipal School Transportation Assistance (MSTA) calculator shall be used to calculate projected trip generations for school sites.

**a. Internal Capture**

Base trip generation may be reduced by rate of internal capture when two or more land uses are proposed using methodology recommended in the most current Trip Generation Handbook published by the ITE, or research published by the National Cooperative Highway Research Program (NCHRP) Transportation Research Board. Reductions for internal capture shall be applied to multi- or mixed-use sites only. The internal capture reduction shall be applied before pass-by trips are calculated.

**b. Pass-by Trips**

Pass-by trips are those made as intermediate trips between an origin and primary destination (i.e., home to work, home to shopping, etc.). However, pass-by trips are not diverted from another roadway. Base trip generation may be reduced by rate of pass-by capture using methodology recommended in the most current Trip Generation Handbook published by the ITE. Pass-by trips associated with the development program may not exceed ten percent (10%) of the peak-hour volume reported for the adjacent public street network. This network shall include the streets that provide primary access to/from the site. For example, if a site access drive that connects to a low-volume local street, which its primary access is to a major collector road, the traffic on the major collector shall be used as the adjacent street for pass-by calculation purposes. Evaluation of diverted trips may apply depending on the specifics of each site. A trip generation table shall summarize all trip generation calculations for the project.

#### **11. Trip Distribution**

External trip distribution shall be determined on a project-by-project basis using one of several sources of information available to transportation and land planning professionals. Potential sources for determining project trip distribution may include the regional travel demand model, market analysis, existing traffic patterns, or professional judgment. At the Town's direction, multiple trip distributions may be required for differing land use types. Regardless of methodology, the procedures followed and logic for estimating trip distribution percentages must be well-documented in the TIA. Trip distribution percentages proposed for the surrounding transportation network shall be discussed during the scoping meeting and shall be approved by the Town and NCDOT before proceeding with the TIA. A map showing the percentage of site traffic on each street included in the study area shall be included in the TIA.

#### **12. Trip Assignment**

Project traffic shall be distributed to the surrounding transportation system based on the site's trip generation estimates and trip distribution percentages. Future year build-out traffic forecasts (i.e., future year background traffic plus project traffic) shall be represented in graphic formats for AM and PM peak-hour conditions at all intersections included in the study area. If the project will be built in phases, traffic assignments shall be reported for each phase. Pass-by traffic shall be included at the driveways and access points for evaluating driveway volumes. Multiple assignment analyses may be required if the traffic control at the access drives varies (i.e., right-in/right-out vs. stop controlled vs. signalized).

#### **13. Operations Analysis**

The TIA shall include multi-modal operations analyses including vehicular, pedestrian and bicycle, to allow for the safe and convenient travel for all modes. Level-of-Service (LOS) and delay is the primary measures of effectiveness for impacts to the transportation system, and is defined by the most current edition of the Highway Capacity Manual (HCM). Operations analyses shall be performed for the existing and all future year scenarios, as described in Subsection G.(17). Impacts from the proposed project shall be measured by comparing the future year background conditions to the future year build-out conditions. Requirements for mitigation are described in Subsection G.(17).

##### **a. Vehicular Capacity Analysis**

Unless otherwise noted, Synchro LOS and delay shall be reported for all signalized intersections and approaches identified in the study area. Based on HCM, LOS for unsignalized intersections is not defined as a whole; instead, only the individual stop-controlled or yield approaches shall be reported based on the HCM reports determined through the Synchro analysis. Existing signalized intersections shall be modeled based on existing signal timing plans provided by either the Town or NCDOT. Existing signal timing



plans shall be included in the appendix of the TIA report. If a traffic signal is part of a coordinated system it must be analyzed as such under all conditions. Other standard practices and default input values for evaluating signalized intersections shall be consistent with the most recent guidelines published by the NCDOT, Traffic Engineering and Safety Systems Branch, Congestion Management Unit (“Capacity Analysis Guidelines”). The Town may also require safety, traffic simulation, gap and/or other analyses appropriate for evaluating a development application. Additional analyses and/or traffic capacity or simulation tools (such as VISSIM or Transmodeler) required for the TIA shall be identified during the scoping meeting. All TIA reports submitted to the Town shall use Synchro, SimTraffic, VISSIM and/or Transmodeler analysis software for signalized and unsignalized intersections, or Sidra Software for roundabouts, consistent with policies released by the NCDOT. A narrative, table, and map shall be prepared that summarizes the methodology and measured conditions at the intersections reported in LOS (LOS A – F), the intersection and approach signal delay for signalized intersections, the approach delay for unsignalized intersections, and 95th percentile queue lengths for all movements. Capacity analysis worksheets and auxiliary turn-lane warrants for unsignalized intersections shall be included in the appendix of the TIA report.

**b. Pedestrian Operations Analysis**

Unless otherwise noted, methodology provided in the latest edition of the Highway Capacity Manual shall be used to evaluate pedestrian LOS for the intersections identified in the study area. The current methodology is based on geometric data, demand data, and signal control data including, but not limited to:

- (1) Number of lanes on the major street
- (2) Crossing distance
- (3) Traffic volumes
- (4) Motorist yielding rates to pedestrians
- (5) Cycle Length
- (6) Walk Time
- (7) Presence of pedestrian phase

**c. Bicycle Operations Analysis**

The bicycle LOS at intersections identified in the study area shall be evaluated using locally accepted methodology. This current methodology assesses bicyclists’ comfort based on geometric and traffic signal features including, but not limited to:

- (1) Number of lanes crossed
- (2) Presence of conflicting turning movements
- (3) Presence of bike lanes

Under this methodology, intersection features are assigned points, where the LOS for each approach is calculated based on the accumulation of points for each geometric and traffic signal feature identified in the worksheet. Currently, this methodology does not take into

account demand volumes; therefore, the bicycle LOS would not differ between AM and PM peak hours, and thus would not need to be reported for both under this methodology.

#### **14. Queuing Analysis**

95th percentile and simulation analysis of future year queues shall be consistent with NCDOT's Traffic Engineering and Safety Systems Branch, Congestion Management Unit current practices and published Capacity Analysis Guidelines. Turn lanes and storage lengths for the major street (uncontrolled) approaches at unsignalized intersections shall be identified using volume thresholds published in the NCDOT's Policy on Street and Driveway Access to North Carolina Highways (see [Warrant for Left- and Right-Turn Lanes Nomograph](#), Pg. 80). Recommendations for left and right-turn lanes serving the site shall be designed to account for both the NCDOT warrants described above and to meet future year capacity needs identified through the capacity analyses. For projects that include drive-through facilities, pick-up/drop-off areas, or entrance gates, a queuing analysis may be required by the Town to ensure that vehicle stacking will not adversely impact the public transportation system. The queuing analysis must be performed using accepted transportation engineering procedures approved by the Town. If a TIA is required for a new school site, the internal circulation and ingress/egress of the site shall be modeled using a "dummy signal" in the Synchro software as prescribed by NCDOT Municipal School Transportation Assistance (MSTA) department.

#### **15. Crash Analysis**

A summary of crash data (type, number, and severity) for the most recent three (3) year period at each study location is required. Traffic Engineering Accident Analysis System reports will be provided by the Town and/or NCDOT and shall be included in the appendix of the TIA report. For locations with prevalent crash types and/or frequency, a discussion shall be included describing factors that may be contributing to the incidents. At a minimum, the proposed development features shall not contribute to factors potentially involved in the existing crash rates. If contributing factors are identified, recommendations to eliminate or mitigate these features shall be included.

#### **16. Traffic Signal Warrants**

Town staff and/or NCDOT may consider potential signal locations at the scoping meeting. However, traffic flow progression is of paramount importance when considering a new traffic signal location. A new traffic signal shall not cause an undesirable delay to the surrounding transportation system. Installation of a traffic signal at a new location shall be based on the application of warrants criteria contained in the most current edition of the Manual on Uniform Traffic Control Devices (MUTCD) and engineering judgment. Traffic signal warrants shall be included in the appendix of the TIA report. Additionally, spacing of traffic signals within the Town must adhere to NCDOT requirements. Pedestrian movements must be considered in the evaluation and adequate pedestrian clearance provided in the signal cycle split assumptions. If a signal warrant analysis is recommended in the TIA, the Town and/or NCDOT may decide to defer a signal warrant analysis until after the development has opened to allow use of actual turning movement counts at an intersection. The TIA recommendations must clearly state that this analysis shall occur at a specified date following the opening of the development. The applicant must issue a bond or letter of credit in the name of the Town for the estimated cost of the signal warrant analysis and resulting signal prior to final approval of the TIA. The cost shall be established based on an engineer's estimate provided by the engineer of record for the applicant or by the consultant identified by the Town; however, final approval of the dollar amount rests with the Town.

#### **17. Mitigation Measure Recommendations**

- a. This section of the TIA report shall provide a description of the study's findings regarding impacts of the proposed project on the existing and future transportation system and describe the location, nature, and extent of all mitigation measures recommended to the applicant to improve and/or maintain the future year background level-of-service (LOS) conditions through phasing and ultimate build-out of the project. This mitigation will be identified by measuring the impact between the future year background conditions and the future year build-out conditions. The applicant is required to mitigate transportation deficiencies caused solely by the projected impact of their proposed development, and not unacceptable background conditions or other deficiencies caused by offsite development within the defined study area.
- b. The applicant shall be required to identify mitigation improvements to the transportation network if at least one of the following conditions exists when comparing the multimodal operations analyses of future year background conditions to future year build-out conditions:
  - (1) the total average delay at an intersection or individual approach increases by twenty-five percent (25%) or greater, while maintaining the same LOS,
  - (2) the LOS degrades by at least one level,
  - (3) or the LOS is "D" or worse in background conditions and the proposed project shows a negative impact on the intersection or approach.
- c. If the background LOS (intersection or approach) is inadequate (i.e., "D," "E," or "F"), the applicant will be expected to mitigate only the impact caused by the proposed project. For example, if the background LOS of an approach is LOS F with eighty-five (85) seconds of delay, and the project traffic increases the delay to ninety-five (95) seconds at LOS F, the applicant will be required to mitigate the added ten (10) seconds of delay on the approach, not required to mitigate the inadequate background delay. Town staff and NCDOT will review the recommendations in the final version of the TIA and will have the ultimate determination in the scope of the required mitigation measures.
- d. A Transportation Mitigation Agreement (TMA) as outlined in Subsection F. may apply if mitigation requirements are needed.
- e. For multi-phase developments, the capacity analyses scenarios shall address the phasing of improvements for each phase of development. The build-out + 5 scenario will require the analysis of only five (5) years beyond the full build-out year. The build-out + 5 scenario analysis is not used for mitigation purposes. A narrative and table shall be prepared that summarizes the methodology and measured conditions at the intersections reported in LOS (LOS A-F) and average control delay for each intersection and approach.
- f. A narrative and map shall also be prepared that describes and illustrates recommended improvements, by development phase if necessary, for mitigating the projected impact of the proposed development.

#### **18. Compliance with Adopted Transportation Plans**

All TIA reports must include a statement of compliance with plans, programs, and policies adopted by the Town of Cramerton for maintaining a safe and efficient multi-modal transportation system.

### 3.16 CONSTRUCTION DRAWINGS

#### A. Applicability

1. All subdivision and site plan applications where public improvements are to be installed shall submit Construction Drawings (CD's) in accordance with the requirements of Section [3.5](#).
2. Construction Drawings shall be in compliance with the approved Preliminary Subdivision Plat or the approved Site Plan.

#### B. Action by Administrator

1. Upon submission of a completed application, the Administrator shall schedule the Construction Drawings plan for review by the Technical Review Committee. The Technical Review Committee, or portion thereof, shall review the Construction Drawings for consistency with the requirements of this chapter.
2. After technical review, the Administrator shall determine whether the Construction Drawings conform to the requirements of this chapter and the approved plan set.



### 3.17 AS-BUILTS

#### A. Applicability

1. All subdivision and site plan applications where public improvements have been installed shall submit As-Built Drawings in accordance with the requirements of Section [3.5](#).
2. As-Builts shall be in compliance with the approved Construction Drawings. Any deviations from the Construction Drawings shall be noted on the drawings and approved by the Administrator.

#### B. Action by Administrator

1. Upon submission of a completed application, the Administrator shall schedule the As-Built drawings for review by the Technical Review Committee. The Technical Review Committee, or portion thereof, shall review the As-Builts for consistency with the requirements of this chapter as well as those of the approved Construction Drawings.
2. After technical review, the Administrator shall determine whether the Construction Drawings conform to the requirements of this chapter and the approved plan sets, including Construction Drawings.



### 3.18 TEXT AMENDMENT

#### A. Applicability

Amendments to the text of this chapter shall be made in accordance with the provisions of this section. The Town Board of Commissioners shall consider amendments to the text of this chapter, as may be required from time to time.

#### B. Initiation of Amendment

A request to amend the text of this chapter may be initiated by the Town Board of Commissioners, Board of Adjustment, Planning Board, Administrator, or the general public.

#### C. Action by Administrator.

1. The Administrator shall draft the appropriate amendment and prepare a staff report that reviews the proposed text amendment request.
2. Following completion of technical review by staff, the Administrator shall forward the completed request and any related materials to the Planning Board for a recommendation.

#### D. Action by Planning Board

1. The Planning Board shall make a recommendation on the application to the Town Board of Commissioners. If the Planning Board fails to make a recommendation, the Town Board of Commissioners may process the request without a recommendation.

#### 2. Plan consistency.

When conducting a review of proposed map amendment pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan or future land use plan that has been adopted and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency. A comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners.

3. Following Planning Board review, the Administrator or designee shall forward the completed request and any related materials, including the Planning Board recommendation (if applicable), to the Town Board of Commissioners for final action.

#### E. Action by Town Board of Commissioners

1. Before taking action on a text amendment, the Town Board of Commissioners shall consider the recommendations of the Planning Board and Administrator or designee.
2. The Town Board of Commissioners may approve the amendment, deny the amendment, or send the amendment back to the Planning Board for additional consideration.
3. Concurrently with adopting, denying, or remanding any text amendment, the Town Board of Commissioners shall adopt a statement describing whether its action is consistent or inconsistent with the adopted plans and polices of the Town and explaining why the Town



Board of Commissioners considers the action taken to be reasonable and in the public interest. The requirement may also be met by a clear indication in the minutes of the Board of Commissioners that the Board of Commissioners was aware of and considered the planning board's recommendations and any relevant portions of the comprehensive plan.

**F. Approval Criteria**

1. In evaluating any proposed amendment of the text of this chapter, the Planning Board and the Town Board of Commissioners shall consider the following:
  - a. The extent to which the proposed text amendment is consistent with the remainder of the chapter, including, specifically, any purpose and intent statements;
  - b. The extent to which the proposed text amendment represents a new idea not considered in the existing chapter, or represents a revision necessitated by changing circumstances over time;
  - c. Whether or not the proposed text amendment corrects an error in the chapter; and
  - d. Whether or not the proposed text amendment revises the chapter to comply with state or federal statutes or case law.
2. In deciding whether to adopt a proposed text amendment to this chapter, the central issue before the Town Board of Commissioners is whether the proposed amendment advances the public health, safety or welfare and is consistent with the adopted plans and policies of the Town and the specific intent of this Chapter.

### 3.19 REZONING / MAP AMENDMENTS

#### A. Applicability

1. Amendments to the Zoning Map shall be made in accordance with the provisions of this Section.
2. Rezoning requests should correspond with the boundary lines of existing platted lots or parcels. Where the boundaries of a rezoning request stop short of an exterior property line, it must be possible to subdivide and develop that portion of the property outside the proposed rezoning boundary in accordance with the existing zoning and other requirements of this chapter.
3. All zoning requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, prior to advertisement of the public hearing, the rezoning shall be expanded to include all property necessary to meet zoning requirements.

#### B. Initiation of Amendment

1. The Board of Commissioners, any Town agency, or any resident or landowner within the land use jurisdiction of the Town may initiate a rezoning, except that no amendment to a zoning regulation or a zoning map that down-zones property shall be initiated nor enforceable without the written consent of all property owners subject to the amendment unless initiated by the Town. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways:
  - a. By decreasing the development density of the land to be less dense than was allowed under its previous usage.
  - b. By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage."

#### 2. Citizen Comment

If any resident or property owner in the Town submits a written statement regarding a proposed amendment, modification, or repeal to zoning regulation, including a map amendment that has been properly initiated as provided in 160D-601, to the clerk to the Council at least two (2) business days prior to the proposed vote on such change, the clerk to the Council shall deliver such written statement to the Board of Commissioners.

#### C. Review Process

##### 1. Action by Administrator

- a. The Administrator shall prepare a staff report that reviews the rezoning request in light of the adopted plans and policies of the Town and the general requirements of this chapter.



- b. Following completion of technical review by staff, the Administrator shall forward the completed request and any related materials to the Planning Board.

## **2. Action by Planning Board**

- a. All proposed amendments to zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the planning board within thirty (30) days of referral of the amendment to that board, the Board of Commissioners may act on the amendment without the planning board report. The Board of Commissioners is not bound by the recommendations, if any, of the planning board.

- b. **Plan consistency.**

When conducting a review of proposed map amendment pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan or future land use plan that has been adopted and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency.

(1) A comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners.

(2) If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the planning board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.

(3) The review and comment required of the Planning Board by this section shall not be assigned to the Board of Commissioners and must always be performed by a separate board, even if the Board of Commissioners is acting on behalf of the Planning Board.

- c. Following Planning Board review, the Administrator shall forward the completed rezoning request and any related materials, including the Planning Board recommendation (if applicable), to the Town Board of Commissioners for final action.

## **3. Action by the Board of Commissioners**

- a. Before taking action on a rezoning, the Town Board of Commissioners shall consider the recommendations of the Planning Board and Administrator.

- b. The Town Board of Commissioners may approve the rezoning, deny the rezoning, or send the rezoning back to the Planning Board for additional consideration.

- c. Concurrently with adopting, denying, or remanding any rezoning, the Town Board of Commissioners shall adopt a statement describing whether its action is consistent or inconsistent with the adopted plans and policies of the Town and explaining why the Town Board of Commissioners considers the action taken to be reasonable and in the public interest. The requirement may also be met by a clear indication in the minutes of the Board of Commissioners that the Board of Commissioners was aware of and considered the planning board's recommendations and any relevant portions of the comprehensive plan.

(1) If a zoning map amendment is adopted and the action was deemed inconsistent with the plan, the zoning amendment shall have the effect of also amending any future land-



use map in the approved plan, and no additional request or application for a plan amendment shall be required.

- (2) A comprehensive plan amendment and a zoning amendment may be considered concurrently.
- (3) The comprehensive plan consistency statement is not subject to judicial review.
- (4) If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the Commissioners' statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken.
- (5) **Additional Reasonableness Statement for Rezonings**
  - (a) When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the Board of Commissioners. This statement of reasonableness may consider, among other factors:
    - (b) The size, physical conditions, and other attributes of the area proposed to be rezoned,
    - (c) The benefits and detriments to the landowners, the neighbors, and the surrounding community,
    - (d) The relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment;
    - (e) Why the action is taken is in the public interest; and
    - (f) Any changed conditions warranting the amendment.
  - (g) If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the Board of Commissioners' statement on reasonableness may address the overall rezoning.
- (6) **Single Statement Permissible**

The statement of reasonableness and the plan consistency statement required by this section may be approved as a single statement.

### 3.20 CONDITIONAL ZONING

#### A. Applicability

1. Development in a conditional zoning district shall be subject to all the use and development standards and requirements that apply to development in the parallel general zoning district, plus any conditions imposed as part of the conditional zoning approval.
2. The purpose of this section is to provide a uniform means for amending the Official Zoning Map to establish a conditional zoning district.
3. There are two (2) types of Conditional Districts.
  - a. **Type 1 - Planned Development Conditional Zoning (PD-CZ)**  
This conditional zoning district is similar to a Planned Development in that the uses and design guidelines are set by the applicant and the Town with no direct correspondence to an existing district. Conditions that the applicant and the Town mutually agree upon ensure compatibility between land uses, conformance to adopted plans, and/or mitigation of expected development impacts.
  - b. **Type 2- Base District Conditional Zoning (-CZ).**  
This conditional zoning district is equivalent to its corresponding general use (base) zoning district, except as limited or expanded by the additional conditions that the applicant and the Town mutually agree are necessary to ensure compatibility between land uses, conformance to adopted plans, and/or mitigation of expected development impacts.
4. Applications for a conditional rezoning shall include all the land area within a recorded lot or site that is the subject of the application. Conditional rezoning applications may not establish split zoning classifications where only a portion of a lot or site is subject to a particular conditional zoning district classification.

#### B. Type 1 Conditional District Criteria

##### 1. Rezoning Criteria

In approving a rezoning for a planned development conditional zoning, the Town Board of Commissioners shall find the Planned Development Master Plan to comply with the general standards for planned development in this section and the specific standards for the proposed planned development listed below.

##### 2. Planned Development Master Plan

The development proposed in the Master Plan is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties. The Master Plan shall be prepared by a professionally certified landscape architect, engineer, or architect.



**3. Design Guidelines and Dimensional Standards**

The planned development shall provide a comprehensive set of design guidelines (lot areas, setbacks, density, architectural features, etc.) that demonstrate the project will be appropriate within the context of the surrounding properties and the larger community. All bulk, area and dimensional standards shall be established by the Town Board of Commissioners at the time of approval.

**4. Development Standards**

The development standards specified in [Chapter 8](#) shall apply, unless alternatives meeting the intensity and intent of the regulations is proposed and accepted by the Board of Commissioners as a portion of the Conditions.

**5. Resource Conservation Areas**

- a. No resource conservation area shall be counted towards the requirements for minimum lot area.
- b. Only fifty (50%) percent of the resource conservation area shall be counted towards the recreation and open space requirements .

**6. Recreation and Open Space**

The planned development master plan shall meet or exceed the recreation and open space requirements of [Chapter 8, General Development Standards](#).

**7. Stormwater Management**

The planned development master plan shall contain a comprehensive stormwater management plan prepared by a professional engineer licensed in the State of North Carolina.

**8. Phasing**

If development is proposed to occur in phases, the planned development master plan shall include a phasing plan for the development, and if appropriate, with specific build-out dates. Guarantees shall be provided that project improvements and amenities that are necessary and desirable for residents and tenants of the project, or that are of benefit to the Town, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible.

**9. Minimum Requirements**

The minimum tract of land for rezoning is two (2) contiguous acres.

**10. Permitted Uses**

The mix of uses shall be established by the Town Board of Commissioners at the time of approval.

**11. Project Boundary Buffer**

A project boundary buffer shall be provided. The width and planting requirements shall be determined in the Master Plan.

**C. Application Submittal and Review**

- 1. Conditional rezoning applications may only be initiated by the landowner(s) of the land subject to the application, or their authorized agents.
- 2. All conditions of approval proposed by the applicant must be included with the conditional rezoning application.

3. Conditional rezoning applications shall include a site plan or concept plan depicting the proposed development configuration that shall be reviewed by the TRC prior to the public hearing.
4. **Action by Administrator**
  - a. Upon submission of a completed application, the Administrator shall schedule the conditional rezoning for review by the Technical Review Committee. The Technical Review Committee shall review the conditional rezoning for consistency with the requirements of this chapter.
  - b. Upon completion of the technical review for a conditional rezoning, the Administrator shall prepare a report that reviews the application in light of comments provided by the Technical Review Committee, in light of the adopted plans and policies of the Town, and the general requirements of this chapter. The report, site plan and any related application materials shall be forwarded to the Planning Board.
5. **Action by Planning Board**
  - a. The Planning Board shall make a recommendation on the application to the Town Board of Commissioners. The Planning Board's recommendation shall include a written statement to the Town Board of Commissioners describing whether its recommendation is consistent with the adopted plans and policies of the Town, and reasonable and in the public's interest. During its review of a conditional rezoning application, the Planning Board may suggest revisions to the proposed conditions (including the concept plan), consistent with the provisions of Subsection C.9, Conditions of Approval. Only those revisions agreed to in writing by the applicant shall be incorporated into the application.
  - b. Following Planning Board review, the Administrator shall forward the completed conditional rezoning request and any related materials, including the Planning Board recommendation, to the Town Board of Commissioners for final action.
6. **Action by Town Board of Commissioners**
  - a. Before taking action on a conditional rezoning, the Town Board of Commissioners shall consider the recommendations of the Planning Board and Administrator.
  - b. After the conclusion of the Public Hearing, the Town Board of Commissioners may approve the conditional rezoning as proposed, approve revised conditional rezoning, deny the conditional rezoning, or send the conditional rezoning back to the Planning Board for additional consideration.
  - c. Concurrently with adopting, denying, or remanding any rezoning, the Town Board of Commissioners shall adopt a statement describing whether its action is consistent with the adopted plans and policies of the Town and explaining why the Town Board of Commissioners considers the action taken to be reasonable and in the public interest.
7. **Designation of Official Zoning Map**

The Administrator shall make changes to the Official Zoning Map promptly after approval of a conditional rezoning application by the Town Board of Commissioners.
8. **Conditional Zoning Review Standards.**

The advisability of a conditional zoning is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to approve or deny a conditional zoning, the Board of Commissioners shall weigh the relevance of and consider the following:

- a. Whether the proposed conditional rezoning advances the public health, safety, or welfare;
- b. Whether and the extent to which the proposed conditional rezoning is appropriate for its proposed location, and is consistent with the purposes, goals, objectives, and policies of the Town's adopted policy guidance;
- c. Whether an approval of the conditional rezoning is reasonable and in the public interest;
- d. Whether and the extent to which the concept plan associated with the conditional rezoning is consistent with this Ordinance; and
- e. Any other factors as the Board of Commissioners may determine to be relevant.

#### **9. Conditions of Approval**

- a. Only conditions mutually agreed to by the owner(s) of the property that is the subject of a conditional zoning district designation, and the Board of Commissioners may be approved as part of a conditional rezoning application establishing a conditional zoning district.
- b. Conditions shall be limited to those that address conformance of development and use of the site with Town regulations and adopted plans and that address the impacts reasonably expected to be generated by the development or use of the site.
- c. Conditions shall be in writing and may be supplemented with text or plans and maps.
- d. Unless subject to an approved condition, all requirements of a corresponding general zoning district shall apply to a conditional zoning district.

#### **10. Effect**

- a. Lands subject to a conditional rezoning shall be subject to all the standards, conditions, and plans approved as part of that application. These standards, plans, and approved conditions are perpetually binding on the land as an amendment to this Ordinance and the Official Zoning Map and may only be changed in accordance with the procedure for zoning map amendment or conditional zoning.
- b. No permit or development approval shall be issued for development subject to a conditional zoning district except in accordance with the approved conditions and an accompanying conditional zoning plan (if submitted).

#### **11. Expiration**

If no progress is made toward the development of the parcel subject to the conditions of the conditional zoning district approval within a two-year period extending from the date of the original approval and vesting in accordance with NCGS 160D.108.1, the conditional zoning may expire. The Town shall follow the original legislative approval process to rezone the property back to its original zoning designation and a letter shall be issued to the applicant indicating the approval expiration.

### 3.21 DEVELOPER AGREEMENTS

#### A. Authorization

As authorized by G.S. 160D-1001, the Town may enter into development agreements with developers subject to the procedures of that Chapter and the established procedures and requirements included below.

#### B. General

1. The Town may not exercise any authority, make any commitment, or impose any tax or fee not authorized by law.
2. A development agreement 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 the local government's development regulations.
3. Development shall comply with all applicable laws, including all ordinances, resolutions, regulations, permits, policies, and laws affecting the development of the property, including permitted uses, density, intensity, design, and improvements.

#### C. Hearing

A development agreement must be approved by the Board of Commissioner following a legislative hearing on the proposed agreement. Notice of the hearing shall be made in accordance with Section [3.4](#) of this Article. The notice 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. Agreement Incorporated into Ordinance

1. Further, the development agreement may, by ordinance, be incorporated, in whole or in part, into any development regulation adopted by the Town.
2. A development agreement may be considered concurrently with a zoning map or text amendment affecting the property and development subject to the development agreement.
3. A development agreement may be concurrently considered with and incorporated by reference with a plan or preliminary plat required under a subdivision or zoning regulation.
4. If incorporated into a conditional district, the provisions of the development agreement shall be treated as a development regulation in the event of the developer's bankruptcy.

#### E. Contents

1. A development agreement shall, at a minimum, include subsections a. through g. below. Items contained in subsections h. through j. below are at the discretion of the Board of Commissioners for the specific development:



- a. A description of the property subject to the agreement and the names of its legal and equitable property owners.
- b. The duration of the agreement. However, the parties may enter into subsequent development agreements that may extend the original duration period. Any action requiring an extension shall be requested prior to the actual expiration date to ensure there is no lapse in coverage.
- c. The development uses permitted on the property, including densities and building types, intensities, placement on the site, and design.
- d. A description of public facilities that will serve the development, including who provides the facilities, the date any new public facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development. In the event that the development agreement provides that the Town shall provide certain public facilities, the development agreement shall provide that the delivery date of such public facilities will be tied to a successful performance by the developer in implementing the proposed development, such as meeting defined completion percentages or other performance standards.
- e. A description, where appropriate, of any reservation or dedication of land for public purposes and any provisions, agreed to by the developer that exceeds existing laws related to the protection of environmentally sensitive property.
- f. A description, where appropriate, of any conditions, terms, restrictions, or other requirements for the protection of public health, safety, or welfare.
- g. A description, where appropriate, of any provisions for the preservation and restoration of historic structures.
- h. A development schedule, including start dates and interim completion, dates at no greater than five (5) year intervals. Modifications to dates may be requested by the developer.
- i. If another government entity is made a party to the agreement, the agreement must specify which government body is responsible for the overall administration of the development agreement. A local or regional utility authority may also be made a party to the development agreement.
- j. Performance guarantees shall be in accordance with G.S. 160D-804.1.

### 3.22 SPECIAL USE PERMIT

Special uses are land uses that are generally compatible with the land uses permitted by right in a zoning district, but require individual review of their location, design, and configuration so as to evaluate the potential for adverse impacts on adjacent property and uses. Special uses ensure the appropriateness of the use at a particular location within a given zoning district.

#### A. Applicability

A special use permit shall be required for all special uses as set forth in the Permitted Land Use Table (Section 5.5). A development comprised of uses regulated by separate rows on the table shall be reviewed using the most restrictive process from among the proposed uses.

#### B. Action by the Administrator.

1. Upon submission of a completed application, the Administrator shall schedule the site plan for review by the Technical Review Committee. The Technical Review Committee shall review the site plan for consistency with the requirements of this chapter.
2. Upon completion of the technical review, the Administrator shall prepare a report that reviews the application in light of comments provided by the Technical Review Committee, in light of the adopted plans and policies of the Town, and the general requirements of this chapter. The report, site plan and any related application materials shall be forwarded to the Board of Commissioners.

#### C. Review Process

##### 1. Board Hearing and Decision

The Board of Commissioners shall hold an evidentiary hearing. The applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard. Upon reviewing all of the pertinent information, the Board may approve, deny or approve with conditions the Special Use Permit by a majority vote.

##### 2. Conditions

The Board of Commissioners may place conditions on the use as part of the approval to assure that mitigation measures are associated with the use. The conditions shall become part of the Special Use Permit approval and shall be included in the final site plan application. However, the Board must not impose conditions on special use permits that the Town does not otherwise have the statutory authority to impose. Further, there must be written consent by the applicant to the related conditions.

##### 3. Findings of Fact

In addition to determining that the application meets all other requirements of this ordinance, the Board of Commissioners must find the following in order to grant approval of a Special Use Permit:





- a. The proposed special use conforms to the character of the neighborhood, considering the location, type, and height of buildings or structures and the type and extent of the landscaping on the site.
- b. The proposed use will not cause undue traffic congestion or create a traffic hazard.
- c. Adequate utilities (water, sewer, drainage, electric, etc.) are available for the proposed use.
- d. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.
- e. The establishment of the proposed use shall not impede the orderly development and improvement of the surrounding property.
- f. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.
- g. The proposed use will not substantially injure the value of adjoining or abutting property, or, in the alternative, the use is a public necessity.
- h. The proposed use is consistent with the officially adopted plans and policies of the town, including any specific use standards, specifications, and other requirements of this Code or the Town Code of Ordinances.

#### **D. Effect of Decision**

1. If the Town Board of Commissioners or the Board of Adjustment votes to deny an application, there may be no subsequent application for the same or similar use submitted by any party for any part of the subject property until twelve (12) months have elapsed from the date of denial. If the Town Board of Commissioners votes to approve an application, the permit shall be recorded in the County Register of Deeds office.
2. The special use permit and additional conditions, if applicable, shall run with the land and shall be binding on the original applicant as well as any successors, assigns, and heirs. Any decision by the Town Board of Commissioners or Board of Adjustment may be appealed within thirty (30) days of the decision in accordance with G.S. § 160D-405.

#### **E. Coordination with Variances**

Applications for variances may be submitted concurrently with a request for a major special use permit. The major special use permit request shall be considered first (including any site plan), and where it is denied, the variance request shall be null and void.

#### **F. Coordination with Rezoning**

An application for a major special use permit may be reviewed concurrently with a rezoning application. However, a decision shall be rendered first for any rezoning and then subsequently for any major special use permit.

### 3.23 VARIANCES

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 the land in a manner otherwise allowed under this ordinance. However, in no event shall the Board of Adjustment grant a variance that would conflict with any state code, would allow the new establishment of use that is not otherwise allowed in a particular zoning district, or which would change the zoning district classification or the district boundary of the property in question.

#### A. Application Procedure.

An application for a variance may be filed by the owner of the property or by an agent specifically authorized by the owner to file such an application. Staff shall review an application for a variance to determine if it is complete. If an application is complete, the Administrator or designated staff shall schedule the matter for consideration at a meeting of the Board of Adjustment. The Administrator or designee shall prepare a staff report regarding the submitted variance application.

#### B. Review Process

1. Upon receipt of the request for a variance from the Administrator or designee, the Board of Adjustment shall hold a public, evidentiary hearing on the request.
2. After conducting the hearing and within forty-five (45) days, the Board of Adjustment may: deny the application; conduct an additional public hearing on the application; approve the application; or approve the application with additional conditions. A concurring vote of four-fifths (4/5) of the members of the Board of Adjustment shall be necessary to grant a variance.
3. Conditions. In granting any variance, the Board of Adjustment may attach such conditions to the approval as it deems necessary and appropriate to satisfy the purposes and objectives of this ordinance. The Board of Adjustment may also attach conditions in order to reduce or minimize any injurious effect of such variance upon other property in the neighborhood and to ensure compliance with other terms of this ordinance. Such conditions and safeguards must be reasonably related to the condition or circumstance that gives rise to the need for a variance.
4. Any approval or denial of the request shall be accompanied by written findings of fact supporting the conclusion that the variance meets or does not meet each of the standards set forth below in Subsection C.

#### C. Required Findings.

The Board of Adjustment shall not grant a variance unless and until it makes all of the following findings:

1. Carrying out the strict letter of the ordinance would result in unnecessary hardship. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the



basis for granting a variance. 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.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with the knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of this ordinance, such that public safety is secured, and substantial justice is achieved.
5. The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit.

### 3.24 ADMINISTRATIVE APPEALS

The following is established to provide an appeal process for parties aggrieved by an order, requirement, decision, or determination made by the Administrator or designee charged with enforcing the specific provision of the ordinance.

#### A. Application Procedure

An appeal of an administrative decision may be taken by any person who has standing under G.S. 160D-1402(c) or by the Town, to the Board of Adjustment. Such an appeal shall be made within thirty (30) days of the receipt of the written notice of decision from the Administrator or designee, or of the filing of the written notice with the Town Clerk. If notice is sent via first-class mail, it is deemed received on the third business day following the deposit of the notice, for mailing with the United States Postal Service. A complete application, in accordance with Section [3.6](#) is required for an Appeal.

#### B. Stay of Proceedings

The filing of an appeal shall stay enforcement of the action appealed from and accrual of any fines assessed during the length time of the appeal to the board of adjustment and any subsequent appeal in accordance with G.S. 160D-1402 or during the length of time of any civil proceeding authorized by law or appeals therefrom unless the Administrator or designee certifies that, in their opinion, by reason of facts stated in the certification, such a stay would cause imminent peril to life and property. In such a case, proceedings shall not be stayed except by restraining order or preliminary injunction granted by the Superior Court of Gaston County in accordance with Rule 65 of the North Carolina Rules of Civil Procedure.

#### C. Required Appeal Application Information

Upon submission of a complete application, containing such relevant information as may reasonably allow the Board of Adjustment to understand the basis for the applicant's appeal, the Administrator or designee shall similarly prepare a report detailing the regulations and interpretation behind the matter being appealed and their reason for their decision.

#### D. Review Process

1. Upon receiving the application and being deemed complete, the Administrator or designated staff for the Board of Adjustment shall schedule a public, evidentiary hearing on the appeal. The applicant, the local government, and any person who would have the standing to appeal the decision under G.S. 160D-1402(c) shall have the right to participate as a party at the evidentiary hearing. Refer to Section [3.6](#) for hearing procedures.
2. After conducting the public hearing, the Board of Adjustment shall adopt an order reversing or affirming, wholly or in part, or modifying the order requirements, decision, or determination in question. It shall take a simple majority vote of the Board of Adjustment to reverse or modify the contested action.
3. The Board of Adjustment, in making its ruling, shall have all the powers of the Administrator or designee from whom the appeal is taken, and may issue or direct the issuance of a permit.
4. The decision of the Board of Adjustment must be in writing and permanently filed in the minutes as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board of Adjustment, which must be delivered to parties of interest by certified mail.



### **3.25 MODIFICATIONS TO DEVELOPMENT APPROVALS**

Occasionally, unanticipated circumstances require changes to approved development plans and permits, including developer agreements and site-specific vesting plans. In accordance with NCGS 160D-403.(d), the Town of Cramerton allows for minor modifications to be administratively approved, however, all major modifications require the same procedures to be followed as were completed for the original approval. This administrative flexibility reduces the need for a full approval process to accommodate a limited change to the plans for a project.

#### **A. Major Modifications.**

Major Modifications are considered significant and require an amendment. Amendments shall be reviewed and considered in accordance with the procedures and standards established for the original approval.

1. Any change in land use.
2. Any increase in density.
3. Any decrease in the amount of open space
4. When there is the introduction of a new vehicular access point to an existing street, road, or thoroughfare not previously designated for access.
5. When the total floor area of a commercial or industrial classification is increased more than ten percent (10%) beyond the total floor area last approved by the Board of Commissioners.
6. A change in the type of proposed dwelling unit (e.g., Single-family detached to Townhouse).
7. Change in location of any public easement.
8. When the number of existing trees to be preserved decreased more than ten percent (10%) beyond the number of trees shown on the approved plans.
9. Any change that would increase traffic beyond the levels projected in the approved Transportation Impact Analysis (TIA).
10. Any increase in the stormwater impact beyond what was identified in the approved stormwater analysis for the project.
11. Any change which alters the basic development concept of the approval.
12. Any net reduction in the area of a buffer or a reduction in the width of more than twenty-five (25%) of the approved width.
13. A change in the number of approved phases of any development, or any change in the phasing of proposed improvements, such as utilities, roadways, open space, etc.
14. For developer agreements, any change in deadlines or completion dates in excess of three (3) months.

#### **B. Minor Modifications**

The Administrator or designee is authorized to review and approve administratively a minor modification to an approved Special Use Permit, PUD, Conditional Zoning, Minor or Major Subdivision, Minor or Major Site Plan, or Site-Specific Vesting Plan, subject to the following limitations.

**1. General Limitations.**

The minor modification shall meet the following:

- a. Does not involve a change in the uses permitted or the density of overall development permitted.
- b. Does not increase the impacts generated by the development on traffic, stormwater runoff, or similar impacts beyond what was projected for the original development approval;
- c. Does not qualify as a major modification; and,
- d. Is in compliance with all other ordinance requirements.

**2. Site Design.**

Site design minor modifications are limited adjustments to the terms of the design of an approved development plan or plat, including a site plan attached as a condition to conditional zoning or special use permit. In addition to the general limitations for minor modifications, a site design minor modification must:

- a. Comply with underlying zoning standards and other applicable conditions of the approval;
- b. Be limited to a minor change such as, without limitation:
  - (i) Changes to the location of or the rearrangement of internal streets, turn lanes, drives, or access restrictions;
  - (ii) Changes to the configuration of parking areas, but not the number of parking spaces, unless permitted by Subsection 3.a, below;
  - (iii) Changes to the configuration or location of open space or placement of required amenities, provided the amount of open space (whether passive or active) is not decreased;
  - (iv) Changes to the configuration of landscape yards, including types of materials, provided minimum width and planting requirements remain;
  - (v) Changes to proposed building elevations or facades, including materials, provided that the change retains the same general architectural character and provided the development still complies with the applicable design requirements;
  - (vi) Changes to the arrangement or location of buildings provided there is no increase in the number of buildings, size, or amount of impervious surface.

**3. Dimensional Standards.**

Dimensional standard minor modifications are adjustments to the dimensional standards of the Unified Development Code. Dimensional standards may only be modified upon a finding by the Administrator or designee, based on evidence from the permit holder, that the modification is needed to address a site characteristic or technical design consideration not known at the time

of initial approval. In addition to the general limitations for minor modifications, dimensional standard minor modifications are limited to:

- a. An adjustment to parking requirements up to the greater of five (5) spaces or ten percent (10%).
- b. An adjustment to setback requirements up to greater than five (5) feet or twenty-five percent (25%) of the standard setback.
- c. An adjustment to landscape standards up to twenty percent (20%) of required landscaping.

**C. Procedure for Minor Modifications.**

**1. Preliminary Plat or Site Plan**

- a. When minor revisions are proposed to an approved preliminary plat or site plans, the applicant shall submit a written request to the Administrator with a copy sent to the Technical Review Committee delineating the revisions and requesting authorization for administrative revision.

(1) The Administrator shall notify the applicant whether the proposed revision qualifies for minor modification and the basis for the determination. If approved, the final plat may be submitted in accordance with the revisions.

(2) The Administrator shall distribute copies of the revised plat to the appropriate agencies.

**b. Final Plat**

(1) When minor revisions are proposed to an approved final plat, the applicant shall submit a written request to the Administrator with a copy sent to the Technical Review Committee (TRC) delineating the revisions and requesting authorization for administrative revision.

(2) If the plat has been recorded, the applicant shall submit the recorded plat with a statement describing the revisions made and title block for the Administrator signature, and date of signing.

(3) If the ownership of the subdivision has changed or if any lots have been sold since the previous recording, an owner's and notary's certificates shall be provided on the plat for each current owner.

(4) In addition to the letter and the revised final plat, the applicant shall submit the required fees to the Administrator for processing and rerecording the revised plat.

(5) The Administrator shall distribute copies of the recorded final plat to the appropriate agencies.

**D. Appeals and Variances.**

A decision on a minor modification may be appealed to the Board of Adjustment as an administrative determination. An application for a minor modification does not preclude an applicant from seeking a variance from the Board of Adjustment.

**E. Individual Parcels within a Conditional Zoning District**

For a conditional zoning district applicable to multiple parcels, the owners of individual parcels may apply for a minor modification or major amendment so long as the change would not result in other properties failing to meet the terms of the conditions. Any approved changes shall only be applicable to those properties whose owners petitioned for the change.

**3.26 VESTED RIGHTS**

**A.** The zoning vested right is a right which is established pursuant to N.C.G.S.160D-108 to undertake and complete the development and use of property under the terms and conditions of an approved site-specific vesting plan. Obtaining development approval through the vested rights precludes any action by the Town of Cramerton that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property allowed by the applicable land development regulation or regulations. As such, amendments in land development regulations are not applicable or enforceable without the written consent of the owner with regard to any of the following:

1. Buildings or uses of buildings or land for which a development permit application has been submitted and subsequently issued in accordance with G.S. 143-755.
2. Subdivisions of land for which a development permit application authorizing the subdivision have been submitted and subsequently issued in accordance with G.S. 143-755.
3. A site-specific vesting plan pursuant to G.S. 160D-108.1 and subsection H, below.
4. A multi-phased development pursuant to Subsection D.
5. A vested right established by the terms of a development agreement

**B. Duration of Vested Rights**

1. Upon issuance of a development permit, the vesting granted for a development project is effective upon the filing of the application in accordance with G.S. 143-755, for so long as the permit remains valid. Unless otherwise specified, building permits expire after six (6) months and development permits expire one (1) year after issuance unless work authorized by the permit has substantially commenced.
2. Except where a longer vesting period is provided by statute or land development regulation, the vesting granted expires for an uncompleted development project if development work is intentionally and voluntarily discontinued for a period of not less than twenty-four (24) consecutive months. The vesting period for a nonconforming use of property expires if the use is intentionally and voluntarily discontinued for a period of not less than twenty-four (24) consecutive months.

**C. Multiple Permits**

Where multiple development permits are required to complete a development project, the applicant may choose the version of each of the Town's land development regulations applicable to the project, upon submittal of the application for the initial development permit. This provision is applicable only for those subsequent development permit applications filed within eighteen (18) months of the date following the approval of an initial permit.

**D. Multi-Phased Developments.**



A multi-phased development is a development containing over twenty-five (25) acres that are both submitted for development approval to occur in more than one phase and subject to a master development plan with committed elements showing the type and intensity of each phase.

1. A multi-phased development is vested for the entire development with the land development regulations then in place at the time a site plan approval is granted for the initial phase of the multi-phased development.
2. A right that has been vested as provided for herein remains vested for a period of seven (7) years from the time a site plan approval is granted for the initial phase of the multi-phased development.

**E. Continuing Review**

Following the issuance of a development permit, the Town of Cramerton may make subsequent inspections and reviews to ensure compliance with the applicable land development regulations in effect at the time of the original approval.

**F. Process to Claim Vested Right.**

A person claiming a vested right may submit information to the Administrator, who shall make an initial determination as to the existence of the vested right. The decision of the zoning administrator or officer may be appealed under G.S. 160D-405. On appeal, the existence of a vested right shall be reviewed de novo. In lieu of seeking such a determination or pursuing an appeal under G.S. 160D-405, a person claiming a vested right may bring an original civil action as provided by G.S. 160D-1403.1.

**G. Runs with the Land.**

Vested rights run with the land except for the use of land for outdoor advertising governed by G.S. 136-136.1 and G.S. 136-131.2 in which case the rights granted by this section run with the owner of the permit issued by the North Carolina Department of Transportation.

**H. Site-Specific Vesting Plans**

1. A site-specific vesting plan consists of a plan submitted to the Town in which the applicant requests vesting, describing with reasonable certainty on the plan the type and intensity of use for a specific parcel or parcels of property. The development approvals listed below are determined by the Town of Cramerton to qualify as site-specific vesting plans.
  - a. Minor Subdivision Preliminary Plat
  - b. Major Subdivision Preliminary Plat
  - c. Minor Site Plan
  - d. Major Site Plan
  - e. Special Use Permit
  - f. Planned Unit Development
  - g. Conditional Zoning
2. A vested right established pursuant to this ordinance shall run for a period of two (2) years from the effective date of the approval of the underlying development application.

### **3. Approval Process for a site-specific vesting plan**

- a. Each site-specific vesting plan shall include the information required by the Board of Commissioners and outlined in this Article for the underlying type of development plan.
- b. Each site-specific vesting plan shall provide the notice and hearing required for the underlying type of development plan. If the vesting plan is not based on such approval, a legislative hearing as required by NCGS 160D-602 shall be held.
- c. The Town of Cramerton may approve a site-specific vesting plan upon any terms and conditions that may reasonably be necessary to protect the public health, safety, and welfare.
- d. A site-specific vesting plan is deemed approved upon the effective date of the Board of Commissioners' decision approving the plan.
- e. An approved site-specific vesting plan and its conditions may be amended with the approval of the owner and the local government in the same manner as required for the underlying type of development plan. Minor modifications may be approved administratively in accordance with Section [3.25](#).

### **4. Duration and Termination of a Vested Right**

- a. A vested right for a site-specific vesting plan remains valid for two (2) years. Upon following the same process as required for the original approval, the Board of Commissioners or the Administrator may extend the vesting of a site-specific vesting plan up to three (3) years (with a total length of vesting not to exceed five (5) years) upon finding that:
  - (1) The permit has not yet expired;
  - (2) Conditions have not changed so substantially as to warrant a new application; and,
  - (3) The extension is warranted in light of all other relevant circumstances—including, but not limited to the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions or other considerations.
- b. Upon issuance of a building permit, the provisions of G.S. 160D-1111 and G.S. 160D-1115 apply, except that a permit does not expire and shall not be revoked because of the running of time while a vested right under this section is outstanding.
- c. A right vested as provided in this section terminates at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

### **5. Changes and Exceptions**

- a. A vested right precludes any zoning action by a local government that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved site-specific vesting plan, except under the following conditions outlined in NCGS Section 160D.108.1

- b. The establishment of a vested right shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use or ordinances or regulations that are general in nature and are applicable to all property subject to land use regulation by the Town, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes.
- c. Notwithstanding any provision of this section, the establishment of a vested right does not preclude, change, or impair the authority of the Town of Cramerton to adopt and enforce development regulations governing nonconforming situations or uses.

**I. Voluntary Annexation**

- 1. A petition for annexation filed with the Town under G.S. § 160A-31 or G.S. § 160A-58.1 shall contain a signed statement declaring whether or not any zoning vested right with respect to the properties subject to the petition has been established under G.S. § 160D-102.
- 2. The statement shall declare that no zoning vested right has been established under G.S. § 160D-102, or the failure to sign a statement declaring whether or not a zoning vested right has been established, shall be binding on the landowner and any such zoning vested right shall be terminated.

**J. Limitations**

Nothing in this chapter is intended or shall be deemed to create any vested right other than those established pursuant to G.S. § 160D-102.

**K. Repealer**

In the event that G.S. § 160D-102 is repealed, this chapter shall be deemed repealed and the provisions hereof no longer effective.

**3.27 PERMIT CHOICE**

An applicant for a development permit may choose which adopted version of the rule or ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application if a land development regulation is amended between the time the application was submitted and the permit decision is made or if a land development regulation is amended after a development permit decision has been challenged and found to be wrongfully denied or illegal.

- A. When a development required multiple permits under the development regulations of this ordinance, the applicant may choose the regulations applicable to the project at the time of their initial permit application. The applicant must submit the subsequent applications within eighteen (18) months of approval of the initial permit in order to claim permit choice.
- B. If the development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the development permit applicant shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit. The provisions contained in G.S 143-755 apply.
- C. If a permit application is on hold for six (6) or more consecutive months at the request of the applicant, then permit choice is waived and the rules in effect at the time of resuming consideration of the application apply.

### 3.28 NONCONFORMITIES

#### A. Purpose And Applicability

The purpose of this section is to regulate and limit the continued existence of uses and structures established prior to the effective date of this Ordinance (or any amendment subsequent thereto) that do not conform to this Ordinance. Any nonconformity created by a change in the classification of property or the text of this Ordinance shall be regulated by the provisions of this section. Many nonconformities may continue and in certain circumstances may make limited expansions, but the provisions of this Chapter are designed to limit or curtail substantial investment in nonconformities and to bring about eventual elimination and/or lessen their impact upon surrounding conforming uses in order to preserve the integrity of this Ordinance.

#### B. Nonconforming Uses

Nonconforming uses of land or structures, and nonconforming structures that contain nonconforming uses, may continue only in accordance with the provisions of this section.

1. Normal maintenance, repair, and incidental alteration of a building occupied by a nonconforming use is permitted, provided it does not extend the nonconforming use.
2. Only that portion of the land in actual use may be so continued, and the nonconforming use may not be enlarged or extended more than 10% of the current value of the property or of its square footage, nor may any additional structures be added to be occupied by the nonconforming use, unless granted by a variance.
3. A nonconforming use that is damaged by fire, explosion, flood, or other calamity to the extent of more than fifty percent (50%) of its current equalized value, shall not be restored unless it complies with the use provisions of this chapter, except as follows:
  - a. A single-family residential nonconforming use may be reestablished or restored regardless of percent damage after such an event provided the use is not enlarged or expanded.
  - b. Manufactured homes may be replaced on original lots that previously housed a nonconforming manufactured home use within twelve (12) months of its removal.
  - c. Multifamily development may be restored in a manner which does not increase any nonconforming density, setback, or spacing of building standards approved in the original site plan, upon approval by the Town Board of Commissioners
4. When a nonconforming use has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.
5. A nonconforming use shall be considered abandoned and will not be permitted to be re-established if it meets any of the following:
  - a. A use that utilizes a structure and is abandoned for a period of at least one hundred eighty (180) days, as evidenced by some action or occurrence that the Planning Director or their designee deems an indication of abandonment. Such action or occurrence may include, but is not limited to:
    - (1) Termination of utilities,
    - (2) Declaration of inhabitability, or
    - (3) Written notice declaring the intent to abandon.

- b. A use that is conducted outside of a structure and is abandoned for a period of at least thirty (30) days as evidenced by removal of equipment or other action that the Planning Director or their designee deems an indication of abandonment.
- 6. A nonconforming use may not be changed to a different nonconforming use.

**C. Nonconforming Principal Structures**

- 1. A nonconforming structure containing a use permitted in the zoning district in which it is located may continue only in accordance with the provisions of this section.
- 2. Normal repair and maintenance may be performed to allow the continuation of nonconforming structures.
- 3. A nonconforming structure may not, under any circumstances, be enlarged or altered in a way which increases its nonconformity.
- 4. If a nonresidential nonconforming structure is destroyed to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, it may be rebuilt in a nonconforming manner. A nonconforming residential structure which is destroyed to an extent of more than fifty (50%) percent of its replacement cost at the time of destruction may be reconstructed on the lot. If the structure can be placed on the lot in a conforming manner, it shall. Otherwise, the residential structure shall be placed in a manner most in conformance with all applicable regulations contained in this Ordinance. A building permit for reconstruction of such structure must be secured no later than one hundred and eighty (180) days from the date of its destruction.
- 5. Should a nonconforming structure be moved for any distance on the lot of record, it shall be done so in a manner most in conformance with this Ordinance.

**D. Nonconforming Accessory Structures And Uses**

A nonconforming accessory use or accessory structure may be expanded only if the nonconforming features of that use or structure are not expanded so as to increase the degree of nonconformity.

**E. Nonconforming Lots**

- 1. Except as provided in Subsection 2, below, in any district where a lot has been recorded with the Gaston County Office of the Register of Deeds, and is not in violation of the Zoning Ordinance of the Town of Cramerton, North Carolina prior to the effective date of this Ordinance, and such lot does not comply with the minimum lot area and/or width requirements for the zoning district in which such lot is located, such lot may be used for any use permitted in that zoning district provided that the principal and accessory structures meet all applicable front, side, and rear yard requirements for that zoning district as provided in this Ordinance.
- 2. If two (2) or more adjacent unimproved lots, neither one of which meet the lot width and/or area requirements of the zoning district in which they are located are of single ownership and are of record at the time of adoption of this Ordinance or any amendment thereto, and if these lots, in combination, meet the dimensional requirements established for lot width and area, the lands involved shall be deemed to be an undivided lot. For the purpose of this Ordinance, said lot(s) shall be used or sold by the owner and all future assigns in a manner which is in compliance with lot, width, and area requirements contained in this Ordinance.

3. A one-family residence (including a single-family dwelling, manufactured home or modular home) may be constructed on a lot which was recorded before the effective date of this Ordinance which does not abut a dedicated street right-of-way provided the lot is given access to a dedicated street by an easement at least twenty (20) feet in width for the use of the dwelling established on such lot and further provided that such easement is maintained in a condition passable for automobiles and service and emergency vehicles. This easement may not be extended to provide access to any other lots or to any other residence not having frontage on a dedicated street.

#### **F. Nonconforming Off-Street Parking and Loading**

1. On any lot which contains a use which does not comply with the off-street parking and loading regulations contained in [Section 8.5](#) of this Ordinance, a certificate of occupancy shall not be issued for any expansion or change in principal use which would result in an increase in the number of required off-street and loading spaces by the smaller of five (5) percent or ten (10) spaces.
2. For instance, if an existing use had one hundred off-street parking and loading spaces and was required to have one hundred twenty-five (125) such spaces, the gross floor area could be expanded (assuming the use was otherwise conforming) or the principal use changed so long as no greater than one-hundred five (105) spaces were required. If any more spaces were required, the structure would have to provide the required number of spaces.

#### **G. Nonconforming Signs**

1. No nonconforming sign shall be erected, replaced, enlarged, or otherwise modified in such a way as to increase its nonconformity.
2. Reasonable repair and maintenance of nonconforming signs, including the change of an advertising message, is permitted, provided that a nonconforming sign which is damaged or deteriorated to the extent of fifty percent (50%) or more of its value shall not be replaced unless it conforms to all provisions of this subchapter.
3. No new sign may be installed for a nonconforming use.
4. Any nonconforming sign that remains blank (i.e., does not contain any advertising message) for a period of one hundred eighty (180) or more days shall be deemed, for purposes of this Section, to be “abandoned”. Said sign (including the sign structure) shall immediately thereafter be removed or be made to conform to all applicable sign regulations.
5. Any sign which is destroyed (receives damage in excess of fifty (50) percent of its assessed value at the time of destruction) shall not be allowed to be replaced except in conformity with the sign regulations for the zoning district in which it is located.
6. Nonconforming signs which contain otherwise lawful, noncommercial copy that does not direct attention to a business operated for profit, or to a commodity or service for sale, and provided said sign complies with the size, height, lighting, spacing and setbacks requirements of this Ordinance, shall not be subject to the requirements of herein contained.

### **3.29 ENFORCEMENT**

## **A. Enforcement of Provisions**

The Administrator and Code Enforcement Officer shall be charged with the enforcement of the provisions of this chapter. If the Administrator or Code Enforcement Officer find that any of the provisions of this chapter are being violated, they shall notify in writing the persons responsible for such violations, indicating the nature of violation and ordering the actions necessary to correct it. They shall also take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.

## **B. Notice to Comply**

### **1. Inspections**

Town staff, under the direction of the Administrator or Code Enforcement Officer, may inspect work undertaken pursuant to a development approval to assure that the work is being done in accordance with applicable State and local laws and of the terms of the approval. In exercising this power, the staff is authorized to enter any premises within the jurisdiction of the local government at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials; provided, however, that the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured.

### **2. Complaints Regarding Violations**

- a. In case any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained in violation of this Ordinance, the Administrator, or any other appropriate Town Official, or any person who would be damaged by such violation, in addition to other remedies, may institute an action for injunction or other appropriate action or proceeding to prevent such violation.
- b. Whenever a violation of this ordinance occurs or is alleged to have occurred, any person may file a written complaint. Any written complaint stating fully the cause and basis thereof shall be filed with the Administrator who shall properly record such complaint, immediately investigate, and take action as provided by this ordinance.

### **3. Notice of Violation**

- a. Upon discovering a violation of this ordinance, the Administrator shall issue a written "Notice of Violation" containing the following information:
  - (1) That the land, building, structure, sign, or use is in violation of this ordinance;
  - (2) A description of the violation and citation of the relevant Sections of the Unified Development Code;
  - (3) Specific measures necessary to remedy the violation;
  - (4) The time within which the violation shall be corrected.
- b. The Notice of Violation shall be in writing and shall be delivered to the holder of the development approval and to the owner of the property involved (if that person is not the holder of the development approval) by personal delivery, electronic delivery, or first-class mail or by conspicuously posting on the property. The responsible party shall remedy the violation within the time specified in the Notice of Violation. Appeals of the Notice of

Violation may be taken to the Board of Adjustment and any further enforcement shall have stayed pending hearing of the appeal.

**4. Responsible Party.**

The owner of any land, building, structure, sign, land use or part thereof, and any occupant, architect, builder, contractor, agent or another person, who participates or acts in concert, assists, directs, creates or maintains any condition that is in violation of this ordinance may be held responsible for the violation and subject to the civil penalties and remedies provided therein.

**C. Stop Work Orders.**

Whenever any work or activity subject to regulation pursuant to this ordinance is undertaken in substantial violation of any State or local law, or in a manner that endangers life or property, the Administrator may order the specific part of the work or activity that is in violation or presents such a hazard to be immediately stopped.

1. The order shall be in writing, directed to the person doing the work or activity, and shall state the specific work or activity to be stopped, the reasons therefore, and the conditions under which the work or activity may be resumed.
2. A copy of the order shall be delivered to the holder of the development approval and to the owner of the property involved (if that person is not the holder of the development approval) by personal delivery, electronic delivery, or first-class mail. The person or persons delivering the stop-work order shall certify to the local government that the order was delivered, and that certificate shall be deemed conclusive in the absence of fraud.
3. Appeals and Violations of Stop Works Orders. Except as provided by G.S. 160D-1112 and G.S. 160D-1208, a stop-work order may be appealed pursuant to G.S. 160D-405. No further work or activity shall take place in violation of a stop-work order pending a ruling on the appeal. Violation of a stop-work order shall constitute a Class 1 misdemeanor.

**D. Revocation of Permits**

In addition to initiation of enforcement actions under G.S. 160D-404, development approvals may be revoked by the Town by notifying the holder in writing stating the reason for the revocation. The Town shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval. Development approvals 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 local development regulation or any State law delegated to the local government for enforcement purposes in lieu of the State; or for false statements or misrepresentations made in securing the approval. Any development approval mistakenly issued in violation of an applicable State or local law may also be revoked.

**E. Remedies.**

Any development regulation adopted in accordance with N.C.G.S. 160D may be enforced by any remedy provided in G.S. 160A-175 or G.S. 153A-123. If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used or developed in violation of this ordinance or of any development regulation, the Town may take appropriate action or proceedings.

1. No civil penalty shall be assessed under this Section until a Notice of Violation has been issued to the responsible party as provided above. If after receiving a Notice of Violation the responsible party fails to correct the violation, a civil penalty shall be imposed in the form of a



citation. Such citation shall be in writing and shall be delivered by certified or registered mail to the holder of the development approval and to the owner of the property involved (if that person is not the holder of the development approval), by personal service, or by conspicuously posting on the property. The citation shall state the civil penalty fee and shall direct the violator to pay the civil penalty within ten (10) business days of the date of issuance. Failure to pay the civil penalty shall subject the responsible party, in addition to other remedies, to the payment of reasonable attorney's fees, including the principal amount of the penalty and interest accruing thereon.

2. Upon expiration of the time limit set forth by the Administrator in the Notice of Violation, Civil Penalties as set by the Town of Cramerton fee schedule shall be assessed per violation. Assessment of a civil penalty and payment of that penalty does not negate the responsible party from correcting the violation. Civil penalties paid within ten (10) business days shall be reduced by fifty (50%) percent if the violation has been corrected.
3. Civil penalties assessed for violations of this Article shall constitute a lien against the property upon which the violation is or has been conducted.
4. Notwithstanding any other remedies of civil penalties imposed for violations of this Article, in the event that the Town files suit to enforce any section of this Article and prevails in such suit, the entity found to be in violation shall be responsible for reasonable attorney's fees expended by the Town to enforce such ordinance.

**F. Penalties for Transferring Lots in an Unapproved Subdivision.**

The following penalties as set forth in the General Statutes shall also prevail: G.S. §160D-807, "Penalties for Transferring Lots in Unapproved Subdivisions; ....any person who, being the owner or agent of the owner of any land located within the jurisdiction of that city (or town), thereafter subdivides his 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 be 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 this penalty. The Town may bring an action for injunction of 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 the subdivision ordinance."

## Chapter 4. Zoning Districts and Dimensional Standards

### 4.1 ESTABLISHMENT OF ZONING DISTRICTS

#### A. Introduction

In order to achieve the purpose of this Ordinance, zoning districts are hereby established and described in this Chapter. In addition to the primary uses which are permitted by right, with standards, with a Special Use Permit, or through a conditional zoning, other uses including accessory uses, off-street parking, and signs are permitted as listed in other Chapters this Ordinance. The zoning districts are divided into three different categories: General Zoning Districts, Character Overlay Districts and Conditional Zoning Districts.

#### B. General Zoning Districts

General Zoning Districts are designated throughout the planning jurisdiction and ETJ. Rules and regulations regarding these districts are applied unilaterally over the entire district.

##### 1. R-1 Residential District

This district is established to provide areas comprised of low-density, single-family residences and other select uses, compatible with the suburban and rural settings of the Town. In most cases, public or community water and/or sewer is available. The established regulations for this district are designed to promote and encourage an environment for family life, residential agriculture, and outdoor recreation. This is done through encouraging higher quality development, to ensure greater environmental protection, and permit creative design.

##### 2. R-2 Residential District

The R-2 District is designed to be located in urban and suburban settings where public or community utility facilities are present. The R-2 District allows for a smaller minimum lot size to encourage diversity of single, family detached housing sizes as well as an array of compatible non-residential uses.

##### 3. R-3 Residential District

This district is designed to allow for a wide variety of infill housing types, connected to water and sewer. Much of this district consists of single-family residential uses, which were developed prior to the effective date of this Ordinance. The housing was designed for the mill workers in the early part of the last century and therefore, was designed much differently than current development standards and practices. As such much of this area is protected by the Mill Village Character Preservation Overlay.

##### 4. R-4 Residential District

This district is intended primarily as a residential district for the location of single-family, two-family and multi-family dwellings along with their customary accessory uses so as to establish areas where development patterns are somewhat more dense than surrounding areas. Any R-4 area so designated on the Official Zoning Map shall have access to a public or community water and sewer system.

##### 5. O-I Office Institutional District

This zone is intended to accommodate a variety of office and related light commercial uses. In addition, this district can create areas to serve as transitional buffers between residential districts and commercial or industrial areas. Unlike other commercial zoning districts, the number and type of retail uses permitted is limited. The primary purpose of this zone, however, is to accommodate existing and new commercial areas as herein described, rather than to create new residential communities.

**6. OI/NB Office-Institutional/Neighborhood Business Zoning District**

The purpose of the OI/NB zoning district is to allow for a mixture of office developments and pedestrian friendly shopping areas that blend in with surrounding areas and do not adversely impact traffic patterns. As commercial areas in this zoning district are not designed to serve the entire community, the maximum gross floor area of any shopping center shall be one-hundred thousand square feet and the maximum area of any individual use (office or retail) within this district shall be fifty-thousand square feet. Residential uses shall be limited to “mixed use dwellings” as herein defined (i.e., a structure that contains both a dwelling unit and a non-residential principal use.) For purposes of this ordinance, the OI/NB zoning district shall be classified as an “Office” zoning district.

**7. CBD Central Business District**

The purpose of the CBD District to make downtown Cramerton the focal point of the Town, encouraging private and public investment which will preserve and redevelop the downtown area as a mixed office, institutional, cultural, retail and residential center of the Town, and to encourage further investment and development in such area. It is the intent of this district to place a high priority on the quality of design, integrating new uses with existing structures in a cohesive and attractive manner that promotes a traditional architectural and visual environment. Standards have been developed to ensure that all new structures are designed to be pedestrian friendly with only a limited amount of off-street parking required.

**8. B-1 Neighborhood Business District**

This district is designed primarily for local retail business centers designed to serve relatively small trading areas in developed or developing portions of the Cramerton area. As a result, the list of commercial establishments allowed in this district is more limited than in other Business (B) zones. The standards designed for these business areas are designed to promote sound, permanent business development and to protect abutting and surrounding residential areas from undesirable aspects of nearby commercial development. Any area so zoned shall be at a location that conveniently serves the trading area population and does not serve to create or expand problems associated with traffic volumes or circulation. As the district is established to provide for small neighborhood-oriented business areas, limitations on gross floor areas are designated.

**9. B-2 General Business District**

The purpose of this district is to provide a wide array of primarily retail and personal service uses for use by persons residing in and/or travelling through the Cramerton area. Such uses shall be located and designed in such a manner so as to promote aesthetics, the safe and efficient movement of traffic and to not unduly burden adjoining thoroughfares. Given the large traffic volumes generated by uses located in such a district, any area so zoned shall have access onto an arterial or collector highway.

**10. B-3 Highway Business District**

The B-3 District is similar in nature to the B-2 District in that it is designed to offer commercial services and opportunities for a large trading area. The B-3 District offers an expanded list of allowable uses designed to meet most commercial needs.

**11. I-Industrial District**

This district is designed primarily for general commercial and industrial land uses, including manufacturing, processing and assembling of goods, product distribution facilities, and a broad variety of specialized commercial and industrial operations. The large majority of industrial uses are allowed by right. However, certain industrial uses which could potentially have a significant effect on the environment or public utilities; significantly increase traffic volumes on adjoining

roads; or otherwise significantly impact adjoining properties shall be allowed subject to the approval of a Conditional Zoning District or a Special Use Permit.

### **C. Character Overlay Districts**

Character Overlay Districts are established to provide for certain additional requirements and/or uses for properties located in one or more general zoning districts. Thus, in addition to the requirements of the underlying general zoning district, the provisions of the Overlay District would also prevail in the areas so zoned. The initial zoning of areas to an Overlay District and/or any subsequent rezonings may be initiated by an individual or member of the Planning Board or Town Board of Commissioners. A zoning map change either establishing or changing any Overlay District shall be subject to the same procedures and requirements as any other zoning map change. In certain areas, two (2) or more Character Overlay Districts may apply. In any such instance where there are conflicting provisions, the more stringent requirements shall apply.

#### **1. WO: Waterfront Overlay District**

The Waterfront District is hereby established to provide supplemental restrictions to protect and enhance water quality, public safety, and public recreational opportunities on the South Fork of the Catawba River and its impoundments. This district shall cover the surface waters of the Catawba River and its impoundments and all land areas within one thousand (1,000) feet of their shorelines. In the case of the Catawba River and its other impoundments, the shoreline shall be the mean high water mark. This district shall be an overlay to any other district which individual properties are classified. As such, the restrictions of this part shall be supplemental to any other standards established in these regulations and governing any individual property within the Waterfront (W) District.

#### **2. WBO: Wilkinson Boulevard Overlay District**

*Previously designated as the TH, Thoroughfare Overlay District*

The WB District has been created along the Wilkinson Boulevard corridor to implement to the goals and objectives outlined in the 2015 Build a Better Boulevard plan. Wilkinson Boulevard plays a vital role in the mobility with neighboring communities and the greater region. With the stretch Wilkinson Boulevard within the Town limits of Cramerton identified as a part of the NCDOT STIP, construction through this corridor is inevitable. The overlay is to implement the plans additional goals of streetscape, pedestrian and bicycle facilities, development patterns, and accessibility.

#### **3. MVO: Mill Village Character Preservation Overlay District**

The Mill Village Character Preservation Overlay District (MVO) is a zoning overlay district dedicated to the protection of traditional development patterns and neighborhood character specifically in this historic area. Regulations promote the continuity of the streetscape, the reduction of conflict between new construction and existing development, and the integrity of the rich history of the Town of Cramerton. The Mill Village Character Preservation Overlay District is comprised of the properties shown within the MVO area on the zoning map. It is an area made up primarily of single-family detached homes. Originally constructed as housing for the mill workers, many of the structures remain well-kept with minor exterior alterations. This overlay district seeks to protect the special character and charm of this significant historic district.

### **D. Conditional Zoning Districts**

#### **1. Intent and Purpose**

The rezoning of land to a Conditional Zoning District is intended to provide a landowner and the Town an alternative to a general zoning district. A general zoning district only allows certain

uses and development where conditional zoning allows uses and development that may not conform to adopted policy guidance and otherwise may have adverse impacts on public facilities or surrounding lands. Conditional Zoning Districts allows a landowner to propose, and the Planning Board and Board of Commissioners to consider, additional conditions or restrictions to the range of allowable uses, use standards, development intensities, development standards, and other regulations specific to the site. This enables the Town and the landowner to create a new planned development or tailor an existing zoning classification to accommodate desirable development and providing for conditions that could mitigate any negative effects.

## 2. Classification

Land shall be classified into a Conditional Zoning District only in accordance with the procedures and requirements set forth in Section [3.20, Conditional Zoning](#).

## 3. Districts Established

Conditional Zoning Districts shall be of two types and are established as follows:

- a. **Type 1, PD-CZ.** Intended to provide for coordinated mixed use developments which include light industrial, commercial, office, educational, civic, institutional, residential, and service uses within a planned development with appropriate perimeter buffering and open space. The variety of land uses available to be permitted in this district allows flexibility to respond to market demands and the needs of tenants, which provides for a variety of physically and functionally integrated land uses.
- b. **Type 2, -CZ.** This conditional district is based on the uses and typical development patterns of an existing base zoning district, each bearing the designation “-CZ” after the base district. The intent is to allow a property owner to place additional conditions upon an existing, equivalent conventional, general use zoning district.

## 4.2 MEASUREMENTS AND STANDARDS

### A. General

No lot, even though it may consist of one (1) or more adjacent lots of record in single ownership, shall be reduced in size so that the lot area per dwelling unit, lot width, yard and lot coverage requirements, and other requirements of this chapter are not maintained. This prohibition shall not be construed to prevent the purchase or condemnation of narrow strips of land for public utilities or street right-of-way purposes.

### B. Lot

A parcel of land recorded with Gaston County, or a parcel described by metes and bounds, the description of which has been so recorded.

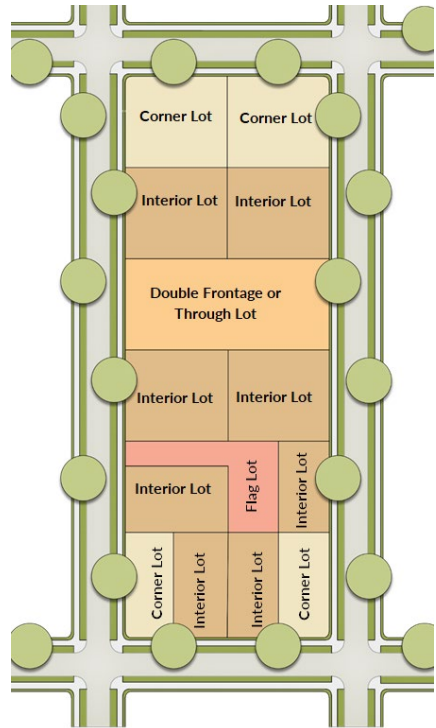
#### 1. Lot Types:

- a. **Interior.** A lot other than a corner lot or a through lot, where only one property line fronts onto a street and all other lot lines are shared with other lots.
- b. **Corner Lot.** A lot that occupies the interior angle at the intersection of two or more right-of-way lines.

- c. **Double Frontage or Through Lot.** A continuous lot of the same depth as the width of a block, and which has street frontage along two or more property lines.
- d. **Flag.** An irregularly shaped lot which has an appendage or extension which does not meet lot width requirements of the district at the street.

**2. Lot Area**

- a. Area shall be measured in gross square feet or acres.
- b. Lot area shall be that area included in a single, undivided piece of land.
- c. Minimum lot areas shall be exclusive of existing or proposed public or private right-of-way, resource conservation areas, and required recreation and open space.



**C. Building Coverage**

The maximum area of the lot that is permitted to be covered by buildings, including both principal structures and accessory buildings. Building coverage does not include paved areas such as driveways, uncovered porches or patios, decks, swimming pools or pool cages, or roof overhangs of less than three (3) feet.

**D. Impervious Surface**

The maximum area of the lot that is permitted to be covered by buildings, including both principal structures and accessory buildings, paved areas such as driveways, uncovered porches or patios, or solid decks.

**E. Building Separation**

The required separation between any two (2) buildings located on the same lot or parcel of land. This distance shall be a minimum of twenty (20) feet and shall increase an additional ten (10) feet for every story over two (2) unless otherwise stated in this Code.

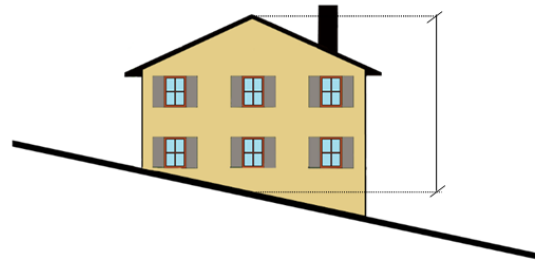
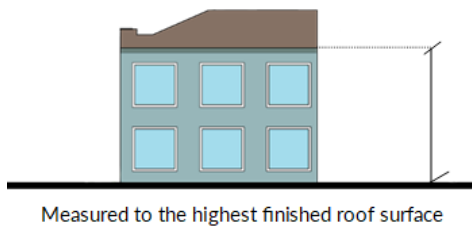
**F. Gross Floor Area**

The Gross Floor Area of a building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings and shall include the following areas:

1. The area of each floor of the structure;
2. All attic space used for active commercial space; and
3. All outside storage areas as permitted.

**G. Height Calculations**

For purposes of this Ordinance, the height of a structure shall be the vertical distance measured from the mean elevation of the finished grade of the structure to the highest point of the roof. In the case of a building with a parapet, the building height is only measured to the finished roof line of the building, exclusive of the parapet.



1. The maximum heights as indicated in the various districts may be exceeded for the following uses:
  - a. Roof equipment not intended for human occupancy and which is accessory to the structure upon which it is placed, such as skylights, transmissions or television towers,
  - b. Housing for elevators
  - c. Stairways,
  - d. Water tanks,
  - e. Ventilating fans, air conditioning equipment or similar equipment,
  - f. Steeples, spires, belfries, cupolas or chimneys;
  - g. Radio and television antennae.
2. In no case, however, may the height of any structure exceed one-hundred (100) feet.
3. Any structure which exceeds the prescribed maximum building height for the zoning district in which it located shall be located on the lot so that no portion of the structure is located closer to any lot line than the required setback line plus the difference between the actual height of the structure and the normally allowed maximum building height in that zoning district.

**Example:** A structure is located in a lot which is located in a zoning district with required thirty-five (35) foot front, ten (10) foot side and thirty-five (35) foot rear setbacks. A church is proposed to be located on the lot. The church steeple will have a height of sixty-five feet. The maximum permitted building height in that zoning district is ordinarily thirty-five (35) feet. The setbacks for this church with a steeple of that height would therefore now be a sixty-five (65) front setback, forty (40) foot side setback and sixty-five (65) foot rear setback.

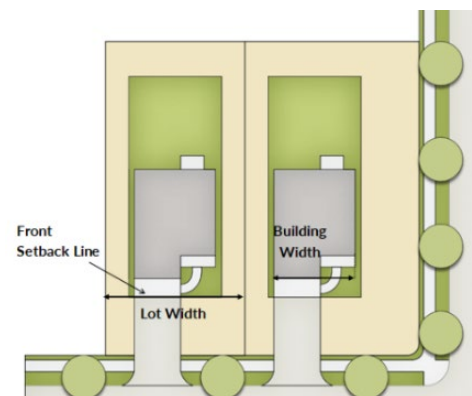
## H. Width

### 1. Building Width

Building width shall be measured by the distance along the front plane of any building (as determined by the location of an entrance fronting onto a street).

### 2. Parcel or Lot Width

Parcel or lot width shall be measured by the distance between the side lot lines (generally running perpendicular to a street), measured at the front setback line, parallel to the front property line or along the chord of the front property line.



I. Density

- 1. Density for single-family uses in all districts shall be calculated by dividing one (1) acre of land (43,560 square feet) by the minimum single-family detached lot size for the district.
- 2. Density for all other residential uses shall either be listed by use or not regulated as density will be a function of the required area for the lot, the building, or the site.

J. Reduction of Lot and Yard Areas Prohibited

- 1. No required yard or lot area existing at the time of adoption of this Ordinance or any amendment subsequent thereto shall be reduced in size below the minimum requirements set forth herein, except as the result of street widening or other taking for public use or conveyance in lieu thereof.
- 2. Yards or lots created after the effective date of this Ordinance shall meet the minimum requirements established by this Ordinance. This prohibition shall not be construed to prevent the condemnation of land for public purposes.

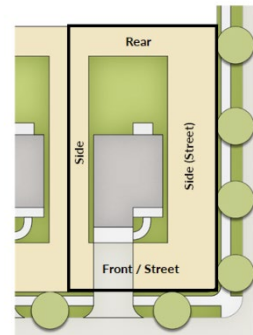
K. Setbacks and Yards

1. Defined.

- a. **Setback.** The distance by which any building or structure must be separated from the lot line. Usually conveyed as the minimum distance permitted.
- b. **Yard.** The unoccupied, open space, at grade, on a lot extending from the lot line to the building. Usually conveyed as the minimum width permitted.

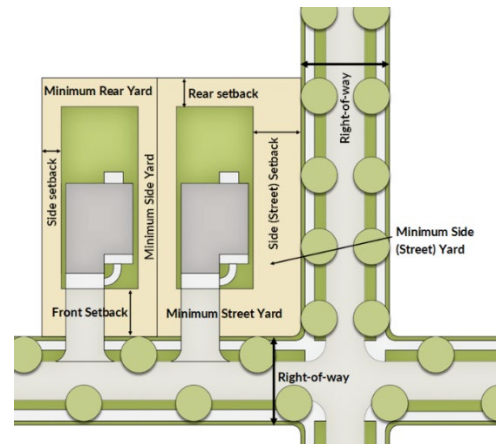
2. Types.

- a. Front or Street.
- b. Rear.
- c. Side.
- d. Corner.



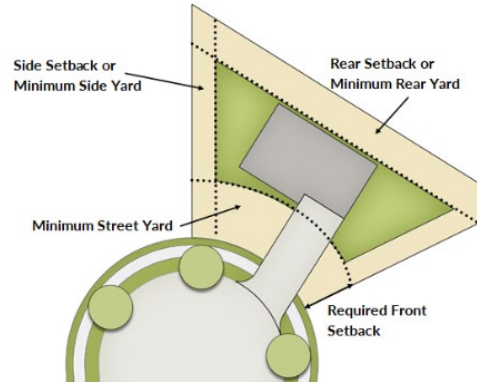
3. Measurement of Required Yards and Location of Minimum Setbacks

- a. Depth of a required front or corner yard shall be measured perpendicular to the street right-of-way line so that the yard established is equal to the minimum front or side (street) setback required by district regulations.
- b. The width of a required side yard shall be measured perpendicular to the side lot line so that the yard established is equal to the minimum side setback width required by district regulations.





- c. Depth of a required rear yard shall be measured perpendicular to the rear lot line in such a manner that the yard established is equal to the minimum rear setback required by district regulations.
- d. For lots located on a cul-de-sac, the street yard shall be measured as a line that extends parallel to the arc of the street right-of-way at a distance measured perpendicularly along the side lot lines and equal to that of the required minimum front setback required by the district regulations.



**4. General**

- a. All street yard and setbacks shall be measured from the edge of the property line. In instances where the property line extends to the middle of the roadway, the setbacks shall be measured from the edge of the cartway.
- b. Double frontage or through lots shall have a defined front and rear yard based on the historical development patterns of the blockface. Where there is no historical development pattern, the front yard shall be considered the yard which is adjacent to the primary road frontage or architectural front of the building.
- c. Every part of every required yard shall be open and unobstructed above grade upward to the sky except as provided or as otherwise permitted in this chapter.
- d. No part of a yard or other open space required for any structure or used for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another structure or use.

**L. Location of Required Yards on Irregular Lots**

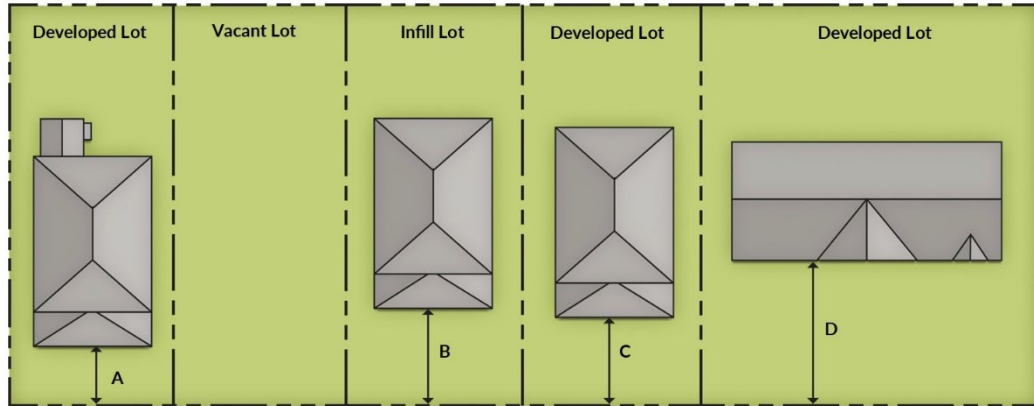
The location of required front, side and rear yards on irregularly shaped lots shall be determined by the Administrator. The determination will be based on the spirit and intent of this Ordinance to achieve an appropriate spacing and location of buildings and structures on individual lots.

**M. Street Yards for Infill Development**

The minimum street yard requirements of this Article for residential dwellings (SF, detached, duplex, triplex, quadplex) shall not apply on any lot where the average street yard of existing dwellings, located within 500' on either side of the lot in question within the same block and zoning district and fronting on the same side of the street, is less than the minimum required street yard.

1. In such cases, the street yard on such lots may be less than the required street yard, and any distance between the smallest (A) and largest street yard (D) located on the block.
2. In no case shall the setback be less than five (5) feet.
3. Where minimum parking standards cannot be met in the required front yard due to a reduced setback of less than twenty (20) feet, parking shall be provided in the side or rear yard.

4. See also [Section 8.10. Infill Development Standards](#).



The front setback or required street yard of 'B' on the INFILL LOT, shall be no less than 'A' and no more than 'D'.

#### N. Yard / Setback Encroachments

The following encroachment standards shall apply to all required yards, so long as they do not extend into any easements:

1. An attached and uncovered ground level (i.e., no greater than four feet in height) slab may extend into a required rear yard but shall be no closer to a rear lot line than one-half (1/2) of the required rear yard setback. Said slab may not be covered or enclosed in the future or otherwise be converted into heated floor space unless the full yard requirements for the structure are met.
2. Chimneys, pre-fabricated chimneys, flues, or smokestacks may extend a maximum of four feet into a required yard.
3. Building eave or roof overhang may extend up to twenty-four (24) inches into a required yard; provided that such extension is at least three feet from the property line, its lower edge is at least seven and a half (7½) feet above the ground elevation, and it is located at least five feet from any other building or eave.
4. Sills and ornamental features may project up to twenty-four (24) inches into any required yard.
5. Except in the CBD, fire escapes may project up to eight (8) feet into any required yard.
6. Signs may extend into required yards in conformance with standards found in [Chapter 9](#).
7. Pedestrian bridges, breezeways, building connections, and supports of these structures may extend into required yards upon findings by the approving authority that the connecting feature is necessary to provide safe pedestrian access or to improve transit access.
8. Security gates and guard stations may be located within any required yard.
9. Unenclosed patios, decks or terraces, including lighting structures, may extend up to four (4) feet into any required side yard, or up to eight (8) feet into any required rear yard.

10. Covered porches may encroach a maximum of twenty percent (20%) of the required street yard setback depth. This does not apply to enclosed porches and in no way shall a covered porch extend into the right-of-way.
11. Mechanical equipment for residential uses, such as HVAC units and security lighting, may extend into any required side yard but shall remain at least four (4) feet from the property line.
12. Bay windows, entrances, balconies, and similar features that are less than ten (10) feet wide may extend up to eighteen (18) inches into any required yard but shall remain at least six (6) feet from the property line.
13. Structures below and covered by the ground may extend into any required yard.
14. Driveways may extend into any required yard, provided that, to the extent practicable, they extend across rather than along the setback area and may be no closer than two (2) feet from the side property line, except for residential driveways which may coincide along a property line.
15. Planters, retaining walls, fences, hedges, and other landscaping structures may encroach into any required yard, subject to visibility restrictions.
16. Utility lines located underground and minor structures accessory to utility lines (such as hydrants, manholes, and transformers and other cabinet structures) may encroach into any required yard.

#### **4.3 TABLE OF DIMENSIONAL STANDARDS**

The following Table of Dimensional Standards provides the standards for the development of all new lots and placement of any new or expanded structures as they relate to lot size, lot width, setbacks, etc. No yard or lot existing upon adoption of this ordinance shall be reduced in size or area below the minimum requirements of the district. Yards of lots created after the effective date of this ordinance shall meet the minimum requirements established by this Code, except where noted.

District/Use	Min. Lot Size (sq.ft.)	Setback (ft)				Max. Bldg. Height (ft) <sup>1</sup>	Min. Lot Width (ft)
		Front	Side	Rear	Corner		
<b>R-1, Residential-1 District</b>							
Single-Family, Detached <sup>5</sup>	43,560	30	15	40	25	35	80
All Other Uses	43,560	30	20	50	30	35	150
<b>R-2, Residential-2 District</b>							
Single-Family, Detached	12,000	20	15	40	25	35	60
All Other Uses	43,560	30	20	40	30	35	125
<b>R-3, Residential-3 District</b>							
Single-Family, Detached	10,000	20	8	30	15	35	50
Single-Family, Attached	2,000	5	0/10	20	15	35	20
Duplex	12,500	20	8	25	15	35	60
Triplex	15,000						
Quad	17,500						
All Other Uses	21,780	30	15	30	25	35	100
<b>R-4, Residential-4 District</b>							
Single-Family, Detached	8,000	20	8	25	15	35	40
Single-Family, Attached	1,800	5	0/10	20	15	35	18
Duplex	10,500	20	8	25	15	35	60
Triplex	13,000						
Quad	15,500						
Multi-Family	43,560	30	15	30	25	35	80
All Other Uses	21,780	30	15	30	25	35	100
<b>O-1, Office Institutional District</b>							
Multi-Family	43,560	30	15	20	30	50	50
All Other Uses	43,560	30	20	20	30	50	0
<b>OI/NB, Office-Institutional/Neighborhood Business Zoning District</b>							
Mixed-Use <sup>2</sup>	0	25	20	20	30	50	0
Multi-Family	43,560	25	15	20	30	50	50
All Other Uses	0	25	20	20	30	50	0
<b>CBD, Central Business District</b>							
Mixed-Use <sup>2</sup>	0	0 <sup>3</sup>	0	0	0	50	0
Multi-Family	0	0 <sup>3</sup>	0	0	0	50	0
All Other Uses	0	0 <sup>3</sup>	0	0	0	50	0
<b>B-1, Neighborhood Business District</b>							
Mixed-Use <sup>2</sup>	9,000	30	8	20	20	35	80
All Other Uses	0	30	10	20/30 <sup>4</sup>	20	35	70
<b>B-2, General Business District</b>							
Mixed-Use <sup>2</sup>	9,000	40	8	20	20	50	80
All Other Uses	0	40	10	20/30 <sup>4</sup>	20	50	70
<b>B-3, Highway Business District</b>							
All Uses	0	40	10	20/30 <sup>4</sup>	20	50	70
<b>I, Industrial District</b>							
All Uses	0	50	20/50 <sup>4</sup>	30/50 <sup>4</sup>	30	50	70

- 1 Except as provided in Section 4.2.G of this Ordinance.
- 2 Dimensional Standards may be adjusted as a portion of the Conditional Zoning process subject to the review and approval of the Board of Commissioners to allow for pedestrian amenities, open space, and other design considerations. Dimensions must be included in the initial application and shown on the site plan.
- 3 Notwithstanding, all buildings shall have their front facades substantially parallel to the abutting street right-of-way. In no case may the front setback exceed ten (10) feet.
- 4 The larger measurement shall be used for all lots which abut a Residential (R) District
- 5 For purposes of dimensional standards, manufactured homes shall be regulated the same as single-family, detached.

## 4.4 OVERLAY ZONING DISTRICT REGULATIONS

### A. Waterfront Overlay District (WO)

#### 1. Permitted Uses

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

- (1) Piers
- (2) Moorings and Floats
- (3) Breakwaters
- (4) Swimming Areas
- (5) Marine Railways
- (6) Seawalls
- (7) Boathouses

#### 2. Yard Regulations

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

#### 3. Other Regulations

##### a. Structure Setback

All principal and accessory structures, except for boathouses, piers, seawalls, moorings and floats, walkways, breakwaters and marine railways shall be located at least forty (40) feet landward from the full pond level.

##### b. Piers and Other Shoreline Projections

- (1) A pier projection over the water may be established at each of the two property lines on the shoreline. Each projection shall be perpendicular to a line connecting two points at full pond level where a 10-foot radius from that property corner intersects the full pond level as shown on illustration, Figure 7-4.

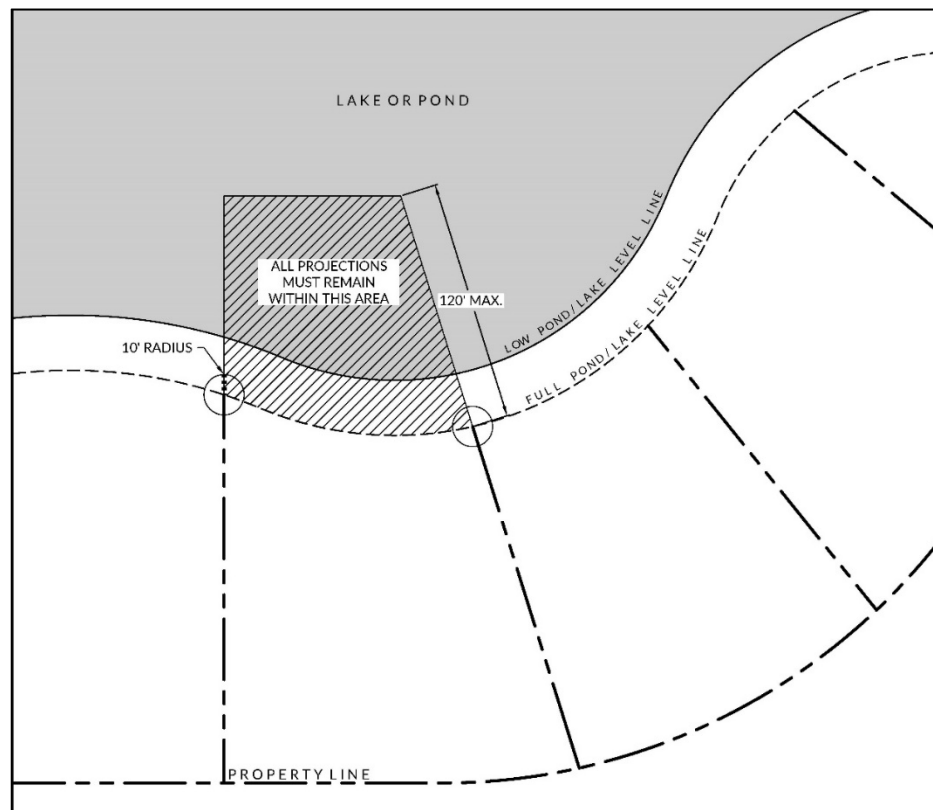
Two or more adjoining property owners may apply for a permit for a common pier facility and may use all or any part of the individual area as herein described.

- (2) Piers, floats, pilings and buoys and all other appurtenances used to berth a boat at a pier shall not extend over the water more than eighty (80) feet from the shore, except that a pier may extend from the shore for the distance needed to reach a water depth of ten (10) feet below full pond level, but in no event greater than one-hundred twenty (120) feet from the shore.

- (a) When located in a cove, a pier shall not extend more than one-third (1/3) the width of the cove as measured from the shore at the point of proposed construction to the closest point on the opposite shore. All piers shall be designed so that the top of the decking will be at least one (1) foot above the water surface when at full pond level.

- (b) All piers and docks must have two (2) white reflectors located at least six (6) inches above the full pond level, on the furthest corners of the extension of the pier into the water, reflecting light parallel to the shoreline in each direction and directly across the lake in line with the shore from each corner. White reflectors must be placed on each side of the pier at intervals of fifteen (15) feet or less, six (6) inches above the water, beginning at its outermost extension into the water, and extending to the full pond level.
- (3) Where, due to existing nonconforming piers on nearby property or to unusual property configuration, a pier cannot be constructed within the above described area, the property owner may apply for and the Board of Adjustment may grant a variance from this requirement. The Board of Adjustment in granting the request must find that the construction of pier facilities on other property affected by the variance would not be pre-empted.

Piers and Other Projections



c. **Moorings and Floats**

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

boat launching ramps. In addition, moorings and floats must conform to the Uniform Waterway Marking Systems.

**d. Breakwaters**

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

**e. Filling**

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

**f. Dredging**

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

**g. Marine Railways**

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

**h. Signs**

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

**i. Lighting**

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

**j. Overhead Transmission Lines**

Overhead transmission lines must be constructed to a minimum height of forty-eight (48) feet above the full pond level.

**k. Public and Private Swimming Areas**

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

areas must be, and private swimming areas may be, marked and protected in conformance with Division of Environmental Management Regulations.

## **B. Wilkinson Boulevard Overlay District (WBO)**

### **1. Intent**

The intent of the WBO, Wilkinson Boulevard Overlay District is to further the goals outlined in the 2015 Build a Better Boulevard Plan, which encourages concentrated commercial development at key intersections and promotes mixed-use and residentially based development between intersections.

### **2. Applicability**

This overlay district shall be applicable to all properties shown within the Wilkinson Boulevard Overlay District on the Zoning Map of the Town of Cramerton. This would include all properties with frontage on Wilkinson Boulevard and properties with frontage on Lakewood Road/Peach Orchard Road within 1,300 feet of the intersection with Wilkinson Boulevard.

- a. The regulations contained in this zoning district shall be over and above those found in the underlying zoning district.
- b. Future development proposals within the Wilkinson Boulevard Overlay District should align with the recommended roadway improvements outlined in the 2015 Build a Better Boulevard Plan and/or with the approved NCDOT STIP U-6146.

### **3. Uses Allowed**

All use permitted or permitted with standards in the underlying zoning district or those permitted with a conditional zoning district shall be allowed in the Overlay per the regulations of this Ordinance.

### **4. Setbacks**

All buildings, parking, and accessory uses shall be set back, a minimum of twenty-five (25) feet from the right-of-way of Wilkinson Boulevard. All other building setbacks shall be in compliance with the base zoning district requirements.

### **5. Pedestrian Improvements**

- a. Within the Wilkinson Boulevard Overlay District, a minimum of a ten foot (10') wide sidewalk or multi-use path shall be constructed along the road frontages of Lakewood Road, Peach Orchard Road, and Wilkinson Boulevard. Where a ten foot (10') wide sidewalk is unable to be constructed due to topography, easement location, or other existing factor, additional pedestrian facilities may be required by the Board of Commissioners; this may include a fee-in-lieu, construction of sidewalk or multi-use path of a lesser width, multi-use path elsewhere on site, etc.
- b. All uses shall provide pedestrian access from Wilkinson Boulevard to the primary building entrance or internal sidewalk network of the site.

### **6. Landscaping**

Street trees shall be provided along all road frontages of Lakewood Road, Peach Orchard Road, and Wilkinson Boulevard. Street trees, located at 40' on-center shall be located on both sides of the required sidewalk along Wilkinson Boulevard only. Street trees, located at 40' on center shall be planted in a single row within the right-of-way on Lakewood and Peach Orchard Roads.



- a. Street Trees shall be installed through coordination with NCDOT and/or in accordance with the [NCDOT Guidelines for Planting Within Highway Right-of-Way](#).
- b. Where overhead utilities are to remain above ground, canopy trees may be substituted with understory trees. Due to their overall smaller size, understory trees shall be installed thirty-five (35) on center.

**7. Access Management**

No tract within the Wilkinson Boulevard Overlay District shall be provided direct access to Wilkinson Boulevard if adequate alternative access can be provided by way of a secondary, primary, collector or marginal access street or through joint access with a neighboring property already provided with an access to the arterial. Potentially negative impacts on the quality and character of surrounding properties or neighborhoods shall be satisfactorily mitigated by the landowner/developer. Where there is no adequate alternative access, direct access to Wilkinson Boulevard shall be permitted in accordance with the following regulations:

- a. No tract within the WBO District shall be provided with more than one point of direct access to Wilkinson Boulevard. Unless, and only if, one accessway is impracticable in the judgment of the governing body, the Town's emergency services departments, or NCDOT, two accessways may be permitted, provided they are separated from each other and from any accessway on any abutting property and from any intersecting street by a minimum of 400 feet, as measured along the frontage on Wilkinson Boulevard. Where such spacing cannot be achieved, no more than one accessway shall be permitted, except that a second limited purpose (i.e., right-in and right-out only, gated emergency access) accessway may be permitted by the Board of Commissioners where the applicant demonstrates the need for the second access and as long as there is a minimum spacing of no less than 250 feet.
- b. Within any tract to be subdivided or developed for two or more dwelling units or two or more nonresidential buildings, no individual dwelling unit or individual nonresidential building shall be provided with direct access to the arterial. All individual uses shall be accessed from an internal circulation system designed to serve the development of which they are a part.
- c. Shared driveway access between adjacent parcels may be provided within the required front setback. However, pedestrian access from the street must be provided and clearly indicated with a crosswalk.
- d. **Parking Lot Connections.**  
 Parking lots for commercial or office uses (but not for industrial uses) and which contain more than thirty-five (35) off-street parking spaces shall be designed to inter-connect with adjoining lots.
  - (1) At least one future access point to such parking lot from an undeveloped adjoining lot shall be provided.
  - (2) The Administrator may require additional access points, when in his opinion, such additional access point would serve to benefit traffic flow and the safety of pedestrians and motorists using the street.
  - (3) The location of the access point shall be determined by the developer of the property in question and shall be subject to the Administrator's approval.

- (4) The total number of required off-street parking spaces for all parking lots meeting the requirements of this section shall be reduced by three (3) parking spaces per access point for the lot being developed.
- (5) The Administrator shall have the authority to waive or modify the requirements of this section upon finding that there is no practical way to create a shared driveway with an adjoining lot.

#### **8. Building and Site Design**

As mentioned in the Build a Better Highway Plan, development should be interior to the site. This design encourages walkability and fewer curb cuts for vehicular traffic. Regulations within this overlay account for the design of sites within the corridor but buildings shall adhere to the following:

- a. Building design should utilize creative architectural treatments, such as secondary or corner building entrances and pedestrian-scaled elements, to allow for both street-front pedestrian access and interior parking lot access to the building.
- b. The architectural front of the building shall be oriented to the street.
- c. Any permanent outdoor storage, loading, and/or preparation areas shall be screened from view. The use of similar architectural features, landscaping, walls/fences, and/or window treatments, shall be used to ensure such activities are hidden from view from any adjacent roadway. This is not intended to limit outdoor displays which are temporary or seasonal in nature.
- d. Building design shall be in accordance with the design standards of [Chapter 8](#).

#### **9. Parking and Loading**

- a. A maximum of twenty-five percent (25%) of the vehicular parking shall be permitted in the front yard, between the right-of-way and the front building line, inclusive of ADA required spaces. However, no parking may be located closer than ten feet (10') of the right-of-way. Parking may be provided in a single-row of spaces that are perpendicular or parallel to the drive aisle and located on one or both sides of the drive aisles. All remaining parking shall be located to the side and rear of the principal building. Access driveways connecting parking areas may be located to the front of the building, although they are encouraged to the rear.
- b. All loading shall be from the side or rear of the principal structure as viewed from the Wilkinson Boulevard. If loading is performed on the side of the building, as viewed from Wilkinson Boulevard, a planted screen in accordance with Chapter 8 of this ordinance shall be provided.
- c. Where parking or loading is provided between the front of the building and Wilkinson Boulevard, visual separation shall be achieved through the use of one or more of the following screening treatments:
  - (1) A "knee wall" that is a minimum of three and one half (3.5) feet tall and comprised of masonry materials consistent with that of the structure and accentuated with landscaping.

- (2) A berm and landscaping which achieves opacity to height of four (4) feet and a filtered view to a height of ten feet (10') through use of understory and canopy trees.
- (3) Breaks shall be provided in the wall or berm to allow for pedestrian access from the sidewalk to the internal walkway of the site.

#### 10. Exceptions and Flexibility in the WBO

Due to the acquisition of right-of-way and widening of Wilkinson Boulevard, it is anticipated that several of the current structures and lots will become nonconforming with the requirements of this ordinance. Understanding that many of the businesses along this corridor are important to the economic stability of the Town, it is the desire that these uses be afforded additional flexibility in regard to nonconforming dimensional and design standards. As such, properties with nonconforming conditions will be subject to the requirements of Section [3.28, Nonconformities](#).

The following shall be applicable to existing lots within the Wilkinson Boulevard Overlay that are subject to lot nonconformities due to right-of-way expansion:

- a. **Landscaping.** Where lot sizes have been reduced and existing vegetation and landscaping have been removed due to right-of-way expansion, applicants proposing changes to lots with existing buildings may suggest alternative landscape options for replacement of landscaping, buffers, and street trees which may not meet the specific requirements of [Chapter 8](#). This alternative does not apply to screening as required by this Ordinance. All alternative plans must be approved by the Administrator.
- b. **Parking.** The following options are available to uses within the WBO to address potential reduction in parking availability:
  - (1) Nonconforming parking areas in front of existing buildings may be repaved, realigned, and/or restriped. However, no additional spaces shall be added or created unless there is no other alternative on site and alternative parking options ([Chapter 8](#)) are not viable. Expansion of nonconforming parking in the front yard shall be approved by the Administrator.
  - (2) An alternative parking plan shall be submitted for review and approval by the Administrator.
- c. **Site Consolidation.** Where existing or portions of existing, non-buildable lots result from right-of-way acquisition, lot consolidation is encouraged in order to meet minimum lot standards of this ordinance.

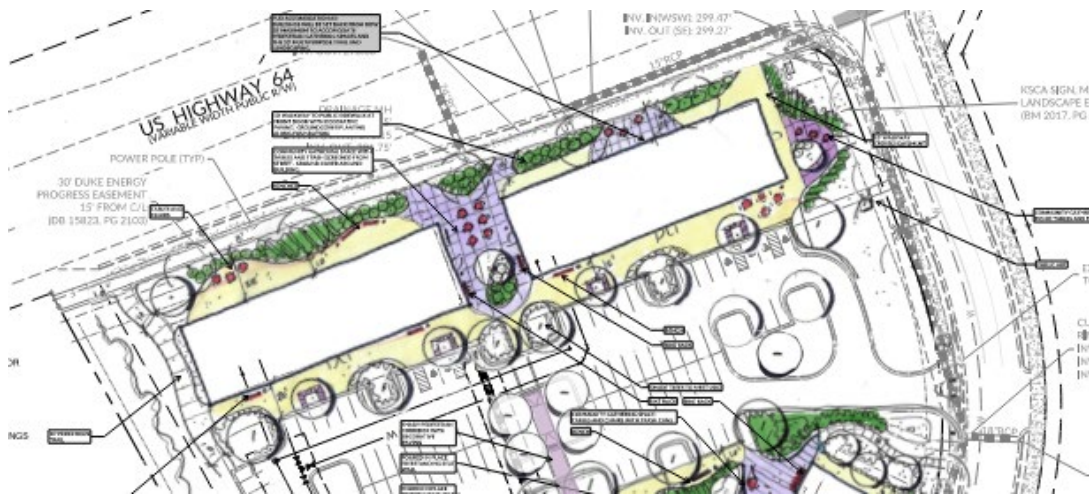
#### 11. Examples

It is intended that applicants considering development along Wilkinson Boulevard be creative with design and placement of buildings, addressing both the need for vehicular and pedestrian access, mindful of traffic in the corridor and the aesthetic continuity created by the landscape and architecture along Wilkinson Boulevard.

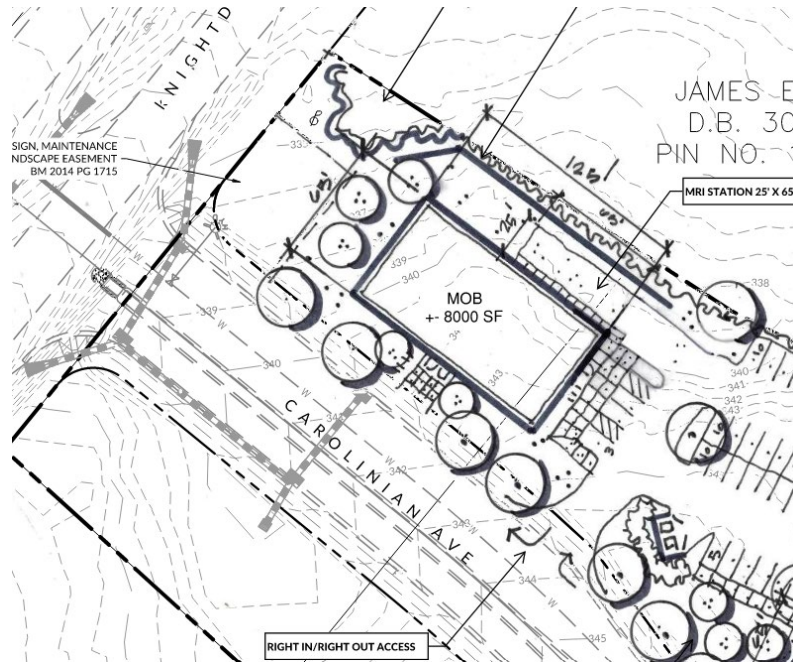
- a. The following is an example of architectural and design elements to incorporate, such as screened equipment, parking to the rear, community gathering spaces, dual building entrances



Architectural elevations completed by Finley Design



- b. The following incorporates a loading area for a medical trailer to the right of the building, parking to the rear, with pedestrian access from the side/front of the building as this is located on a corner lot.



**C. Mill Village Character Preservation Overlay**

**1. Applicability**

The provisions contained within are applicable to all properties within the Mill Village Character Preservation Overlay District, as designated on the zoning map of the Town of Cramerton. The dimensional standards provided herein supersede those of the underlying zoning district.

**2. Development Standards:**

**a. Dimensional and Development Standards**

(1) **Minimum Lot Area:** 5,000 sf

(2) **Maximum Lot Area:**

- (a) Residential: 20,000 sf
- (b) Non-residential: 2 acres

(3) **Principal Setbacks:** The principal building setback shall be no more or no less than five feet (5') from the average established yards of developed lots within 300' on each side of such lot, fronting on the same street as such lot, and within the Mill Village Character Preservation Overlay.

(4) **Building Coverage:** Maximum building coverage shall not exceed fifty percent (50%), inclusive of any accessory buildings and/or permanent structures.

(5) **Building Height:** The building height shall not exceed two stories.

**b. Double Frontage / Through Lots:** Due to historic development patterns within the Mill Village, a number of lots have been created as through lots, having front yards on more than one street. The structures on these lots have established yards based on the façade of the

structure and other factors, such as the location of accessory structures, driveways, etc. For purposes of this Code section, the determined yards and ultimate development of double frontage / through lots shall be based on the historic and precedented development of the lot. Where an undeveloped exists or new lot is created or where a historic precedent cannot be determined, development shall be based on the contextual development within 300' on each side of such lot, fronting on the same street as such lot, and within the Mill Village Character Preservation Overlay.

**c. Parking:**

Off-street parking shall be provided in accordance with the requirements of Section [8.5](#) for the specific use and underlying zoning district. It should be noted that if parking is provided, it must be located outside the public right-of-way.

**d. Driveways.**

Where a gravel surfaced driveway is provided, a concrete driveway apron shall be required.

**e. Garages and Accessory Structures:**

(1) No portion of any detached garage, carport, or accessory structure shall be located in the historic front yard nor shall it protrude beyond the primary façade of the principal structure.

(a) Carriage houses and other accessory structures may be located on lots within the Mill Village on a typical double frontage or through lot.

(b) In accordance with Subsection 2.b. of this Chapter, accessory structures are permitted to be placed in what has been historically developed as the rear yard on such double frontage or through lots.

(2) Attached garages are prohibited.

(3) Accessory structures shall not exceed the height of the primary structure.

**f. Fences and Walls:**

(1) Walls are prohibited, except for retaining walls necessary for soil erosion, retaining purposes.

(2) **Height:** In front yards, fences shall not exceed 4' in height. In side and rear yards, fences shall not exceed 8' in height,

(3) **Allowable materials:** treated wood, decorative iron, and decorative metal / aluminum.

(4) **Prohibited materials:** Vinyl and chain link

(5) **Design:** Shall be vertically oriented. Split rail and chain link are prohibited.

(6) Privacy fences and garden fences, such as chicken wire, are permitted only in the rear yard.

**3. Design Standards**

The following design standards shall be applied to alterations to existing structures and new construction. The following design standards do not apply to ordinary maintenance or repair of the exterior of existing structures.

**a. Residential and Accommodation Uses**

- (1) **Porches:** Front porches and existing entrances shall be preserved and/or replication of entrances and porches shall be based on historical evidence. As such, existing front porches shall not be enclosed or screened in; however, existing screened in front porches are permitted and may be repaired or replaced provided that transparent screens are utilized and installed from the inside of the porch, behind the railing and other porch features. If new construction is proposed, front porches shall be provided and meet the following standards:
  - (a) Span a minimum of 25% of the front façade width
  - (b) Shall not be enclosed or screened in
- (2) **Roof:** Only Side-Gable, Pyramidal, Triple-A Gable, and Gable-front roof types are permitted.
- (3) **Building materials:** Exterior walls shall be finished in wood clapboard, cementitious fiber board, wood shingle, wood drop siding, vinyl siding, or primed board. Brick, stone, and stucco are not permitted. Except that:
  - (a) Existing structures may replace existing materials in kind, and
  - (b) Accessory buildings not visible from the public right-of-way are not subject to the building material requirements.
- (4) **Foundation materials:** Principal building foundations shall be brick or brick veneer.
- (5) **Finished Floor Elevation:** The finished floor elevation at the front façade shall be a minimum of 18 inches above grade for principal structures.
- (6) **Utilities:** Skylights, solar panels, utilities, mechanical equipment, satellite dishes, air conditioning units, and associated structures shall only be located on rear or side slopes of the roof, on rear or side portions of the building, and in rear or side yards provided they are not visible from the public right-of-way or are screened from view from the public right-of-way with vegetation or fencing.

**b. Civic and Educational Uses.**

- (1) **Building materials:** Exterior walls shall be finished in accordance with Section [8.2](#), except that stucco, EIFS, and metal shall not be permitted.
- (2) **Orientation:** The primary entrance shall face the primary street. If side or rear parking is utilized, a front entrance shall still be provided.
- (3) **Accessibility:** Fire exits, landings, ramps, chair lifts, and other access features shall be located on the building where they have the least visibility and impact to the character of the structure, when possible. When appropriate temporary structures may be approved by the Administrator.

- (4) **Utilities:** Skylights, solar panels, utilities, mechanical equipment, satellite dishes, air conditioning units, and associated structures shall only be located on rear or side slopes of the roof, on rear or side portions of the building, and in rear or side yards provided they are not visible from the public right-of-way or are screened from view from the public right-of-way with vegetation or fencing.

**c. Non-Residential Uses in Residential Structures.**

Historically significant residential structures in the Mill Village may be repurposed for uses other than residential. In order to preserve the architectural integrity and special historical character of these structures in Mill Village, the following apply to nonresidential uses within detached dwellings in addition to the requirements of Section [8.9](#) :

- (1) The residential character and architectural elements of the house shall remain unchanged.
- (2) With the exception of door and window replacements, and routine repair and maintenance, there may be no other alterations to the front façade of the building.
- (3) On-site parking shall be located to the side or rear of the principal structure.

**d. Additions.**

The following standards are applicable to all additions in the Mill Village Character Preservation Overlay District:

- (1) Additions shall be located to the rear of the structure or the most inconspicuous side of the building.
- (2) Additions shall be architecturally similar in height, scale, and style to the existing structure. Additions shall be designed to blend with the existing building.
- (3) Additions, including multiple additions to structures, shall:
  - (a) Not increase the floor area of the main structure by more than 100%.
  - (b) Not increase the height of the main structure nor shall the addition exceed the height of the main structure, except where elevation change of the subject lot provides no other option.
- (4) Designs for additions of non-residential structures shall be compatible with the building design standards of [Chapter 8](#) of this Ordinance.

**4. Submittal Requirements.**

In addition to the standard submittal requirements, applications in the Mill Village Character Preservation Overlay District shall also include building elevations and site plans. Floorplans shall be submitted where applicable.



## Chapter 5. Uses and Use Standards

### 5.1 ESTABLISHMENT OF USES

Except as otherwise provided herein, regulations governing the use of land and structures are hereby established as shown in the Table of Permitted Uses in Section [5.5](#), and as listed in [Appendix A, Land Use Classifications](#).

### 5.2 USES NOT SPECIFICALLY MENTIONED IN THE CODE

- A. Any use not specifically listed in this Chapter is expressly prohibited, unless the Administrator determines in accordance with Section [3.12, Written Interpretation](#), that the use is similar to a permitted individual use or permitted group of uses as listed in this Chapter. Where such similar permitted individual use or permitted group of uses is subject to a use standard contained in this Chapter by a rezoning, or a Special Use Permit, the proposed use shall also be subject to such standard, rezoning, or approval. The Administrator shall not amend this Chapter by adding to or eliminating any use standard for the proposed use.
- B. When considering the appropriate districts for a use not listed in the Permitted Land Use Table, the district descriptions (see [Chapter 4, Zoning Districts and Dimensional Standards](#)) shall be taken into consideration.
- C. Determination of an appropriate group of uses for a proposed use not currently listed shall be made by applying the following criteria.
  - 1. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category.
  - 2. The relative amount of site area or floor space and equipment devoted to the activity.
  - 3. Relative amounts of sales from each activity.
  - 4. The customer type for each activity.
  - 5. The relative number of employees in each activity.
  - 6. Hours of operation.
  - 7. Building and site arrangement
  - 8. Types of vehicles used and their parking requirements.
  - 9. The relative number of vehicle trips generated.
  - 10. Signs.
  - 11. How the use is advertised
  - 12. The likely impact on surrounding properties.
  - 13. Whether the activity is likely to be found independent of the other activities on the site.

- D. Where a use not listed is found by the Administrator not to be similar to any other permitted individual use or permitted group of uses, the use shall be permitted only following a Text Amendment in accordance with Section [3.18, Text Amendment](#).
- E. The decision of the Administrator may be appealed to the Board of Adjustment.

### 5.3 DEVELOPMENTS WITH MULTIPLE PRINCIPAL USES

- A. Except as set forth in [Section 5.4, Group Developments](#), no more than one (1) principal building or use may be erected on a single lot of record.
- B. When all principal uses of a development fall within one (1) use category, the entire development shall be assigned to that use category.
- C. When the principal uses of a development fall within different group of uses or no group of uses, each principal use shall be classified in the applicable group of uses or treated as an individual use and each use shall be subject to all applicable regulations for that group of uses or individual use.
- D. A development comprised of uses regulated by separate rows on the Permitted Land Use Table shall be reviewed using the most restrictive process from among the proposed uses.

*Example: If a proposed development includes a gas station, library and a restaurant, including outparcels, and one of those uses is only permitted has a special use in the district, then the entire development requires special use review.*

- E. Where a use requiring approval as a special use permit lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to review, not the entire project. However, where the separate legal parcel is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.

### 5.4 GROUP DEVELOPMENT

#### A. Defined

A group of two (2) or more office, industrial, commercial, multifamily and/or other principal structures on an unsubdivided parcel, intended to be occupied by separate businesses, families, enterprises, or divisions, operating under one name or presenting other elements of a unified image or identity to the public. Examples include apartment complexes, shopping centers, school or hospital campuses, business parks, etc.

#### B. General

Group developments shall meet all applicable development standards as set forth in [Chapter 4, Zoning Districts and Dimensional Standards](#), and [Chapter 8, General Development Standards](#). Applicants shall comply with all other provisions in this chapter and all other applicable laws.

#### C. Uses

Uses within group developments shall be limited to those permitted within the zoning district in which the development is located (see [Section 5.5, Table of Permitted Land Uses](#)), unless a Conditional Zoning is approved.

#### D. Intensity

The overall intensity of the land use shall be no higher, and the standard of development no lower than that permitted in the district in which the project is located.

**E. Setbacks**

The distance of every building from every property line shall meet the relative setback requirements of the district in which the development is located. In no case, however, shall any portion of a building be located closer to a public street than the required minimum street yard setback of the zoning district.

**F. Height**

The building heights shall not exceed the height limits permitted in the district in which the development is located.

**G. Building Separation**

The minimum spacing between buildings in a group development shall be twenty (20) feet, with an additional ten (10) feet provided between buildings for every story over two (2).

**5.5 TABLE OF PERMITTED LAND USES**

**A. Permitted Land Use Table Key**

The permitted land use table is subject to the explanation as set forth below.

**1. Permitted (P)**

A "P" indicates that a use is permitted in the respective district subject to the specific use standards throughout this Chapter. Such uses are also subject to all other applicable requirements of this chapter.

**2. Permitted with Standards (PS)**

A "PS" indicates that a use is permitted with "Supplement Use Standard" column on the table is a cross-reference to any specific use standard listed in within this Chapter. Where no cross-reference is shown, no additional use standard shall apply.

**3. Special Use Review (SUP)**

An "SUP" indicates a use that may be permitted in the respective general use district only where approved by the Town Board of Commissioners in accordance with [Section 3.22](#). Special uses are subject to all other applicable requirements of this chapter, including the specific use standards contained in [Chapter 5](#), except where such use standards are expressly modified by the Town Board of Commissioners as part of the special use approval.

**4. Conditional Zoning (CZ)**

A "CZ" indicates the use is permitted with Conditional Zoning approval from the Town Board of Commissioners.

**5. Uses Not Permitted**

A blank cell in the use table indicates that a use is not permitted in the respective district.

**B. Uses not Expressly Permitted**

1. No building or structure, sign or land shall hereafter be used, erected, or occupied and no building or structure shall be erected, expanded or moved except in conformity with the regulations of this Ordinance. This Ordinance specifies uses that are allowed in each zone.

2. Certain uses pre-dating the adoption of this Ordinance are allowed to remain as nonconforming uses in accordance with [Chapter 3](#) of this Ordinance. Certain temporary uses may be allowed in accordance with Section [5.15](#) of this Ordinance. Unless a use is permitted, permitted with standards, permitted with conditional zoning, permitted with a special use permit, nonconforming, or temporary in accordance with this ordinance, then such use is expressly prohibited in that zone by this Ordinance.

**C. Permitted Land Use Table**

Land Use Type:	R-1	R-2	R-3	R-4	O-I	O-I/ NB	CBD	B-1	B-2	B-3	I	Standards
<b>Agricultural Uses</b>												
Agricultural Level 1	PS	PS										<a href="#">5.6.A</a>
Agricultural Level 2	CZ										PS	<a href="#">5.6.B</a>
Community Garden	PS	PS	PS	PS			PS	PS				<a href="#">5.6.C</a>
Farm Equipment Sales/Auction										PS	PS	<a href="#">5.6.D</a>
Farm Product Sales	PS	PS	PS	PS			PS	PS	PS	PS		<a href="#">5.6.E</a>
<b>Residential Uses</b>												
Dwelling, SF Detached	P	P	P	P								
Dwelling, SF Attached			PS	PS								<a href="#">5.7.A</a>
Dwelling, Two-Family / Duplex			PS	PS								<a href="#">5.7.B</a>
Dwelling, Triplex			PS	PS								<a href="#">5.7.B</a>
Dwelling, Quadplex			PS	PS								<a href="#">5.7.B</a>
Dwelling, Multi-Family				CZ	CZ	CZ						
Dwelling, Manufactured Home	P											
Family Care Home	PS	PS	PS	PS								<a href="#">5.7.C</a>
Residential Care Facility	PS	PS	PS	PS				PS	PS	PS		<a href="#">5.7.D</a>
<b>Accommodations</b>												
Bed and Breakfast Inn	PS	PS	PS	PS			PS					<a href="#">5.8.A</a>
Hotel / Motel					PS	PS	PS		PS	PS		<a href="#">5.8.B</a>
RV/Campground Park	CZ									CZ	CZ	
Short-Term Rental	PS	PS	PS	PS	PS	PS	PS					<a href="#">5.8.C</a>
<b>Institutional and Civic Use</b>												
Cemetery	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	<a href="#">5.9.A</a>
Cultural/Community Center					PS	PS	PS	PS	PS	PS		<a href="#">5.9.B</a>
Day Care	PS	PS	PS	PS	PS	PS		PS	PS	PS	PS	<a href="#">5.9.C</a>
Education Facility I	CZ	CZ	CZ	CZ	PS	PS		PS	PS			<a href="#">5.9.D</a>
Education Facility II					CZ	CZ			CZ	CZ	CZ	<a href="#">5.9.D</a>
Government Service I	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	<a href="#">5.9.E</a>
Government Service II										PS	PS	<a href="#">5.9.E</a>
Religious Institution	PS				PS	PS			PS	PS	PS	<a href="#">5.9.F</a>
<b>Commercial Uses</b>												
Adult Establishments						SUP					SUP	
Auditorium, Assembly Hall					PS	PS	PS	PS	PS	PS	PS	<a href="#">5.10.A</a>
Auto Services, Minor					PS	PS		PS	PS	PS	PS	<a href="#">5.10.B</a>
Auto Services, Major											PS	<a href="#">5.10.B</a>
Eating & Drinking Establishments					PS	PS	PS	PS	PS	PS		<a href="#">5.10.J &amp; K</a>
Entertainment	CZ				PS	PS	P	PS	PS	PS	PS	<a href="#">5.10.C</a>
General Commercial I					PS	PS	P	PS	PS	PS		<a href="#">5.10.D</a>
General Commercial II						PS		PS	PS	PS	PS	<a href="#">5.10.D</a>
Medical Office					PS	PS	P	PS	PS	PS		<a href="#">5.10.E</a>
Medical Facilities/ Laboratory					PS	PS				PS	PS	<a href="#">5.10.F</a>
Personal/Professional Services	PS			PS	P	P	P	P	P	P	P	<a href="#">5.10.G</a>
Rec & Sports Center, Indoor						PS	PS	PS	PS	PS	PS	<a href="#">5.10.H</a>
Rec & Sports Center, Outdoor	CZ					PS		PS	PS	PS	PS	<a href="#">5.10.I</a>

Land Use Type:	R-1	R-2	R-3	R-4	O-I	O-I/ NB	CBD	B-1	B-2	B-3	I	Standards
Retail						P	P	P	P	P		
<b>Industrial Uses</b>												
Flex Space					CZ	CZ				PS	PS	<a href="#">5.11.A</a>
Light Industrial & Manufacturing									PS	PS	P	<a href="#">5.11.B</a>
Heavy Industrial & Manufacturing											SUP	
Outdoor Storage/Sales									PS	PS	P	<a href="#">5.11.C</a>
Wholesale/Warehouse									PS	PS	P	<a href="#">5.11.D</a>
<b>Infrastructure/Transportation</b>												
Essential Services, Class 1	P	P	P	P	P	P	P	P	P	P	P	
Essential Services, Class 2											P	
Marinas	P	P	P	P								
Transportation Facilities											SUP	
Wireless Telecommunications (excluding collocations)	SUP	SUP	SUP	SUP	PS	PS	SUP	SUP	SUP	SUP	PS	<a href="#">Appendix B</a>
<b>Accessory and Additional Uses</b>												
Accessory Structures	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	<a href="#">5.13.B</a>
Accessory Dwelling Unit	PS	PS	PS	PS			PS					<a href="#">5.13.C</a>
Customary Home Occupation	PS	PS	PS	PS			PS					<a href="#">5.7.E</a>
Mobile Food Vendors							PS	PS	PS	PS	PS	<a href="#">5.15.A</a>
Mixed Use Building						CZ	CZ	CZ	CZ			
Neighborhood Recreation	P	P	P	P								
Outdoor Display					PS	PS	PS	PS				<a href="#">5.13.E</a>
Parking Lots and Decks						PS	PS	PS			PS	<a href="#">5.14.B</a>

## 5.6 AGRICULTURAL USE STANDARDS

### A. Agricultural Level 1

The production, principally for use or consumption of the property owner or community members, of plants, animals, or their products and for sale to others where such sales are incidental, including but not limited to the following: gardening, fruit production, beekeeping, and poultry and livestock products for household use only. However, it shall be unlawful for any person, firm or corporation to keep or maintain any fowl or livestock within the corporate limits of the Town, except as provided in [Chapter 90, Animals, of the Town Code of Ordinances](#).

### B. Agricultural Level 2

Animal raising including horses, hogs, cows, sheep, goats, and swine, poultry, rabbits, and other small animals; apiculture; aquaculture; dairying; personal or commercial animal breeding and development; floriculture; horticulture; pasturage; row and field crops; viticulture; tree or sod farm; silviculture; outdoor animal boarding; livestock auction; milk processing plant; packing house for fruits or vegetables; plant nursery; plant nursery with landscape supply; retail or wholesale sales of agriculturally-related supplies and equipment; stable; or any similar use. It also includes the current employment of land for the primary purpose of obtaining a profit by stabling or training equines including, but not limited to, providing riding lessons, training clinics and schooling shows.

1. The following agricultural uses are not considered Level 2 uses but are considered Heavy Industrial uses and are only permitted in the I, Industrial zoning district with the issuance of a Special Use Permit: fat rendering, bone distillation, meat processing, sawmills, and other intensive agricultural production facilities and uses.
2. Agricultural sales, which include products grown elsewhere, or goods processed or manufactured on site, shall be considered a retail use.

3. Any accessory retail use shall require the provision of on-site parking spaces.

**C. Community Garden**

1. No outdoor sales shall be permitted in connection with the community garden.
2. All structures shall meet the setback requirements of the underlying zoning district.
3. All equipment shall be stored internally to a small structure, no more than 10' by 10'. Larger greenhouse structures shall be approved through a Zoning Permit and are subject to N.C. State Building Code.

**D. Farm Equipment Sales/Auction**

1. Outdoor storage of retail goods shall not be allowed within fifty (50) feet of any lot located in a Residential (R) District unless screening in accordance with Section 5.2 is provided along all such abutting side and/or rear lot lines.
2. No manufacturing of goods on-site shall be allowed.
3. On-site sawmills shall be prohibited.

**E. Farm Product Sales**

1. Produce sales shall not be located in a road right-of-way;
2. A produce stand [in a Business (B) District] shall not be located closer than ten (10) feet to any side lot line and twenty (20) feet to any side lot line which abuts a Residential (R) District, unless a greater setback is required for the zoning district in which it is located.
3. Signs for any produce sales shall not be illuminated nor permanent. Such signs shall be removed during the times of the year when produce is not actively sold.
4. If located in a Residential (R) District, produce sold shall be grown on the lot upon which sales are conducted.
5. Produce may not be sold from any accessory structure on a residentially developed lot.
6. Screening shall not be required for any produce sales which operate during the growing season only.
7. Produce sales may be located on a lot containing another principal use. If another use is located on the lot, required parking for the produce stand and the other use must both be required.

**F. Bona Fide Farms**

Farm uses including the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106-581.1. For purposes of determining whether a property is being used for bona fide farm purposes, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

1. A farm sales tax exemption certificate issued by the Department of Revenue.

2. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S. 105-277.3.
3. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
4. A forest management plan.
5. Bona fide farms may only be used for the agricultural activities as set forth in G.S. 160D-903.

Bona fide farm and its related uses within the extraterritorial jurisdiction are exempt from the regulations contained within this Article.

## 5.7 RESIDENTIAL USE STANDARDS

### A. Dwelling, Single Family, Attached

1. Side yards are not required for interior units, but street and rear yards shall be provided for all units, and building separation requirements shall be maintained for all structures.
2. The maximum number of units allowed in a single building is six (6).
3. All single-family, attached units, twenty-two feet (22') or less in width, shall be provided with alleys to the rear of the units. Front setbacks may be reduced to five feet (5') provided that a minimum twenty-foot (20') rear setback is provided, allowing for a car to be parked in a driveway off the alley. Single-family attached units greater than twenty-two feet (22') in width may be front loaded.
4. **Density.** Single-family, attached developments shall not exceed the following densities in the R-3 and R-4 districts of ten (10) units per acre.

### B. Dwelling, Duplex /Triplex/Quadplex

1. No more than two (2) building entrances may face the primary street frontage.
2. Where proposed triplexes/quadplexes are located in an existing neighborhood, units must meet the requirements of infill development as outlined in Section [8.10, Infill Development Standards](#).
3. **Density.** In the R-3 and R-4 districts: ten (10) units per acre.

### C. Family Care Home

1. No two (2) family care homes located in Residential (R) Districts may be located within one-half (1/2) mile of each other.
2. No less than two (2) and no more than six (6) residents are permitted to live in a family care home. This number shall not be inclusive of the homeowner, operator, or family of the owner or operator of the facility.
3. Family care homes shall be subject to the requirements of the North Carolina Building Code.

4. No family care home shall be located within a one-half mile radius of an existing family care home or adult care home.
5. No exterior signage is permitted.

#### **D. Residential Care Facility**

1. The density levels and minimum yard requirements shall be based on the regulations of the underlying zoning district.
2. Any facility which is licensed to have greater than fifty (50) patients shall maintain a side setback of at least twenty (20) feet and a rear setback of at least forty (40) feet when the side or rear yard abuts a Residential (R) District, unless a greater setback is otherwise required for the zoning district in which it is located.

#### **E. Customary Home Occupation**

Customary Home Occupations may be established in any dwelling unit. The following requirements shall apply in addition to all other applicable requirements of this Ordinance for the district in which such uses are located:

1. The Customary Home Occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the residential character of the dwelling.
2. No accessory buildings or outside storage of materials or equipment shall be allowed in connection with the Customary Home Occupation.
3. Use of the dwelling for the Customary Home Occupation shall be limited to twenty-five percent (25%) of the area of the principal building.
4. Only residents of the dwelling may be engaged in the Customary Home Occupation or otherwise report to work at the dwelling.
5. No outdoor storage of goods or products shall be allowed. No display of products shall be visible from any adjoining streets or properties. Sales of products are limited to those made or reconditioned on the premises and those which are necessary to the service being provided.
6. No external alterations inconsistent with the residential use of the building shall be permitted.
7. Only vehicles used primarily as passenger vehicles (e.g., automobiles, vans and pick-up trucks) shall be permitted in connection with the conduct of the customary Home Occupation.
8. Tutoring or home instruction classes shall be limited to a maximum of six (6) students at a time.
9. Chemical, mechanical, or electrical equipment that creates odors, light emission, noises, or interference in radio or television reception detectable outside the dwelling shall be prohibited.
10. All Customary Home Occupations shall be conducted between the hours of 8:00 A.M. and 9:00 P.M. only.
11. One (1) unlighted sign with a maximum area of two (2) square feet is permitted for any Customary Home Occupation.



12. In addition to the required off-street parking for the principal residential use, at least one (1) additional off-street parking space shall be provided for the Customary Home Occupation.

## 5.8 ACCOMMODATION USE STANDARDS

### A. Bed and Breakfast Inn

1. Accommodations shall take place within a building that prior to such establishment, was designed and used as a single-family, detached or duplex dwelling..
2. Accommodations shall consist of renting one or more dwelling rooms on a daily basis to tourists, vacationers and similar transients.
3. The provision of meals shall be available only to guests.
4. The operation shall be conducted primarily by persons who reside in the dwelling unit, with the assistance of not more than the equivalent of one (1) full-time employee.
5. Guest stays are limited to no greater than twenty-one (21) consecutive days.

### B. Hotels/Motels

1. Retail uses, lounges and restaurants may be located as an accessory use within any hotel or motel.
2. Off-street parking facilities shall be separately computed for any retail use containing over one thousand (1,000) square feet of gross floor area and for any restaurant or lounge that is open to the general public.
3. A Class C buffer shall be established along any side of the property where hotel and motel buildings and parking abuts a residential use, provided such buffer shall not restrict clear sight at any intersection or driveway (see Section [8.4, Buffers, Street Trees, and Screening](#)).
4. Any accessory commercial activities such as restaurants shall not be located along the side of the property adjacent to a residential district or use unless a Class C buffer (see Section [8.4, Buffers, Street Trees, and Screening](#)) is established.
5. Any outdoor recreation facilities, such as swimming pools, shall not be located along the side of the property adjacent to a residential district or use. If the outdoor recreation facility is a swimming pool, it shall meet the standards of Section [5.13, Accessory Structures and Uses](#).

### C. Short-Term Rental

1. Parking must be provided on-site. At a minimum, two (2) spaces for the unit must be provided. One (1) additional space must be provided for each bedroom over four (4).
2. A traffic flow diagram must be included with the approved development plan.
3. Town of Cramerton trash and recycling hours of roll in and roll out must be adhered to by guests.

4. Outdoor signage, no greater than two (2) square feet), located near the main entrance door, must be provided with the property manager's name and 24-hour access phone number.
5. If more than two (2) citations are issued by the police department within a one (1) year period, the property will be placed on six (6) months of probation. During that time, if no additional complaints are placed, the property will be removed from probation. If additional complaints are lodged, the property may no longer be operated as a rental property for a period of one (1) year and may be subject to fines if found in violation of Town ordinances.

## **5.9 INSTITUTIONAL AND CIVIC USE STANDARDS**

### **A. Cemetery**

1. Tombstones, crypts, monuments, and mausoleums shall be located a minimum of twenty (20) feet from any side or rear lot line and at least thirty (30) feet from a street right-of-way. Greater setbacks shall be observed if otherwise required by the zoning district in which it is located.
2. Sales of crypts shall be allowed as an accessory use on premises (for cemeteries as a principal use only). No building in conjunction with such sales shall be located closer than twenty (20) feet from any side lot line abutting a Residential (R) District and twenty (20) feet from any such rear lot line.
3. North Carolina Cemetery Act: All cemetery and related uses shall meet the requirements set forth by the North Carolina Cemetery Act, and if applicable shall obtain a license from the North Carolina Cemetery Commission.
4. Minimum Lot Size: A minimum of three (3) contiguous acres shall be required to establish a cemetery, columbarium or mausoleum not located on the same tract of land as a church.
5. Minimum Yard Requirements:
  - a. The minimum yard required for all structures, excluding gatehouse, is fifty (50) feet from any exterior property line. Gatehouses shall be excluded from any minimum yard requirement.
  - b. The minimum yard required for mausoleums and columbaria adjacent to a street shall be equal to a principal building front yard in the district.
  - c. The minimum yard required for any grave or burial plot is fifty (50) feet from any exterior property line. This requirement does not apply where the adjacent property contains an existing cemetery.
  - d. The minimum yard required for any grave or burial plot adjacent to a street shall be equal to a principal building front yard in the district provided that, where graves or burial plots are adjacent to streets and closer than fifty (50) feet, a low planted screen shall be provided between the street and the cemetery. Such screen shall be eight (8) feet wide planted with evergreen shrubbery placed a maximum of five (5) feet on center. All shrubs shall achieve a height of four (4) feet within three (3) years.

### **B. Cultural/Community Center**

1. Fraternal and Service Organization Meeting Facility

A side setback of twenty (20) feet and a rear setback of forty (40) feet shall be required if a side and/or rear lot line abuts a Residential (R) District, unless a greater setback is otherwise required for the zoning district in which it is located.

### C. Day Care Facility

1. No (2) two lots which contain day care centers as principal uses and located in a Residential (R) District shall be located within three-hundred (300) feet of each other.
2. An off-street passenger drop-off and passenger loading area shall be provided for any day care facility. Such area shall not be located in the required front setback or street yard.
3. Outdoor play space shall be provided in accordance with the regulations of North Carolina Department of Health and Human Services.
4. Where abutting a residential use, a minimum of a Class 'A' buffer or a six foot (6') opaque fence shall shield all parking areas, play areas and outdoor activity from abutting property, unless requirements of this Ordinance require a greater buffer standards. Such buffer methods shall be in compliance with the requirements of Section [8.4, Buffers, Street Trees, and Screening](#).
5. Day care facilities shall be appropriately licensed with the State Division of Child Development and Early Education.

### D. Educational Facility I and II

1. Any Educational Facility must have access onto a NCDOT maintained road, with a classification no less than a collector.
2. Mobile classrooms at any Educational Facility shall be subject to the approval of a Conditional Zoning District.
3. Athletic fields and parking areas must be buffered from adjacent residentially zoned property or adjacent residential uses with a Type "B" buffer as set forth in Section [8.4, Buffers, Street Trees, and Screening](#).
4. Connectivity (vehicular and pedestrian) to surrounding residential areas is required to a Educational Facility I. Where a full vehicular connection is not practical, a multi-use trail connection shall be provided.
5. Student pick-up/drop-off areas shall adhere to NCDOT standards for vehicular circulation and stacking.
6. No Educational Facility I may be located closer than one half (½) mile from another Educational Facility I. This requirement is not applicable for adaptive reuse of existing buildings.
7. Schools over fifty thousand (50,000) square feet in size shall have at least two (2) points of ingress that are complaint with the driveway provisions of this Ordinance. This requirement is not applicable for adaptive reuse of existing buildings.
8. Following the initial approval of an Educational Facility I or II through the Conditional Zoning process (see Section [3.20, Conditional Zoning](#)), expansions of up to twenty (20%) percent of the area originally approved through the Conditional Zoning process may be approved

administratively. Administrative approvals of expansions of schools shall not waive any conditions of approval of the Conditional Zoning.

#### **E. Government Services**

##### **1. Correctional Facility (Class 1 and Class 2)**

- a. The following setbacks shall be observed if the facility is adjacent to any lot located in a Residential (R) Zoning District or any lot containing a principal residential use:
  - (1) Principal Structures - One hundred (100) feet
  - (2) Accessory Structures - Fifty (50) feet
- b. Any fence which is barbed, contains razors or is electrically charged may not be located closer than one hundred (100) feet from any lot line which abuts a lot containing a principal residential use or any lot located in a Residential (R) District.
- c. All lighting for the facility must be oriented so that direct beams of light shine away from all adjoining properties.

##### **2. Recreation Facilities, Public**

- a. Any such facility shall be allowed on a permitted basis, except that such uses may only be allowed as part of a Conditional Zoning District if any one (1) of the following conditions are met:
  - (1) The facility contains four (4) or more softball, baseball, or soccer fields (or any combination thereof); or
  - (2) The facility contains an outdoor amphitheater room capable of seating one hundred (100) or more persons.
- b. Outdoor recreational facilities (with the exception of swimming pools) shall be located at least twenty (20) feet from any side or rear lot line, except fifty (50) feet shall be required if adjacent to a Residential (R) zoning district. Respective setbacks for outdoor swimming pools shall be fifty (50) and one hundred (100) feet. NOTE: These setback requirements shall not apply in the CBD district.

#### **F. Religious Institutions**

Day care centers, elementary and secondary schools, any of which have enrollment capacities in excess of twenty-five (25) students or clients shall be considered separate principal uses and may be allowed subject to the regulations covering such uses in the underlying zoning district. Such uses may be included within the same structures otherwise used for church purposes. Separate parking requirements for both uses, however, shall not be required.

### **5.10 COMMERCIAL USE STANDARDS**

#### **A. Auditorium, Assembly Hall**

- 1. Auditoriums shall not be located adjacent to residential uses.

2. Outdoor storage and display shall be prohibited.

**B. Auto Services, Major and Minor**

Outdoor storage and display shall be prohibited.

**C. Entertainment**

1. Outdoor storage and display shall be prohibited.

2. The use of an outside speaker system is not permitted.

3. This does not include electronic gaming establishments which are considered Adult Establishments and are only permitted in the O-I/NB and I zoning districts with a special use permit.

**D. General Commercial I/II**

1. In no instance may any building in a B-1 or O-I District have a gross floor area in excess of twenty-five thousand (25,000) square feet.

2. The following regulations shall apply in the OI/NB district: (1) office parks and office buildings of less than fifty thousand (50,000) square feet shall be uses by right; (2) No individual office building shall have a gross floor area in excess of fifty thousand (50,000) square feet; (3) An office park may have a maximum aggregate gross floor area of one hundred thousand (100,000) square feet; and, (4) Any office park with an aggregate area of fifty to one hundred thousand (50,000-100,000) square feet shall be subject to approval of a Conditional Zoning District.

3. Any food store in the OI/NB district shall have a maximum area of fifty thousand (50,000) square feet.

**4. Animal Shelters, Animal Kennels, Animal Hospital**

a. Any structure which houses animals which is not fully enclosed shall be located at least one hundred (100) feet from any lot located in a Residential (R) District and fifty (50) feet from any other abutting lot line.

b. For any animal kennel or animal shelter which abuts a lot located in a Residential (R) District, said use shall require the approval of a Conditional Zoning District.

**5. Self-Storage Facility**

a. All storage shall be contained within a fully enclosed building. and accessed internally.

b. Separate entrances to individual storage units from outside the building are not permitted, unless they are located on the side of the building not visible from any roadway or residential property.

c. The business office of the self-storage facility shall have a front entrance facing the street to allow pedestrian access.

d. If located in a commercial district, facilities are only permitted in multi-story structures designed to resemble office buildings.

- e. If storage units are visible from the exterior, glazing shall be tinted so as to minimize the focus on units and reduce glare of interior lighting.
- f. **Permitted Activities:** The only activities permitted in individual storage units shall be the rental of the unit and the deposit or pick-up of goods and/or property.
- g. **Prohibited Activities:** The following activities shall be prohibited on the premises:
  - (1) Commercial, wholesale or retail sales, flea markets or peddling, or miscellaneous or garage sales. This does not prohibit the management of the self-storage facility to conduct an auction or sale of abandoned or stored materials to settle unpaid storage bills in accordance with State of North Carolina regulations.
  - (2) Servicing, repair, manufacturing, fabrication, or any industrial activity.
  - (3) Operation of a transfer-and-storage business.
  - (4) Any activity or storage of an item that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
  - (5) Storage of hazardous chemicals, flammable liquids, or combustible and explosive materials.
  - (6) Habitation of storage units by humans or animals.
- b. **Hours of Operation:** Self-service storage facilities shall not operate or allow tenant access between the hours of 10:00 p.m. and 7:00 a.m. if the site abuts a residential zoning district or residential use.
- c. Outdoor storage of boats, travel trailers, recreational vehicles, and other noncommercial occasional use vehicles is prohibited in commercial districts and may be only be permitted in an industrial district and subject to site plan approval and the regulations of outdoor storage. (see Section 5.11.C, Outdoor Storage and Sales).
- d. A Class C buffer (see Section 8.4) shall be established along any side of the property where the self-storage facility abuts or is across the street from a residential use.
- e. Where the end wall of the self-storage facility is visible from a public right-of-way, the wall shall be buffered by a hedge that has a mature height of at least four feet.

**E. Medical Office**

- 1. Outdoor storage and display shall be prohibited.

**F. Medical Facilities/Laboratory**

- 1. Outdoor storage and display shall be prohibited.

**G. Personal/Professional Services**

- 1. Outdoor storage and display shall be prohibited.

**H. Recreation & Sports Center, Indoor**

1. Outdoor storage and display shall be prohibited.
2. The use of an outside speaker system is not permitted.

**I. Recreation & Sports Center, Outdoor**

1. Outdoor lights shall be located at least one hundred (100) feet from any adjacent residential use.
2. Outdoor lights shall not be illuminated between the hours of 12:00 a.m. and 8:00 a.m.

**3. Country Club**

Outdoor recreation facilities (with the exception of swimming pools) shall be located at least twenty (20) feet from any side or rear lot line, except fifty (50) feet shall be required if adjacent to a Residential (R) District. Respective setbacks for outdoor swimming pools shall be fifty (50) and one-hundred (100) feet.

**J. Restaurants (Within Other Facilities)**

1. A restaurant may be allowed as a permitted accessory use in a Business (B), Office (O) or Industrial (I) District when located within a use allowed in such a district. Such a restaurant shall be designed to serve customers or users of such use. Examples of such restaurants include snack shops in department or variety stores, employee cafeterias, snack shops or canteens in office buildings, bowling alleys, etc.
2. Access to such a restaurant may be available from outside the main facility.
3. Separate off-street parking spaces for such use shall not be required unless outside access is provided.
4. The restaurant shall be allowed up to sixteen (16) square feet of exterior wall identification signage. Said signage shall be included as part of the signage allowed for the principal use. No freestanding signs for said restaurant shall be allowed.
5. The aggregate gross area of all restaurants within any building shall occupy no greater than ten (10) percent of the gross floor area of the building.

**K. Restaurants w/Drive-Thru**

1. Drive-thrus shall not front on the primary public street.
2. Vehicle stacking for drive-thrus shall be located outside of and physically separated from the right-of-way of any street. This area shall not interfere with the efficient internal circulation of traffic on the site, adjacent property, or adjacent street right-of-way.
3. Drive-thru window facilities shall be screened from off-site view from a street right in accordance with [Section 8.4](#)
4. Drive-thru service window menu boards may not be oriented to a public right-of-way and main menu board signs shall not exceed forty-two (42) square feet on the sides or fifty-two (52) sq ft in the rear of the building (including any temporary signage affixed to the menu board). Limited

to one (1) main menu board sign and one (1) pre-sale menu sign (not to exceed 12 sq ft) per drive-thru lane.

5. Any such drive-in service window menu board containing a loud speaker shall be located at least fifty (50) feet from any pre-existing residential property line located in a residential district.
6. Drive-thru stacking requirements shall be in accordance with Section 8.5.H.

## 5.11 INDUSTRIAL USE STANDARDS

### A. Flex Space

1. If located in an O-I District, a berm, wall or fence shall be required for screening having a width of less than fifteen (15) feet.
2. All materials or equipment shall be stored within an enclosed building or outdoor storage with opaque fence or wall and restricted to the rear yard.
3. Any operation which results in the creation of noxious vibrations, odors, dust, glare or sound is prohibited.
4. A minimum of fifteen percent (15%) of the gross floor area of an individual tenant area must be dedicated to office space.

### B. Light Industrial/Manufacturing

1. All manufacturing activity shall be conducted entirely within a fully enclosed building.
2. Outdoor storage and display as an accessory use may be allowed subject to approval from the Administrator.
3. Uses shall not emit smoke, odor, or objectionable waste materials.
4. No vibration shall be produced that is transmitted through the ground (and is discernible without the aid of instruments) at or beyond the lot line.
5. No direct glare from high temperature processes such as combustion or welding visible from the street shall be permitted.

### C. Outdoor Storage/Sales

1. Applicability
  - a. Any merchandise, material or equipment stored outside of a fully enclosed building shall be subject to the requirements of this section.
  - b. Vehicles for sale, lease or rent as part of a properly permitted use (including boats and manufactured housing) shall not be considered merchandise, material or equipment and shall be subject to the parking buffer requirements of Section [8.4, Buffers, Street Trees, and Screening](#).



**2. General**

Outdoor storage is more intensive than outdoor display. Materials stored in outdoor storage are not normally brought indoors overnight. Outdoor storage is broken in two (2) categories as follows:

**3. Limited Outdoor Storage**

- a. Limited outdoor storage shall be defined as the overnight outdoor storage of vehicles awaiting repair (includes the storage of vehicles at self-storage facility), merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers, shopping carts, garden supplies, building supplies, plants, fleet vehicles and other similar merchandise, material or equipment.
- b. Limited outdoor storage shall only be permitted in the B-2, B-3, and I districts following approval of a Major Site Plan in accordance with [Section 3.14, Site Plans](#), illustrating the extent of the permitted area for limited outdoor storage provided it meets the standards below.
  - (1) Limited outdoor storage shall not be more than twelve (12) feet in height and shall be fully screened from view from the public right-of-way, public parking areas, or adjacent residential development by a one hundred percent (100%) opaque visual barrier or screen. Chain-link fencing with slats inserted may be considered acceptable for this screening, except where located abutting or across the street from a residential use or residentially- zoned property.
  - (2) All limited outdoor storage shall be located at least fifteen (15) feet from the public right-of- way and any abutting residential use or residentially zoned district.
  - (3) Limited outdoor storage shall be located in the rear yard.
  - (4) Limited outdoor storage may be located to the side of a building, provided it is not located within the side yard.
  - (5) Vehicles awaiting repair may be stored up to fourteen (14) days within the required screened storage area.

**4. General Outdoor Storage**

- a. General outdoor storage shall be defined as salvage yards, vehicle storage yards, overnight outdoor storage of shipping containers, lumber, pipe, steel, junk and other similar merchandise, material, or equipment.
- b. General outdoor storage shall only be permitted in the B-2, B-3, and I districts following Town Board of Commissioners review of a major site plan in accordance with [Section 3.14, Site Plans](#), illustrating the extent of the permitted area for general outdoor storage provided it meets the standards below.
  - (1) General outdoor storage shall be screened by one hundred percent (100%) opaque, eight (8) foot high visual barrier or screen, except where located abutting or across the street from a residential use or residentially zoned property such screening shall be high enough to completely conceal all outdoor storage from view.

- (2) All general outdoor storage shall be located at least fifteen (15) feet from the public right-of-way and any abutting residential use or residential district.
- (3) No general outdoor storage shall be permitted in a street yard or otherwise forward of the front building line.
- (4) General outdoor storage shall be located in the side or rear yard.

#### **D. Wholesale/Warehouse**

1. Outdoor storage and display shall be prohibited.
2. Loading spaces shall be completely screened from the right-of-way.

#### **E. Racetracks**

1. For outdoor racetracks, no principal or accessory structure or other areas where race cars may be driven may be located closer than seven hundred fifty (750) feet to any existing principal structure on another lot.
2. All such uses may be in operation between the hours of 8:00 AM to 11:00 PM only.

### **5.12 INFRASTRUCTURE AND TRANSPORTATION USE STANDARDS**

#### **RESERVED**

### **5.13 ACCESSORY STRUCTURES AND USES**

#### **A. General**

Accessory structures and uses shall be consistent with all standards in the district for the principal use, except as expressly set forth below.

1. Accessory structures and uses shall be accessory and clearly incidental and subordinate to permitted principal uses. An accessory use shall only be allowed when a principal use exists.
2. Accessory structures and uses shall be located on the same lot as the permitted use or structure.
3. Accessory structures and uses shall not involve operations or structures not in keeping with the character of the primary use or principal structure served.
4. Accessory structures and uses shall not be of a nature likely to attract visitors in larger numbers than would normally be expected, where applicable.
5. An accessory use shall contribute to the comfort, convenience or necessity of occupants of the primary use served.
6. An accessory use shall be located within the same district as the principal use.
7. Tractor trailers, buses, shipping containers, or any other vehicle are prohibited as storage buildings or structures except as permitted on an active construction site.

**B. Accessory Structures**

Accessory structures, not including accessory dwelling units (see paragraph C.1 below) shall be subject to the following requirements:

**1. Zoning Permit Required**

It shall be unlawful to begin moving, constructing, altering, or repairing, except ordinary repairs, of an accessory structure, until the Administrator has issued a zoning permit for such work.

**2. Setbacks**

- a. No accessory structure shall be located closer than ten feet to any other building or manufactured home, other than the primary structure. Accessory structures may be attached to the primary structure.
- b. No accessory structure shall be placed between the roadway on which the building fronts and the front building line of principal structure.
- c. No accessory structure may extend within five feet of any lot line in R-2 and R-3 zoning districts, and within ten (10) feet in all other zoning districts. No accessory structure shall be located within twenty (20) feet of any street right-of-way.

**3. Height**

The height of an accessory structure shall not exceed the height of the principal structure.

**4. Non-Residential Accessory Uses and Structures**

Within any Business (B), Office (O) or Industrial (I) District, accessory structures shall be located as follows:

- a. Except as herein provided, no accessory structure shall be located in any required front or side setback. A water well or boundary fence may be located in any front, side or rear yard.
- b. Accessory structures are allowed within the rear yard area provided that no accessory structure, accept as allowed in subsection a., above, shall be allowed within ten (10) feet of a rear yard line, within twenty (20) feet in the case of any rear yard line which abuts a Residential (R) District, or within any utility easement.

**5. Residential Accessory Structures and Uses**

- a. Except as provided in [Section 5.3](#), on any lot containing a principal residential use, no accessory structure shall be permitted that involves or requires any construction features which are not primarily residential in nature or character except for structures erected for agricultural purposes.
- b. On any lot containing a principal residential use, the aggregate area of all accessory structures (excluding agricultural related structures, swimming pools, and satellite dish antennae) shall be a function of lot size as shown in the following chart:

Lot Size	Maximum Area of Accessory Structures*
Less than 1.0 acre	The maximum aggregate area of accessory structures shall be the greater of 10% of the lot size or 1,200 square feet, whichever is greater.

1.0 acre or greater	Individual accessory structures with an area of up to 1,200 square feet are permitted. The maximum aggregate area shall be limited to 50% of the area of the footprint of the principal structure.
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\* Exclusive of agricultural-related structures, swimming pools, and satellite dish antennae.

**C. Accessory Dwelling Units**

One accessory dwelling shall be permitted per lot and only in compliance with the following requirements:

1. The living area of the accessory dwelling shall not exceed the living area of the principal structure. In no case shall the total floor area of the accessory dwelling unit exceed 1,000 square feet.
2. The accessory dwelling may have a separate electrical meter.
3. The principal dwelling and accessory dwelling unit together shall not exceed the maximum building coverage and impervious surface requirements for the district.
4. All principal structure setbacks and yard requirements shall be met.
5. One additional parking space on the same premises shall be required for the accessory dwelling unit.
6. A subdivision with accessory dwelling units shall not exceed the maximum district density requirements, counting all principal dwelling units and any accessory dwelling units.
7. An accessory dwelling may be located within the principal structure or as part of an accessory structure. When located as part of an accessory structure, the following standards shall be met:
  - a. The accessory dwelling shall be located on the same lot as the principal structure.
  - b. The accessory dwelling shall be separated by at least ten feet from the principal structure.
  - c. The accessory dwelling shall be located in the rear or side yard of the principal structure. The rear and side setback shall be equal to those of all accessory structures.
  - d. Total building coverage and impervious surface area shall not exceed that permitted in the district.
  - e. The height of a principal structure shall not be exceeded by any accessory dwelling.
  - f. The accessory dwelling unit shall be architecturally consistent with the principal structure, such as same type and color of siding, trim and roofing.
8. Manufactured housing, campers, travel trailers, shipping containers, and recreational vehicles are not permitted for use as an accessory dwelling.

**D. Recreational Use, Accessory**

All outdoor accessory recreational uses (with the exception of outdoor swimming pools) located on a lot containing public or institutional uses must be located at least twenty (20) feet from any side or rear lot line, except fifty (50) feet shall be required if adjacent to a Residential (R) zoning district. Respective setbacks for outdoor swimming pools shall be fifty (50) and one-hundred (100) feet.

**E. Outdoor Display**

**1. Applicability**

- a. Any merchandise, material or equipment stored outside of a fully enclosed building shall be subject to the requirements of this section.
- b. Vehicles for sale, lease or rent as part of a properly permitted use (including boats and manufactured housing) shall not be considered merchandise, material or equipment and shall be subject to the parking buffer requirements of Section [8.4, Buffers, Street Trees, and Screening](#).

**2. Outdoor Display Standards**

- a. Outdoor display shall be defined as the outdoor display of products actively available for sale. The outdoor location of soft drinks or similar vending machines shall be considered outdoor display. Outdoor display shall not include merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers. Such merchandise shall be considered limited outdoor storage.
- b. Outdoor display shall be permitted in association with any nonresidential use following approval of a major site plan in accordance with Section [3.14, Site Plans](#), illustrating the extent of the permitted area for outdoor display provided it meets the standards below.
  - (1) Outdoor displays shall be permitted adjacent to the primary façade (façade with principal customer entrance) and shall extend no more than eight feet from such façade.
  - (2) An outdoor display shall be located no closer than five (5) feet from any public entrance.
  - (3) Outdoor display shall occupy no more than thirty percent (30%) of the horizontal length of the façade.
  - (4) Outdoor display shall not impair the ability of pedestrians to use the sidewalk or parking areas.

**F. Satellite-dish antennae with a diameter of greater than three (3) feet are allowed as an accessory use provided:**

- 1. The antenna has a diameter of no greater than fourteen (14) feet in width.
- 2. Not more than one (1) antenna per dwelling unit shall be allowed.
- 3. The antenna shall be located in the rear yard only (provided that any satellite dish with a width of three (3) feet or less shall be allowed in any yard.)
- 4. The antenna shall be located no closer than ten (10) feet to any side or rear lot line.

5. The maximum height of the antenna shall be forty (40) feet. If the satellite dish antenna is greater than six (6) feet in height, it must be attached to a structure.
  6. If one (1) or more of conditions above cannot be met, a conditional zoning may be sought by the applicant in accordance with Section [3.20, Conditional Zoning](#).
- G.** Barns, horse corrals, and similar agricultural-related structures may only be placed on residentially zoned lots having an area of three (3) acres of area or greater upon approval of a Conditional Zoning District by the Town Board.
- H.** Any outdoor swimming pool that has a depth of at least twenty (20) inches at its shallowest point shall be enclosed from adjoining lots by the principal building, an accessory building, or a solid wall or protective fence that is at least four (4) feet in height.

#### **5.14 ADDITIONAL USES**

**A. Mixed Use Buildings**

Yard requirements shall be based on the nonresidential use contained on the lot.

**B. Parking Lots and Decks**

These standards apply to parking lots and decks as a permitted principal use. These regulations are not applicable to parking lots or decks used or constructed as a portion of any other approved principal use.

**1. Screening**

For parking structures, vehicles shall be screened from view from the street and adjacent properties with walls or decorative screens (architectural or vegetative). Sloped ramps cannot be discernible along the perimeter of a parking structure.

**2. Materials**

For parking structures, masonry (brick, stucco, etc) materials shall be used on the majority of the first level of the structure's exterior façade.

**3. Blank Walls**

For parking structures, when adjacent to a street, residentially developed parcel, or residentially zoned parcel, blank wall void or features of visual interest may not exceed 40' in length or height. Visual interest features include façade articulation, change in material pattern, vegetation walls, murals, canopies, and glazing.

**4. Stairwells**

For parking structures, stairwells shall be open or enclosed with glass and be visible to the street for security reasons.

#### **5.15 TEMPORARY STRUCTURES AND USES**

Temporary structures and uses, when in compliance with all applicable provisions of this Ordinance and all other Ordinances of the Town of Cramerton, shall be allowed. The following temporary structures and uses shall be permitted:

**A. Mobile Food Vendors**

While the Town Code of Ordinances regulates uses within public rights-of-way and sidewalks, the Land Development Code outlines standards for commercial operations that are open to the public

on privately-owned properties. On property owned by the Town of Cramerton, mobile food vendors are required to obtain prior approval per Chapter 116 of the Town Code of Ordinances.

**1. Permitting & Location Requirements**

- a. Must obtain all necessary permits from the county health department and other relevant authorities. Copies of all permits must be filed with the Town as part of the zoning permit application.
- b. Must obtain a separate zoning permit from the Town for each parcel on which they intend to operate on.
- c. Vendors shall be situated at least five (5) feet from all property lines, with exceptions for contiguous parcels under common ownership.
- d. Operations must not encroach onto public streets, sidewalks, or obstruct required loading zones or parking spaces.
- e. Mobile food vending is permitted only in the following zoning districts: Central Business District (CBD), Business Districts (B1, B2, and B3), and Industrial Districts (I).

**2. Operational Standards:**

- a. Vendors must provide their own source of power and trash disposal facilities.
  - (1) Each mobile food vendor shall supply at least one receptacle for waste which must be emptied regularly and removed upon conclusion of hours of operation.
  - (2) Town waste receptacles shall not be used.
- b. The location of mobile food vendors shall not restrict pedestrian or vehicular circulation on-site and must comply with all zoning requirements for existing uses.
- c. Mobile food vending shall not be the primary use of a parcel of land.
- d. No seating is to be provided by mobile food vendors, and customers are not permitted to bring their own seating.
- e. No parcel shall have a mobile food vendor on the premises for more than two (2) non-consecutive days per week.

**5. Hours of Operation:**

Hours on-site shall be consistent with the operating hours of the principal building or use of the property, but not exceeding 7:00 a.m. to 11:00 p.m.

**6. Environmental and Safety Considerations**

- a. Generators, if used, must operate at a decibel level not disruptive to residential areas and comply with fire safety standards.
- b. Mobile food vendors shall not be located within thirty (30) feet of any fire hydrant.
- c. Mobile food vendors must maintain a minimum setback of fifty (50) feet from streams.

- d. Mobile food vendors must not be located within any regulatory floodway.
  - 7. Signage and Advertisement:

Signage displayed on the vehicle is permitted, and one additional sign or menu board (not exceeding 4 feet in height or 8 square feet) is allowed within ten feet of mobile unit during operation hours.
  - 8. Special Provisions
    - a. The sale of alcoholic beverages by mobile food vendors is prohibited unless covered by a special event permit.
    - b. Vendors are encouraged to align their offerings with the town's food variety, avoiding direct competition with existing local businesses.
  - 9. Compliance and Enforcement
    - a. Violations of these regulations will require immediate cessation of operations. Once the violation has been remediated, operations may be permitted to continue.
    - b. Random inspections may be conducted to ensure compliance with all applicable requirements.
- C. Construction trailers used in association with construction projects (but not used as a sales office) provided that the following conditions are met:
  - 1. Such construction trailers shall be located upon a building site upon receipt of a valid building permit for the construction project.
  - 2. All construction trailers shall be located on-site. No portion may be located within a street right-of-way.
  - 3. Construction trailers shall be removed prior to the issuance of a Certificate of Occupancy of the principal use on site.
- D. Temporary events, such as carnivals, circuses, turkey shoots, sales of Christmas trees, 4-H shows, tent assemblies, and similar commercial and charitable uses not otherwise listed as a permitted use in the district in which it is located and meet the following requirements, may be permitted upon authorization by the Administrator. This authorization may contain conditions such as duration of the use, hours of operation, signage, lighting, etc. and such conditions shall be made part of the permit issued by the Administrator. Temporary events shall meet the following
  - 1. Of a time duration of forty-five (45) days or less
  - 2. Occur no greater than two (2) times per year at any particular location, and
  - 3. Do not involve the use of any permanent structures
- E. In the event of a disaster, the result of which would require the rebuilding of a single-family dwelling, the owner and his family may occupy a manufactured home or recreational vehicle on the property. The permit granted by the Administrator, shall be for a six (6) month period and may be renewed by



the Town Board provided that construction of a new dwelling unit has proceeded in a diligent manner.

- F. Structures, whether temporary or permanent, located in a subdivision, and used as sales offices for the subdivision development are permitted. Such permits shall be issued by the Town for a period of one (1) year and are renewable for a period of time to be determined by the Town Board, provided the development is being actively marketed. At the completion of the sales in a tract or upon expiration of the permit, whichever occurs first, the temporary structure(s) shall be removed, and any permanent structure(s), temporarily used as a sales office shall be used only for a purpose otherwise permitted in that district. A manufactured home may also be used as a subdivision sales office provided that (i) the unit is underpinned and (ii) the tongue is removed

## Chapter 6. Subdivision and Infrastructure

### 6.1 PURPOSE AND INTENT

The purpose and intent of this chapter is to ensure the orderly and safe growth for residential and non-residential development of real property within the Town of Cramerton. Regulations outlined in this chapter are set forth to:

- A. Provide for the orderly and safe growth of the Town;
- B. Coordinate proposed development with existing development and infrastructure and with officially adopted plans of the Town;
- C. Provide new and existing development with adequate streets, utilities, and pedestrian infrastructure;
- D. Ensure roadway facilities are constructed with proper monumentation; and to
- E. Protect the public's health, safety and general welfare.

### 6.2 APPLICABILITY

Where the requirements of the Town of Cramerton, as contained in this ordinance, and the Comprehensive Transportation Plan differ, the more stringent requirement shall apply, except as otherwise approved by the North Carolina Department of Transportation (NCDOT).

### 6.3 MONUMENTS REQUIRED

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 installing permanent monuments.

### 6.4 CONFORMITY TO COMPREHENSIVE TRANSPORTATION PLAN.

Whenever a tract of land included within any proposed subdivision includes any part of a street or proposed street designated on the Gaston Cleveland Lincoln MPO Comprehensive Transportation Plan, the developer shall:

- A. Plat the part of the proposed public right-of-way in the location and to the width indicated on the Comprehensive Transportation Plan if such street is a part of the network of streets within or providing access to the proposed subdivision; or
- B. Reserve the part of the public right of way as shown on the Comprehensive Transportation Plan for street purposes and establish appropriate building setback lines if such street is not a part of the network of streets within or providing access to the proposed subdivision.

### 6.5 COMPLIANCE WITH ZONING REGULATIONS

All lots shown on a preliminary and final subdivision recording plat shall be in conformance with applicable zoning regulations of Chapter 4 of this Ordinance.

### 6.6 GENERAL STREET LAYOUT AND OWNERSHIP

- A. All proposed streets shall provide satisfactory alignment for continuation of existing, planned, or platted streets with which they are to connect.

- B. When a proposed subdivision contains or is adjacent to a railroad right-of-way, it shall be planned to avoid having residential lots front on a street that runs parallel and adjacent to the railroad right-of-way.
- C. When a tract of land to be subdivided includes a major or minor thoroughfare as designated on the Gaston Cleveland Lincoln MPO Comprehensive Transportation Plan or as otherwise approved by NCDOT, the developer shall provide a separate street permitting access to the lots abutting the major or minor thoroughfare. As an alternative, reverse frontage may be established along the major or minor thoroughfare provided that private driveways shall not have direct access to the major or minor thoroughfare.
- D. Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of gradient as specified in [Chapter 6](#) of this Ordinance.
- E. Street layout shall be so designed as to provide for future access to and not impose undue hardship upon undeveloped property adjoining the subdivision.
- F. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in relation to surrounding property, in conformity with all applicable street construction requirements as established in the NCDOT publication "[Subdivision Roads Minimum Construction Standards](#)" and other Town regulations concerning land development or use, and where the Town Board of Commissioners finds it practicable to require dedication of the other half when adjoining property is subdivided. Where a half street already exists adjacent to a tract to be subdivided, the other half shall be planned within such tract at the time of its subdivision.
- G. All streets contained within a subdivision shall be dedicated as public. Private streets may be allowed by the Town Board of Commissioners at their discretion so long as they meet all applicable construction standards of NCDOT and otherwise contained in this Ordinance.

## 6.7 ACCEPTANCE OF MAINTENANCE OF STREETS INSIDE TOWN

- A. The approval of a preliminary or final plat by the Town of Cramerton shall not constitute the acceptance by the Town of Cramerton of any publicly dedicated street, public utility line, or other facility shown upon such plat.
- B. The Town of Cramerton shall not maintain, lay out, open, improve, grade, pave or light any street or authorize the laying of water mains, sewers, connections, or other facilities or utilities in any street unless such street has been accepted as a public street by a resolution adopted by the Town Board of Commissioners in a regular or duly called special meeting.
- C. The Town Board of Commissioners shall not adopt any resolution accepting a new public street unless:
  1. The Town Board of Commissioners has received a written request from the developer or from a majority of the property owners along a street that such a street be accepted as a public street for maintenance by the Town of Cramerton.
  2. The Town Board of Commissioners receives a report from the Town Administrator that:
    - a. Either final approval of said street or streets was granted by the Town Engineer at least one (1) year prior to the time of such request for maintenance or that such street or streets existed as a public street prior to the effective date of this ordinance and as such have functioned as a street or streets for at least one (1) year; provided, however, that this one (1) year testing

period may be waived by the Town Board of Commissioners in cases where the development density standard set forth in Subsection b., below, has been met and the Town Board of Commissioners finds that the street or streets requested for maintenance would suffer damage from further delay of application of the final surface course required only under street construction standard; and

- b. At least fifty percent (50%) of the lots fronting on the street or streets requested for maintenance have a habitable dwelling unit located on it; and
  - c. Any defects which have appeared in new streets during the one (1) year waiting period or in the case of existing streets, any defects identified by the Town Engineer at the time such request for maintenance is made and have been repaired.
3. The Town Board of Commissioners determines that such street corresponds in its location and aligns with a street shown on a Preliminary Subdivision Plat formally approved by the Town Board of Commissioners or that said street was established as a public street prior to the adoption of this ordinance and therefore not subject to this ordinance.

## **6.8 MINIMUM REQUIREMENTS FOR STREETS OUTSIDE TOWN**

The owner and/or developer of a subdivision located within the Town's extraterritorial jurisdiction shall also comply with the minimum requirements for street improvements as required within the Town, as well as any additional requirements of the NCDOT as indicated in the Thoroughfare Plan, in order that the streets within the subdivisions may be accepted for maintenance by the NCDOT.

## **6.9 STREET RIGHT-OF-WAY DIMENSIONS**

A. Minimum street right-of-way widths shall be as follows:

1. Freeways, major thoroughfares, and minor thoroughfares shall comply with the requirements of the Town of Cramerton and NCDOT as outlined in the Comprehensive Transportation Plan.
2. Collector streets shall be not less than sixty (60) feet.
3. Residential streets shall not be less than fifty (50) feet.
4. Marginal access streets shall be not less than fifty (50) feet.
5. A street right-of-way, which is located within the Town's extraterritorial jurisdiction, shall comply with the requirements of this Ordinance and the NCDOT. The larger right-of-way width of the two (2) shall apply.

B. Cul-de-sac and permanent dead-end street layout shall be as follows:

1. Cul-de-sac and permanent dead-end streets shall be no more than eight hundred (800) feet in length, as measured from the centerpoint of the cul-de-sac to the intersection of the cul-de-sac street and the street providing access to the cul-de-sac.
2. Cul-de-sac and permanent dead-end streets shall terminate in a circular right-of-way with a minimum diameter of one hundred (100) feet, unless an equally safe and convenient form of turning space is approved by the Town.

## 6.10 PAVING WIDTHS.

*Note: Where the requirements of the Town of Cramerton, as contained in this ordinance, and the Comprehensive Transportation Plan differ, the more stringent requirement shall apply, except as otherwise approved by NCDOT.*

The width of pavement shall be as follows:

- A. The minimum width for freeways and major thoroughfares shall be as determined by the Town Engineer after duly considering the needs of the Town and the NCDOT as outlined in the Thoroughfare Plan.
- B. Minor thoroughfares (4-lane): Four (4), twelve-foot-wide traffic lanes, shall have a paving width of not less than fifty-three (53) feet back of curb to back of curb.
- C. Minor thoroughfare (3-lane): Three (3), twelve-foot traffic lanes, shall have a paving width of not less than forty-one (41) feet back of curb to back of curb.
- D. Collector streets (2-lane): two (2), fifteen and one-half-foot-wide traffic lanes, shall have a paving width of not less than thirty-five (35) feet back of curb to back of curb.
- E. Collector streets (3-lane): Three (3), twelve-foot-wide traffic lanes, shall have a paving width of not less than forty-one (41) feet back of curb to back of curb.
- F. Residential streets: Twenty-eight (28) feet back of curb to back of curb. [Two (2), twelve-foot-wide traffic lanes].
- G. Cul-de-sac or dead-end street pavement shall terminate with a paved turning area after duly considering the applicable NCDOT standards and other site locational factors.
- H. The minimum width for marginal access streets shall be as determined by the Town Engineer after duly considering the needs of the Town and the standards of the North Carolina Department of Transportation.

## 6.11 REQUIREMENTS FOR STREET PAVING

The paving of any newly dedicated or opened street, when provided by the developer; shall be installed in accordance with the specifications of the Town Engineer for the particular street involved, as follows:

- A. The minimum paving for the major freeways and major thoroughfares shall comply with the requirements of the Town of Cramerton and NCDOT and as determined by the Town Engineer after duly considering the needs of the Town and the NCDOT.
- B. The minimum paving for minor thoroughfare streets shall be two (2) inches bituminous concrete surface course, two and one-half (2.5) inches bituminous binder course, on an eight-inch (8") compacted stone base.
- C. The minimum paving for streets other than those referred to in subsections A. and B. above shall conform to the requirements established in the NCDOT publication "Subdivision Roads Minimum Construction Standards". Construction standards shall be based on the predominate soil group on which the road(s) are to be constructed as determined by soil testing conducted by a certified engineer at the developer's expense and approved by the Town Engineer.
- D. A concrete combination curb and gutter shall be installed along both sides of the street, and all such

installations shall be in complete accordance with NCDOT Subdivision Roads Minimum Construction Standards.

- E. Streets described in Subsections A and B above, shall be topped with a roadway surface that complies with the requirements of the Town of Cramerton and NCDOT and as determined by the Town Engineer.

## **6.12 STREET GRADES AND ALIGNMENT**

### **A. Grades.**

1. The minimum grades for freeways, major and minor thoroughfares shall comply with the requirements of the Town of Cramerton and NCDOT.
2. All other streets shall have grades no greater than ten percent (10%), unless prohibited by geographic or topographic conditions or otherwise approved by the Town Engineer.
3. No street shall have grades of less than one percent (1%) in the flow line, where concrete gutters are provided unless otherwise approved by the Town Engineer.

- B. **Street Grading.** Streets within the subdivision, and any other streets required to be opened to gain ingress and egress from existing streets into the subdivision, shall be graded by the developer to their full right-of-way width to provide adequate shoulders and pedestrian walkways. Such grading and construction shall be done in accordance with the typical cross-section and profile approved by the Town Engineer. The minimum distance permitted for any new street opened or constructed under this chapter shall extend the entire length of the property or phase being developed by the developer.

- C. **Vertical curves.** All changes in street grade shall be connected by vertical curves of a minimum length as determined by Town standards and specifications.

- D. **Horizontal curvature.** The minimum radius of horizontal curvature on the center line of a street shall be as follows:

1. Major thoroughfare streets – six hundred fifty (650) feet.
2. Minor thoroughfare streets – four hundred (400) feet.
3. Other streets – two hundred fifty (250) feet.

- E. **Tangents.** Between reverse curves on thoroughfares there shall be a tangent of not less than one hundred (100) feet, except where curves are spiral curves; all other streets shall have a tangent of not less than fifty (50) feet between reverse curves, unless otherwise approved by the Town Engineer.

### **F. Intersections**

1. All streets shall intersect at an angle as near ninety (90) degrees as possible and practicable.
2. In the interest of greater safety and better traffic flow at street intersections or block corners, the property lines at the intersection shall be rounded by an arc of a radius of not less than

twenty-five (25) feet on thoroughfares and by an arc of a radius of at least twenty (20) feet on all other streets.

3. Where streets intersect at an angle of less than ninety (90) degrees, the foregoing radii shall be increased to lengths prescribed by the Town Engineer.

#### **G. Sight Triangles**

1. On a corner lot in any district no planting, structure, sign, fence, wall or artificial obstruction to vision more than three (3) feet in height shall be placed or maintained within the site triangle.
2. The site triangle is the triangular area formed by the intersection of front or rear lot lines and the side lot line and a straight line connecting points on said lot lines, each point being twenty-five (25) feet in distance from the point of intersection.

### **6.13 PEDESTRIAN WALKWAYS.**

- A. Crosswalks including the necessary improvements, may be required at or near the center of any block which is more than one thousand (1,000) feet long, or at the end of cul-de-sac streets where deemed necessary for pedestrian circulation or for access to schools and commercial areas.

#### **B. Sidewalks:**

1. Construction standards. Sidewalks shall be placed and constructed in accordance with NCDOT standards.
2. Office Parks, Business Parks, and industrial Parks, Shopping Centers: Sidewalks shall be required on both sides of existing major or minor thoroughfares and extensions thereof. Sidewalks shall be required on one (1) side of major or minor thoroughfare where the street will not function, at the time the subdivision is approved, as a major or minor thoroughfare because of its lack of continuity.
  - a. Sidewalks shall be constructed on both sides of collector streets that provide direct traffic routes from neighborhood areas to or from arterial, secondary, or general traffic access streets.
  - b. Sidewalks shall be constructed on both sides of the following classes of streets provided that the sidewalk shall be located on the side of the street first subdivided. (The side of the street first subdivided shall mean that side of the street for which a preliminary subdivision plat is first approved after the effective date of this section):
    - (i) Secondary streets: Streets providing access to existing elementary schools, junior high schools, colleges, and official sites for such schools; and streets that provide access to existing places of public assembly.
    - (ii) Streets with such continuity through a subdivision or with such potential continuity through a subdivision and adjacent areas that they may serve as general traffic access streets for the neighborhood.

3. Residential Subdivisions.

- (i) Sidewalks shall be constructed on one (1) side of existing major or minor thoroughfare streets and both sides of extensions thereof. Sidewalks shall be constructed on one (1) side of the major or minor thoroughfare where the street will not function, at the time the subdivision is approved, as an arterial street because of its lack of continuity.
- 4. Location of Sidewalks. The outer edge of the sidewalk shall be located at the street right-of-way line.
- 5. Any existing sidewalks that are located on the tract of land to be subdivided shall be improved in accordance with NCDOT Standards.

#### **6.14 LAYOUT OF BLOCKS**

- A. The width of the blocks shall be sufficient to allow two (2) tiers of lots of appropriate depth where possible.
- B. Block length shall be not less than four hundred (400) feet and shall not exceed one thousand two hundred (1,200) feet except in cases where a longer block is necessary because of unusual topography.

#### **6.15 LOT LAYOUT**

Every lot created after the effective date of this ordinance shall conform with the underlying zoning regulations with respect to the minimum required street frontage. Notwithstanding, multiple lots designed for single-family detached dwellings or manufactured homes need not front on a street provided that all portions of each dwelling unit proposed shall be located within eight hundred (800) feet of a publicly or privately maintained street and provided further that access to each such lot be made available via either a recorded access easement that meets required street width standards contained in Section [6.10](#) of this Ordinance.

- A. Where public water and sewer facilities are not available each residential lot shall be a minimum of one acre in size, unless a larger size is required by the Department of Health. In no event shall the lot area be less than that prescribed for the area by this Ordinance.
- B. Side lot lines shall be as near as is practicable at right angles to the straight street or radial to curved streets.
- C. The depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service parking facilities required by the type of use and developments contemplated.

#### **6.16 SUBDIVISION NAMES, STREET NAMES, AND BUILDING NUMBERS**

- A. The proposed name of the subdivision and proposed street names shall not duplicate or too closely approximate, phonetically, the name of any other subdivision or street in the area covered by this chapter. Where proposed streets are continuations of existing streets, the existing street names shall be used.
- B. House or building numbers shall conform to the system established for the Town and shall be assigned by Gaston County's Building and Development Services Department.



## **6.17 WATER SUPPLY AND SANITARY SEWER COLLECTION.**

- A. Subdivisions in and outside of Town limits where public utilities are available: When a subdivision is within the corporate limits or outside the corporate limits, but utilities are accessible, the developer shall be responsible for the extension of such lines in accordance with [Title V, Chapter 50 of the Town Code of Ordinances](#). The developer shall provide water supply service and sanitary sewer service to every lot within the subdivision and shall provide for all utility easements necessary in the extension of these services.
- B. Subdivision where Town utilities not available: When a subdivision is either inside or outside the corporate limits and the water and sanitary sewer facilities of the Town are not available, the subdivision shall comply with all rules and regulations prescribed for private and/or community water supply and waste disposal by the North Carolina State Board of Health and the Gaston County Health Department. This approval shall be obtained from the proper authorities prior to submission of the preliminary plat to the TRC for consideration.

## **6.18 STORM SEWERS AND SURFACE WATER DRAINAGE.**

- A. Surface water in sanitary sewers prohibited. No surface water drainage shall empty into any sanitary sewer line.
- B. Requirements when public system available. If a public storm drainage system is reasonably accessible to the subdivision either by being within or by adjoining its boundaries, the developer shall connect with such storm drainage system and shall do all grading and ditching, and shall provide and install all piping, appurtenances, and drainage structures deemed necessary by the Town Engineer to properly carry the water to the storm drainage system.
- C. Requirements when public system not available. If a storm drainage system is not reasonably accessible to the subdivision, the developer shall do all grading and ditching, provide and install all piping, appurtenances and structures that are necessary to properly carry the surface water to locations within the boundaries of the subdivision which are acceptable to the Town Engineer.
- D. Construction requirements. The size, location, design of structures, mode of installation and type of materials for all construction of storm sewers shall be as approved by the Town Engineer. All storm drainage system pipes bearing vehicular loading shall be reinforced concrete pipe (ASTM C-76, latest amendment) or equivalent. All storm drainage construction shall be in accordance with the NCDOT standards and shall be inspected during construction by the Town Engineer or their representative.
- E. General drainage and utility easement. The developer shall provide a general drainage and utility easement for each and every underground pipe or open ditch drain when located in other than a public way, and such easement shall be of a width satisfactory to the Town Engineer.
- F. New drainage ways.
  - 1. Where new drainage ways are required, they shall be coordinated with existing and proposed general drainage systems and designed with due regard for safety, appearance, and geological effects.
  - 2. Drainage ways shall be located and constructed to maintain a natural appearance, shall be limited to safe water depths in easily accessible areas, and shall be designed to avoid excessive

rates of flow, erosion, or overflow into developed areas subject to damage.

3. In circumstances where there is to be a drainage way between two (2) lot lines or crossing a lot(s), the drainage way will be piped to the rear lot line or to a point as approved by the Town Engineer or their representative.

## **6.19 PUBLIC UTILITIES AND SERVICES**

- A. All public utilities and services lines will be below ground to the point of service. This includes, but is not limited to, lines for electric service, cable service, telephone service, water service and wastewater services.
- B. Easements shall be provided for storm and sanitary sewers, water lines and other utilities in such widths, and at such locations as may be required by the Town Engineer; in order to properly serve the lot and adjoining realty; but in no event shall the Town Engineer require less than easements of ten (10) feet in width along all rear lines and exterior side lot lines, and five feet in width along each side of all interior side lot lines. Notwithstanding, in no case may the width of an easement upon a lot be less than the minimum required side or rear yard setback for that lot per the requirements of the underlying zoning district.
- C. No principal or accessory structure may be placed within a utility easement.
- D. Streets lights will be installed by the developer in all subdivisions of six (6) or more lots located within the Town of Cramerton's corporate limits or in subdivisions within Cramerton's extraterritorial jurisdiction whose utility service agreement or other agreement with the Town calls for the voluntary annexation of the subdivided property. Distances between streetlights shall not exceed two hundred (200) feet. Street light intensity and placement shall be determined by the town in conjunction with the utility provider.

## **6.20 PERFORMANCE GUARANTEE REQUIREMENTS**

- A. Performance guarantees prior to recordation of a final subdivision plat must be in accordance with statutory standards of 160D-804.1.
  1. Optional agreement. In lieu of requiring the completion, installation, and, if applicable, dedication of all improvements prior to final plat approval, the Town may enter into an agreement with the developer whereby the developer shall guarantee completion of all required improvements as specified on the approved preliminary plat for that portion of the subdivision to be shown on the final plat within two (2) years from the date of final plat approval unless otherwise specified in the written agreement. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Town; provided, however, that all other requirements of this article are met. To secure this agreement, the developer shall provide either one (1) or a combination of the following guarantees in an amount equal to one and one quarter (1.25) times the costs, as estimated by the developer and approved by the engineer, of installing all required improvements on the approved preliminary plat for that portion of the subdivision to be shown on the final plat. The amount shall be subject to the approval of the Town Board of Commissioners.
    - a. Surety performance bond. The developer shall obtain a performance bond from a surety bonding company satisfactory to the Town, as applicable. A surety bonding company must at minimum be: (1) registered to do business with the North Carolina Secretary of State; (2) licensed to issue surety bonds in the State of North Carolina by the North Carolina

Department of Insurance; (3) rated at least "B+" by a reputable bond rating agency; and (4) possess a minimum of fifty million dollars (\$50,000,000.00) in assets. The Town Board of Commissioners may, within its sole discretion, insist upon alternative standards based upon the particular project, the estimated cost of completion of the improvements, and/or other factors indicating higher standards are warranted. The bond(s) must contain the following provisions: (1) the bond(s) shall remain in effect until such time as all improvements are installed and approved by the Town; (2) the surety bonding company, within fifteen (15) days of the Town providing notice of default, shall take over and complete all improvements or pay the Town in cash the estimated costs of installing the improvements as determined by the Town's planner or engineer; and (3) the Town shall be able to draw upon the bond(s) in the event that the developer defaults upon its agreement with the Town in accordance with subsection (3). Any charges associated with cost calculation or verification shall be borne entirely by the developer.

- b. Letter(s) of credit. The developer shall obtain an irrevocable letter(s) of credit issued by a commercial bank satisfactory to the Town Board of Commissioners. The commercial bank issuing the letter of credit must be: (1) organized under the laws of the United States of America or any state of the United States, or the District of Columbia; (2) authorized to do business in the State of North Carolina; (3) subject to regulation by the State of North Carolina or federal banking regulatory authorities; and (4) possess combined capital stock, surplus, and undivided profits aggregating at least one hundred million dollars (\$100,000,000.00). The Town Board of Commissioners may, within its sole discretion, insist upon alternative standards based upon the particular project, the estimated cost of completion of the improvements, and/or other factors indicating higher standards are warranted. The letter(s) of credit must contain the following provisions: (1) the letter(s) of credit shall be evergreen and shall not be subject to expiration until such time as all improvements are installed and approved by the Town Board of Commissioners, and shall require the issuing commercial bank to give at least sixty (60) days' notice of its intent to terminate the letter(s) of credit, upon which the Town can draw upon the letter(s) of credit; (2) the Town shall be able to draw upon the letter(s) of credit at any time on or before its expiration; (3) the commercial bank shall, upon written notification by the Town Board of Commissioners that the developer is in default, immediately pay to the Town the full amount, or any lesser amount of the letter(s) of credit, if requested by the Town Board of Commissioners; (4) the Town shall be able to draw upon the letter(s) of credit in the event that the developer defaults upon its agreement with the Town in accordance with subsection (2) of this section; and (5) the letter(s) of credit shall allow for presentment and collection at a location within a 30-mile radius of the Town.
  
- c. Cash or equivalent surety. The developer shall deposit cash, or other instrument readily convertible into cash at face value, such as a certificate of deposit or treasury-issued security, either with the Town or in escrow with a financial institution designated as an official depository of the Town. The use of any instrument other than cash shall be subject to the approval of the Town Board of Commissioners. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the developer shall file with the Town Board of Commissioners an agreement between the financial institution and the developer guaranteeing the following:
  - (1) Said escrow account shall be held in trust for the Town until released by the Town Board of Commissioners and may not be used or pledged by the developer in any other matter during the term of the escrow;
  - (2) That the financial institution shall, upon written notification by the Town Board of Commissioners stating that the developer is in default, immediately pay to the Town

all funds in said account, excluding any interest earned; and

- (3) That the duration of said escrow account(s) shall be until such time as all improvements are installed and approved by the Town Board of Commissioners, or until the developer provides the Town with an acceptable, alternative guarantee for the completion of installing all remaining required improvements on the approved preliminary plat for that portion of the subdivision to be shown on the final plat. Any charges associated with cost calculation or verification shall be borne entirely by the developer.
2. Duration of financial guarantees. The duration of the performance guarantee shall initially be one (1) year, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one (1) year from the date the bond is issued, unless the developer determines that the scope of work for the required improvements necessitates a longer duration.
3. Extension. A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of the Town, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period; provided, however, that the extension shall only be for a duration necessary to complete the required improvements. If a new performance guarantee is issued, the amount shall be determined by the procedure provided in 160D-804.1 and shall include the total cost of all incomplete improvements.
4. Release. The performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgement by the Town (or Gaston County) that the improvements for which the performance guarantee is required are complete.
5. Date of Default (Thirty days prior to expiration). All projects whose public improvements are not completed and accepted at least thirty (30) days prior to the expiration of the financial guarantee shall be in default, unless said guarantee is extended with the consent of the Town Board of Commissioners to a future date not to exceed six (6) months, or to a date determined by Town Board of Commissioners.
6. Default. Upon default by the developer, the Town Board of Commissioners, as applicable, may require the surety, the letter of credit issuer, or the financial institution holding the escrow account to pay all or a portion of the bond, letter of credit, or escrow account to the Town. Upon payment, the Town shall expend said funds to complete all or any portion of the required improvements as it deems necessary. For purposes of this section, default shall constitute any of the following: (1) failure on the part of the developer to complete, within the time period specified in the agreement in subsection (G) of this section, the required improvements as specified on the approved preliminary plat for that portion of the subdivision to be shown on the final plat; (2) failure on the part of the developer to install any improvement in accordance with the specifications or the regulations in the Town's ordinances; or (3) transfer of ownership of any portion of the property or lots located within the subdivision to another person or entity under no legal obligation to install the required improvements (e.g., foreclosure). If one of the above events occurs, nothing herein shall prevent the Town from declaring default prior to the expiration of the time period specified in subsection A.2 of this section.
7. Release of guarantee surety. In its sole discretion, the Town Board of Commissioners may release a portion of any security posted as the improvements are completed and recommended for approval by the Town Planner, so long as the Town maintains the posted security in an

amount equal to at least one and one quarter (1.25) times the estimated costs of installation of the remaining improvements. However, notwithstanding the above, nothing shall require the Town Board of Commissioners to release any portion of security posted until such time as all improvements are installed and approved by the Town Board of Commissioners. Within thirty (30) days after receiving the Town Planner's recommendation, the Town Board of Commissioners shall approve or not approve said improvements. Once all required improvements on the preliminary plat for that portion of the subdivision to be shown on the final plat have been installed and approved, then all security posted for said improvements shall be released by the Town Board of Commissioners.

- B. All subdivision construction, whether guaranteed by a surety bond or irrevocable letter of credit or other approved form of security, shall be inspected at all phases by the Town Engineer or their designated representative. Notice of all such inspection requests by the developer shall be given to the Town Engineer's office at least twenty-four (24) hours prior to the date such inspection is requested to be made. Upon completion of all the improvements required by this ordinance, written notice shall be given by the developer to the Administrator. The Town Engineer or their designated representative shall inspect said improvements and within thirty (30) days and either recommend the release of the security given to the Town Manager or indicate to the developer any area of non-compliance.
- C. For subdivisions being developed in phases, and upon which lots structures are being constructed, or are to be constructed, a bond, letter of credit, stocks or certificate of deposit filed with the Administrator in the amount determined by the Town Manager, shall be required thereon, or the bond required by subsection (d) of this section will be retained , in order to ensure that such subsequent streets shall be in acceptable condition at the time such subsequent phases of development are completed.
  - 1. In the event that there is no definite beginning date for the commencement of future phases and it would be, in the opinion of the Town Board of Commissioners, unreasonable to require the continuation of securities, the Town Board of Commissioners may direct the Town Manager to release the posted securities. This may be done only after the Town Engineer, or their designated representative has determined that all work guaranteed by the securities filed has been completed within the subject phase in compliance with the standards set forth in this ordinance.
  - 2. In addition to preliminary and final plat approval, all subsequent development of future phases or development of adjoining tracts whether or not such phases are shown on the preliminary plat required by Section [3.5](#) of this ordinance, shall not be allowed until the developer shall first have filed a bond or irrevocable letter of credit or other form of security as described in Subsection A. above with the Administrator in an amount determined by the Town Engineer and approved by the Town Manager.) Said bond shall be a maintenance bond to guarantee the maintenance of all streets to be used for access to future phases or adjoining tracts during development of said tracts or phases. For determining the amount of the bond required by this section, the Town Engineer and Manager shall consider the following:
    - a. The length of street in the existing subdivision or previously completed sections of the subject subdivision from the new subdivision site out to the nearest arterial street which is most likely to be used to provide access to the site;
    - b. The condition of any existing streets which are likely to be utilized for access to the property being developed;
    - c. The number of lots in the proposed development.

3. The maintenance bond required by this section shall not be released until the phase under development has met the criteria for acceptance of streets as outlined in Section [6.7](#) of this ordinance and it has been determined by the Town Engineer that streets which were used for access to future phases or adjoining tracts are in an acceptable condition and that any damage suffered by said streets has been repaired. For the purpose of this section, any damage suffered by a street used for access to property being developed shall be presumed to have been caused by construction traffic except any defects noted by Town Engineer or their designated representative as herein provided for. Town Engineer or their designated representative shall on request from the developer inspect existing streets likely to be used by construction traffic and document the condition of said streets prior to commencement of development of said subdivision. Any existing defect in streets will be noted and the developer will not be responsible for repair of such existing defects.

## Chapter 7. Environmental Protection

### 7.1 SOIL, SEDIMENTATION, AND EROSION CONTROL

#### A. General.

The Town of Cramerton has adopted the rules and regulations of the Soil Erosion and Sedimentation Control of the Gaston County Code of Ordinances. The Town relies on Gaston County Natural Resources for the review of Erosion and Sediment Control Plans. Plan approval is required prior to the initiation of grading or any land disturbing activities.

#### B. Purpose.

To prevent the pollution of water sources, bodies of water, waterways, and public and private property by controlling erosion of land and sedimentation.

#### C. Approval Required.

Gaston County Natural Resources will issue approval if the plans comply with the ordinance requirements. Approval must be submitted to the Town of Cramerton prior to the Town issuing a permit for grading or land disturbing activities.

#### D. Enforcement.

In coordination with Gaston County Natural Resources and where a site is not in compliance with the approved plans and requirements of the Ordinance, the County is responsible for the enforcement of this Ordinance.

### 7.2 STORMWATER MANAGEMENT

#### A. General.

The Town of Cramerton has adopted Article VI., Stormwater Utility of Chapter 155 of the Town of Cramerton Code of Ordinances. The Town has an agreement with the County to review, approve, and inspect all pre-construction plans and activities.

#### B. Purpose.

To control and minimize the qualitative and quantitative impacts of stormwater runoff from development with the limits of the Town of Cramerton and its ETJ.

#### C. Permit Required.

A Stormwater Management Permit must be issued by Gaston County prior to the Town issuing final Plan or Plat approval.

### 7.3 FLOOD PREVENTION

All land located within the Special Flood Hazard Areas within the Town of Cramerton and its ETJ are subject to the Regulations contained in Chapter 154, Flood Hazard Damage Prevention Regulations of the Town of Cramerton Code of Ordinances.

### 7.4 STREAM BUFFERS AND SETBACKS

#### A. Purpose

The primary purpose of this Section is to maintain land adjacent to surface waters in a vegetated state in order to enhance and maintain water quality, protect stream channel wetlands, minimize stormwater runoff, reduce sedimentation and erosion, provide nutrient removal, conserve plant and

wildlife habitat, require a setback between new structures and streams, and protect wildlife movement corridors.

#### **B. Applicability and Requirements**

In the Catawba River basin, buffers are required along intermittent and perennial streams, lakes, ponds, and estuaries if the feature is shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Services of the UDSA or the most recent version of the 1:24,000 scale quadrangle topographic map prepared by the United States Geological Survey (USGS). The requirements of the Catawba River Basin riparian buffer rules, found in 15A NCAC 02B.0614, apply.

1. An Authorization Certificate or variance from the riparian buffer requirement shall be reviewed and approved by the North Carolina Division of Environmental Quality per 15A NCAC 02B.0614.
2. The total square footage of impervious surface of any encroachment shall be represented on the plan set for ease of review and enforcement of mitigation efforts that may be required as a portion of the associated development plan approval.

#### **C. Procedures for Development Applications**

1. For all development applications, clearly show the water or natural feature and the associated riparian buffer or stream setback labeled on the approved plans.
2. Provide a copy of the buffer impact Authorization Certificate from NCDEQ, Division of Water Resources, along with a copy of the application.
3. A note shall also be added to all plan sets or plats detailing the Authorization Certificate permit number, any conditions of approval, as well as the date of approval.

### **7.5 RESOURCE CONSERVATION AREAS**

#### **A. Purpose.**

To preserve and protect the natural resources located in development areas from encroachments and construction damage and to ensure continuous open space along resources corridors for wildlife and passive recreational uses.

#### **B. Applicability.** The requirements of this section apply to all development applications that contain areas of natural resources. The applicable resources are as follows:

1. Waters of the State
2. Streams (Intermittent and Perennial)
3. Floodway and Floodplain (Zone A, Zone AE, and Zone B or Shaded Zone X)
4. Wetlands
5. Slopes greater than 25%

#### **C.** No portion of a Resource Conservation Area may be counted toward the minimum lot area required by this Code.

1. On lots less than 43,560 square feet in residential subdivisions, no portion of newly platted lots may include Resource Conservation Area.



2. If areas of resource protection are located on a newly created lot, these areas shall be included in a conservation easement and/or deed restricted against encroachment or additional development.
- D. Only fifty percent (50%) of the Resource Conservation Areas may be counted toward the open space requirements of this Code.

## Chapter 8. General Development Standards

### 8.1 OPEN SPACE AND RECREATION

#### A. Purpose

Recreation and open space are an integral part of every community. The purpose of this section is to require open space for the preservation of natural features, adding character and amenities to development, and provides active and passive recreational opportunities for the residents, employees, and visitors of Cramerton.

#### B. Minimum Requirements

##### 1. Residential

All new residential development shall be required to set aside at least ten (10) percent of the total site area for the provision of open space.

##### 2. Mixed Use

All new mixed-use development containing both residential and non-residential components shall set aside at least five (5) percent of the total site area for the provision of open space.

##### 3. Exemptions

The following development shall not be subject to the provision of open space and recreational facilities unless otherwise required by this Code:

- a. Expedited and Minor subdivisions
- b. Residential infill development or individual residential dwellings not part of a subdivision, site plan, special use, or conditional rezoning approval.

#### C. Provision of Open Space

1. The required open space may include areas with environmental resources but shall not include more than fifty (50) percent of Resource Conservation Areas.
2. The land reserved for the provision of open space shall be located either on the subject site or may be provided in another location with the recommendation of the Planning Board and the approval of the Board of Commissioners. A fee-in-lieu of the provision of open space or recreation area may be made using the formula contained in Subsection L. A combination of dedication and payment-in-lieu may be used to meet these requirements.
3. The applicant is required to either dedicate the land for recreation and/or open space use to the Town or provide private space and/or facilities for the use of residents or patrons of the development. The Town Board of Commissioners reserves the right to refuse to accept dedication of parcels for subdivisions.
  - a. The location of the proposed recreation and open space areas, their suitability for recreational use, and any recreational plans adopted by the Town shall be considered in determining whether to accept dedication, payment-in-lieu, or require private responsibility. The decision shall be made by the Town Board of Commissioners or Administrator on approval of preliminary subdivision plans, special use permits, or site plans.

- b. If the Board refuses the dedication or if a private open space or recreation facilities are proposed, the applicant shall provide information related to the ownership and responsibility of the open space, such as the property owner, a Property Owner's Association or Land Conservancy or Trust, in accordance with Section.

**D. Recreation Required.**

- 1. A minimum of fifty (50) percent of all required open space shall be dedicated and designed to allow for recreational features.
- 2. Recreation features must include both active and passive recreation. Active recreation must be at least fifty (50) percent of the required recreation acreage.

*For example, a fifty (50) acre residential development requires, at minimum, ten (10) percent or five (5) acres of land dedicated to open space. Of that five (5) acres, a minimum fifty (50) percent (e.g., 2.5 acres) shall be dedicated for recreation and a minimum of fifty (50) of the recreation acres shall be active recreation (e.g. 1.25 acres)*

- 3. Programming of spaces must be indicated on the plans at the time of submittal.

- 4. Active Recreation may include but is not limited to the following:

- a. Lawn games or permanent gaming tables
- b. Playgrounds
- c. Courts (tennis, pickleball, basketball, etc.)
- d. Swimming pools
- e. Splash pads
- f. Athletic Fields (baseball, soccer)
- g. Clubhouses, pavilions, amenity centers
- h. Workout circuits and exercise facilities
- i. Golf courses
- j. Disc Golf
- k. Dog parks (w/amenities)
- l. Lakes and Ponds (with boating, fishing, etc)

- 5. Passive Recreation may include but is not limited to:

- a. Walking trails
- b. Pollinator Gardens
- c. Community Gardens
- d. Open lawn spaces or greens
- e. Picnic areas
- f. Dog parks (just fenced)
- g. Greenways
- h. Boardwalks
- i. Lakes and Ponds (no water sports or activities)

**E. Configuration of Open Space**

- 1. The minimum width for any required open space shall be fifty (50) feet. Exceptions may be granted by the Town Board of Commissioners for items such as trail easements, mid-block crossings, linear parks/medians, when their purpose meets the intent of this section.

2. At least fifty (50) percent of the required open space shall be in a contiguous parcel. For the purposes of this section, contiguous shall include any recreation and open space bisected by a residential street (including a residential collector) or driveway, provided that:
  - a. A pedestrian crosswalk is constructed to provide access to the recreation and open space on both sides of the street or sidewalk; and
  - b. The right-of-way area is not included in the calculation of minimum recreation and open space required. The recreation and open space shall adjoin any neighboring areas of recreation and open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected recreation and open space.
3. In residential areas, the required recreation and open space shall be directly accessible to the largest practicable number of units within the development. Non-adjoining units shall be provided with safe, convenient access to the open space (i.e., mid-block connections in logical locations). No unit within the development should be further than a quarter mile radius from the required recreation and open space. This radius shall be measured in a straight line, without regard for street, sidewalk, or trail connections to the open space.
4. Access to the recreation and open space shall be provided either by an abutting street, parking areas, or easement. Such an easement shall be not less than thirty (30) feet wide.
5. In the case that a development or subdivision is being developed in phases, the amount of recreation and open space shall be computed separately for each phase but may be combined with existing recreation and open space in earlier phases to create a larger uniform area.

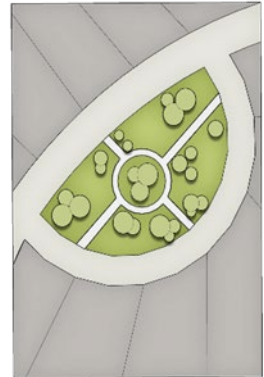
**F. Types of Open Space.**

All development applications which require the provision of open space and/or recreation shall indicate which types of open space is being provided.

**1. Tot Lot & Playgrounds (Private Only).**

*Playgrounds provide play areas for children as well as open shelters and benches. Playgrounds may be built within Squares, Greens, Mini Parks, and Neighborhood Parks or may stand alone within a residential block.*

Playgrounds shall be designed with commercial grade play equipment for two (2) age groups: tot lot for children ages one (1) to five (5); and separate play equipment for children ages six (6) to ten (10). May include picnic units and shelters. Minimum requirements include two (2) park benches and one (1) trash receptacle. Must have shock absorbing surface with a maximum two (2) percent slope. Playgrounds must meet all federal, state, and local regulations and be compliant with the Americans with Disabilities Act. Due to the continuing maintenance obligations, the Town does not accept the dedication of tot lots and playgrounds.



**2. Mini Park (Private Only).**

*The Mini Park provides active recreational facilities for the use by the residents of the immediate surrounding neighborhood within the development.*

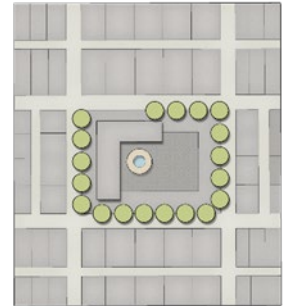


Size is from five hundred (500) square feet to one (1) acre. May include tennis courts, basketball courts, playgrounds and seating accommodation. Each mini park shall be centrally located and easily accessible so that it can be conveniently and safely reached and used by those people in the surrounding neighborhood it is designed to serve. Rear facing lots are allowed. Mini parks shall be attractively landscaped and be provided with sufficient natural or man-made screening or buffer areas to minimize any negative impacts upon adjacent residences. Due to the continuing maintenance obligations, the Town does not accept the dedication of mini parks.

**3. Plaza.**

*Plazas are for passive recreation use adjacent to a civic or commercial building. Plazas are paved in brick or another type of imperious surface.*

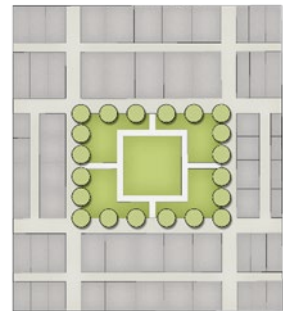
Plazas shall be level, stepped or gently sloping. At no time shall a plaza's horizontal length or width be greater than three (3) times the height of surrounding buildings. Size is from two thousand (2,000) to thirty thousand (30,000) sq. ft.



**4. Squares.**

*Squares are formal areas for passive recreation bound by streets or front facing lots.*

Squares shall be bound by streets on a minimum of three (2) sides or seventy-five (75) percent of their perimeter and may be bound by front facing lots on one (1) side or twenty-five (25) percent of their perimeter. No rear facing lots allowed adjacent to a square. Trees plantings are encouraged parallel to the street right of way. Geometrical tree planting layouts for internal plantings are encouraged. Minimum size is five hundred (500) square feet to one (1) acre.



**5. Green.**

*The green is an informal area for passive use bound by streets or front facing lots.*

A green shall be bound by streets on a minimum of three (3) sides or seventy-five (75) percent of their perimeter and may be bound by front facing lots on one (1) side or twenty-five (25) percent of their perimeter. No rear facing lots allowed adjacent to a Green. Tree plantings can be informal and the topography irregular. Greens may be used to preserve specimen trees. Size is five hundred (500) square feet to one (1) acre.



**6. Neighborhood Park.**

*Neighborhood Parks are designed for active or passive recreation use. Maximum park size can exceed five acres if the Neighborhood Park creates an open space that services an entire neighborhood or a group of neighborhoods; or incorporates physical features which are an asset to the community (i.e., lake or river frontage, high ground, or significant stands of trees).*

Minimum size from one (1) to five (5) acres. Neighborhood parks shall be bound by streets on a minimum of fifty (50) percent of their perimeter. Front facing lots are encouraged around the perimeter. Neighborhood Parks shall include benches and walking paths. Neighborhood Parks may include but are not limited to tennis courts, racquet ball courts, basketball courts, volleyball courts, ball fields, swings, slides, playgrounds, dog parks, benches, restrooms, picnic units, shelters, walking paths and parking areas.



**7. Clubhouse/Pool Amenity Area.**

*Clubhouse/pool areas can be found in a neighborhood park, mini-park or alone as an amenity area for the residents of a developed community. Clubhouse/pool areas can include swimming pools, group activity room, gazebos, outdoor eating areas, and exercise stations.*

Pools should be a minimum size of one thousand (1,000) square feet. Clubhouses and swimming pools must meet all applicable building and health codes for the Town and the State of North Carolina.



**8. Greenway.**

*Greenways typically follow natural or constructed features such as streams or roads and are designed to incorporate natural settings such as creeks and significant stands of trees within neighborhoods, and are used for transportation, recreation, and environmental protection. Greenways differ from parks; plazas and squares in that their detailing is natural (i.e. informally planted) except along rights-of-way, and may contain irregular topography.*

The design of the greenway should incorporate conservation of existing mature tree canopy and landscape, protection of existing natural drainage ways and creeks. Improvements shall include paved walks/trails and benches, and trash receptacles.

**G. Adopted Municipal and County Plans**

Adopted municipal and county plans shall be taken into consideration when evaluating land proposals.

**H. Permitted Uses of Recreation and Open Space**

Uses of recreation and open space may include the following:

1. Conservation areas for natural, archeological or historical resources. Meadows, woodlands, wetlands, wildlife corridors, game preserve or similar preservation-oriented areas, not to exceed fifty (50) percent of the total area.
2. Pedestrian or multipurpose trails;
3. Passive recreation areas;

4. Active recreation areas, provided that impervious area is limited to no more than fifty (50) percent of the total recreation space;
5. Golf courses (excluding clubhouse areas and maintenance facilities), provided the area does not exceed fifty (50) percent of the required recreation and open space, and further provided that impervious area is limited to no more than ten (10) percent of the total recreation and open space;
6. Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts;
7. Landscaped stormwater management facilities, provided that it occupies no more than thirty (30) percent of the total open space and recreation area;
8. Buffer areas containing existing vegetation;
9. Other conservation-oriented uses compatible with the purposes of this chapter.

**I. Prohibited Uses of Recreation and Open Space**

Recreation and Open space shall not include the following:

1. Community or individual wastewater disposal systems;
2. Overhead or underground utility easements and rights-of-way, drainage easements, access easements.
3. Streets (except for street crossings as expressly provided above) and parking areas; and
4. Other activities as determined by the applicant and recorded on the legal instrument providing permanent protection.

**J. Ownership and Management of Recreation and Open Space**

**1. Ownership**

Recreation and open space shall be accepted and owned by one (1) of the following entities:

- a. **Town of Cramerton.** The responsibility for maintaining the recreation and open space, and any facilities shall be borne by the Town.
- b. **Land conservancy or land trust.** The responsibility for maintaining the recreation and open space, and any facilities shall be borne by a land conservancy or land trust.
- c. **Property Owner's Association.** A Property Owner's Association representing residents of the subdivision shall own the recreation and open space. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The Property Owner's Association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the recreation and open space, and any facilities shall be borne by the Property Owner's Association.
- d. **Private landowner.** A private landowner may retain ownership of recreation and open space for non-residential uses only. The responsibility for maintaining the recreation and open space, and any facilities shall be borne by the private landowner.

## **2. Management**

Applicants shall submit a plan for the management of recreation and open space and other common facilities that:

- a. Allocates responsibility and guidelines for the maintenance and operation of the recreation and open space, and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
- b. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the recreation and open space and outlines the means by which such funding will be obtained or provided;
- c. Provides that any changes to the Plan be approved by the Town;
- d. Provides for enforcement of the Plan; and,
- e. A management plan shall be recorded with the final Plat.

## **3. Maintenance**

- a. Passive recreation and open space maintenance is limited to removal of litter, dead tree and plant materials (that is obstructing pedestrian movement), and brush; weeding and mowing. Natural water courses are to be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.
- b. No specific maintenance is required for agricultural uses.
- c. Active recreation and open space areas shall be accessible to all residents of the development. Maintenance is limited to ensuring that there exist no hazards, nuisances or unhealthy conditions.

## **4. Failure To Maintain**

In the event the party responsible for maintenance of the recreation and open space fails to maintain all or any portion in reasonable order and condition, the Town may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the Property Owner's Association, or to the individual property owners that make up the Property Owner's Association and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

## **K. Legal Instrument for Permanent Protection**

1. The recreation and open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one (1) of the following:
  - a. A permanent conservation easement in favor of either:
    - (1) A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for re-transfer in the event the organization becomes unable to carry out its functions; or



- (2) A governmental entity with an interest in pursuing goals compatible with the purposes of this chapter. If the entity accepting the easement is not the Town, then a third right of enforcement favoring the Town shall be included in the easement.
  - b. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
  - c. An equivalent legal tool that provides permanent protection, if approved by the Town.
2. The instrument for permanent protection shall include clear restrictions on the use of recreation and open space. These restrictions shall include all restrictions contained in this Chapter, as well as any further restrictions the applicant chooses to place on the use of the recreation and open space. Where appropriate, the instrument shall allow for stream or habitat restoration within the easement area.

**L. Fee in Lieu of Open Space Dedication**

1. Any person developing and/or subdividing property subject to this Chapter, upon approval of the Board of Commissioners, may make a full or partial payment in lieu of any required dedication of open space land.
2. Value Determination.
  - a. For all developments payment in lieu of open space and/or recreation shall be the product of the average post-development appraised value per acre of the land within the development multiplied by the number of acres required to be dedicated: as shown in the following formula and as described in subsections b. and c. below:
  - b. Average Post Development Appraised Per Acre Value of Entire Development x (Required Open Space Dedication) = Payment in Lieu Dedication Fee
  - c. The Average Post Development Appraised Value per acre of the Entire Development shall be established by an appraiser at the applicant's expense. The appraiser shall be a member in good standing of the American Institute of Real Estate Appraisers.
  - d. Any disagreement in the amount of the required payment shall be resolved by conducting a second professional appraisal of the fair market value of the property. Another professional appraiser shall be mutually agreed upon by the developer and Town. This appraiser shall be appointed by the Town, at the developer's expense, should an initial agreement not be reached.
3. The Board of Commissioners may, at its discretion, accept either an equitable amount of land in another location or a fee paid to the Town in lieu of dedication. A combination of open space land dedication and payments-in-lieu of dedication may be permitted.
4. All open space land dedication payments made in lieu of dedication shall be made at the time of Final Plat approval. Failure to make such dedication and/or submit the required fee along with such applications will delay approval of such submissions until payment is rendered. All funds received for payment in lieu of dedication shall be deposited in a special fund or line item to be used only for the acquisition, development, management and/or redevelopment of public open space by the Town.

5. Reasons for payments in lieu of dedication may include, but are not limited to, proximity to existing public parks and/or existing topographic or geographic conditions.

## **8.2 ALTERNATIVE RESIDENTIAL DESIGN STANDARDS**

### **A. Zero Lot Line**

1. A single side yard shall be provided comprising the equivalent of two (2) side yards of a conventional detached house. This reduction shall not be allowed on the street yard or to the side yard adjacent to lots that are not part of the zero-lot line project.
2. An easement between the two (2) property owners to allow for maintenance or repair of the house shall be required when the roof overhang or side wall of the house are within four (4) feet of the adjacent property line (no roof overhang shall be permitted to extend across the property line). The easement on the adjacent property must provide at least five (5) feet of unobstructed space. The easement shall be recorded on the subdivision plat.
3. If the side wall of the house is on the property line, or within three (3) feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot shall not be allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, shall be allowed.

## **8.3 LANDSCAPING AND TREE PROTECTION**

### **A. Purpose**

It is the intent of this chapter to provide landscape requirements that protect existing trees and natural vegetation as well as manage the installation and long-term maintenance of all landscaping. The regulations in this chapter seek to maintain an overall canopy of mature trees and supplement with functional and ornamental landscaping throughout the community in order to:

1. Provide an aesthetically pleasing, positive community image that is associated with the landscape features.
2. Minimize visual impacts from adjacent properties, creating a sense of space and privacy
3. Protect and enhance property values;
4. Encourage creative design that incorporates and protect important natural and environmental features;
5. Moderate climate and reduce energy costs;
6. Improve the streetscape experience for drivers, riders, and pedestrians; and
7. Mitigate the negative impacts of noise, glare, air and water pollution, stormwater, and soil erosion.

### **B. Applicability**

The requirements of this section shall apply to all proposed improvements or disturbance to land, public and private, in the Town of Cramerton's zoning jurisdiction as outlined:

1. **Expansions and Changes of Use.** These regulations shall apply to all newly developed properties as well as changes of use, expansions which increase the gross heated square footage of an existing building by more than twenty-five (25) percent, and expansions of vehicle accommodation areas by more than twenty-five (25) percent.
2. **Modification of Standards.** Where necessary to accommodate creativity in site design, or where topographic or physical site conditions are not feasible, the Administrator may modify these requirements, provided that the type and amount of landscaping or other features are equivalent in effectiveness.
3. **Emergencies.** In the case of emergencies such as windstorms, ice storms, fire, or other disasters, the requirements of this Ordinance may be waived by the Town during the emergency period so that the requirements of this Ordinance will in no way hamper private or public work to restore order in the Town. This shall not be interpreted to be a general waiver of the intent of this Ordinance.
4. **Exemptions.**
  - a. **Lots Less Than Two (2) Acres.** Any lot less than two (2) acres shall be exempt from the tree protection provisions of this chapter. Subdivision of property to circumvent these requirements is not permitted.
  - b. **Timbering and Silviculture.** Normal forestry activity on forestland that is taxed on the basis of its present use value as forestland under Article 12 of Chapter 105 of the General Statutes or that is conducted in accordance with a forest management plan that is prepared or approved by a forester registered in accordance with Chapter 89B of the General Statutes shall be exempt from the tree protection provisions of this Chapter.
    - (1) Timbering and forestry practices shall not be used to circumvent the requirements of this Chapter.
    - (2) Clear cutting of a site in a manner not consistent with the requirements of Section F, Tree Protection, is prohibited.
    - (3) If one of the forestry exemptions in subsection b. above, is used to remove all or some of the trees that would have been protected by this section, no application for development shall be accepted for improvement of the land for a period of three (3) years after completion of the forestry activity, pursuant to NCGS 160D-921(c)(1)(a)
    - (4) If one of the forestry exemptions in subsection b. above, is not met and some or all of the trees that would have been protected by this section are willfully removed, no application for development shall be accepted for improvement of the land for a period of up to five (5) years after completion of the forestry activity or site clearing and/or grading, pursuant to NCGS 160D-921(c)(1)(b)
    - (5) In the event an application is submitted for an exempted development, cleared, but then converted to a development subject to the requirements of this Chapter, approval of the converted application shall be delayed for a period of up to five (5) years after the completion of the forestry activity or site clearing and/or grading, pursuant to NCGS 160D-921(c)(1)(b).

**C. Landscape Plan Required.**

1. A landscape plan shall be submitted in conjunction with a required subdivision plat or site plan application (see Chapter 3, *Procedures*).
2. A registered Landscape Architect shall prepare all landscape plans. The landscape plan shall adequately detail the requirements of this section.

#### **D. Design Considerations**

1. When designing any site, careful consideration shall be taken regarding the preservation and long-term survival of environmental resources, specifically existing trees. Sites should be designed with the intention of preserving specimen trees and utilizing as existing vegetation to meet the landscape requirements of this Chapter. Significant trees, those healthy and larger than 12" DBH, are an invaluable resource to the community as they provide significantly more benefits related to air quality, water quality, erosion prevention, etc. than newly planted trees. When designating trees to be preserved, the applicant shall incorporate as many significant trees as possible into a contiguous canopy, understanding that all healthy trees over 48" should be preserved.
2. Understanding that construction and the removal of trees can easily damage trees that are slated to remain, the location of tree protection zones should be considered when designing the site.
3. The design of new landscaping should evenly place vegetation throughout the landscaped area but may be staggered or clustered as necessary to maximize visual and screening objectives, and to meet the needs of the particular species of plants for root space, water, light, and air circulation.
4. When designing roadways and lot placement, consideration should be given to the location of street trees. If they are to be located within the public right-of-way, potential conflicts with on-street parking, utilities, streetlights, sidewalks, driveways and intersections, and bicycle facilities, should be avoided.

#### **E. Existing Vegetation**

The use of existing trees or shrubs to satisfy the landscaping requirements of this Chapter is strongly encouraged. Existing significant vegetation within a landscaped area required by this Chapter shall be preserved unless otherwise approved by the Town of Cramerton at the time of land development approval, and shall be credited toward the applicable standard.

#### **F. Tree Protection During Construction**

1. Existing trees specified on the landscape plan to remain on the site as a function of fulfilling the purpose of this section shall be protected from vehicular movement and material storage over their root spaces during the following construction. The Critical Root Zone (CRZ) of the preserved trees shall be identified and protected through the placement of tree protection fencing.
2. The Critical Root Zone is the circular area of ground surrounding a tree extending from the center of the tree to the greater of:
  - a. One and one half (1.5) feet per caliper inch DBH (diameter at breast height) of the tree;
  - b. The dripline (furthest extent of the canopy) of the tree; or
  - c. Six (6) feet

3. All existing trees and vegetation that are to be preserved shall be completely enclosed with a sturdy and visible fence prior to any land disturbance. Fencing shall extend to the CRZ. In some instances, the Administrator may require an additional area of no disturbance.
4. All protected trees must be protected from silt with wire mesh fencing, placed along the outer uphill edge of the tree protection zones at the land disturbance interface.
5. There shall be no clearing, excavation, soil compaction, storage of equipment, or changes of the existing grade within the delineated tree protection zones. Should the removal of underbrush vegetation take place, every effort should be made to minimize the disturbance.

**G. New Plant Material**

In general, new plant material should complement existing vegetation native to the site. The use of drought-tolerant, indigenous, native and/or regionally grown species of trees, shrubs, and groundcover is encouraged in order to make planted areas compatible with existing native habitats and to reduce dependency on irrigation.

**1. Minimum Size**

Landscaping should be of sufficient size so that mature appearance will be achieved within three (3) years of installation for shrubs and within five (5) years of installation for trees. Where the following minimum size requirements overlap, the higher standard shall prevail:

- a. Evergreen trees of any classification shall not be less than eight (8) feet in height with a minimum two (2) inch caliper.
  - b. Multi-stemmed trees of any classification shall have at least three (3) stalks and not be less than eight (8) feet in height.
  - c. Canopy trees shall not be less than eight (8) feet in height with a minimum two (2) inch caliper.
  - d. Understory trees shall be a minimum of one and a quarter (1¼) inch caliper and have a minimum height of six (6) feet.
  - e. Shrubs shall be at least three (3) gallons in container size, have a minimum height of twenty-four (24) inches and have a minimum spread of twelve (12) to fifteen (15) inches.
  - f. Groundcovers shall be a minimum of one-and-a-half (1½) to two-and-a-half (2½) inch pots with a minimum spread of four (4) inches.
2. The preferred plant list shall be used to define the species of trees and shrubs deemed to be canopy trees, understory trees and shrubs. The lists may be expanded but are intended to provide guidance in selecting predominately hardy North Carolina native species. Plant materials that vary from those provided in [Appendix C: Recommended Planting Tables](#) may be used with the approval of the Administrator.
3. **Soils**  
Planting areas shall have uncompacted coarse loam that is a minimum of twelve (12) inches deep. Soil shall be appreciably free of gravel, stones, rubble, or trash. All compacted soil, contaminated soil or road base fill shall be removed.
4. **Staking**

Staking is required only when a plant is unable to support itself with its existing root system. Examples of this are: bare rooted plants, a strong wind situation, loose soil, wet conditions, steep slopes and large size plant material. Tree ties are to be a soft, wide (minimum, 1 inch) polymer material. No knots are to be tied around the trunk that may restrict growth. Ties are to be removed after one year following installation.

**5. Bare Earth Prohibited**

All portions of a landscaped area not planted with shrubs and trees or covered by a wall or other screening device shall be planted with ground cover and/or grass, or covered with natural mulch with a minimum depth of two (2) inches.

**6. Warranty**

The applicant / contractor shall warrant all new plant material for two (2) years from time of installation.

**H. Requirements for Maintaining Planted Areas**

**1. Responsibility**

The responsibility for maintenance of a planted area shall remain with the property owner, their successors, heirs, assignees, or any consenting grantee. Maintenance is required to ensure the proper functioning of a planted area.

**2. Maintenance**

- a. All plantings shall be maintained in an attractive and healthy condition. Maintenance shall include, but not be limited to, watering, mulching, fertilizing and pest management, mowing, weeding, removal of litter and dead plant material, and necessary pruning and trimming.
- b. Necessary pruning and trimming shall be in accordance with the American National Standards for Tree Care Operations: Tree Shrub and Other Woody Plant Maintenance Standards Practices (Pruning), and shall not be interpreted to include topping of trees through removal of crown material or the central leader, or any other similarly severe procedures such as “lollipopping” or “meatballing” that cause irreparable harm to the natural form of the tree, except where such procedures are necessary to maintain public overhead utilities. Any such activity shall be a violation of this chapter. Additional plant material shall be required to replace or supplement the damaged plant material.
- c. Dead or diseased plantings shall be removed. Replacement plants shall be provided for any required plants which die or are removed for any reason and shall meet all minimum standards and conform to these regulations.
- d. Natural water courses shall be maintained in a natural condition.
- e. A water source shall be supplied within fifty (50) feet of any planting requiring continuing watering. Where non-native or non-drought tolerant native vegetation is incorporated an irrigation system shall be required.
- f. Landscape structural features such as walls, fences, berms, or water features shall be maintained in a structurally safe and attractive condition.
- g. Where other uses, including pedestrian, bike, or other trails these uses shall be maintained to provide for their safe use.

**3. Failure to Maintain**

In the event that any property owner of a planted area fails to maintain the planted area according to the standards of this section, the Town shall have the right to recover the cost of enforcement, including reasonable attorney fees. The Town may also, following reasonable notice and a demand that the deficiency of maintenance be corrected, enter the planted area to take maintenance action. The cost of such maintenance shall be charged to the party having the primary responsibility for maintenance of the planted area.

**4. Area Deficient in Landscaping**

Where an existing development or site does not meet the requirements of this Chapter as it pertains to required vegetation, no tree or shrub shall be removed without a permit issued by the Administrator. The Administrator shall issue such permit only after having first determined:

- a. That the tree is either:
  - (1) Diseased and dying; or
  - (2) Otherwise, a threat to public safety or potential property damage; or
- b. That the removal of the tree would not make the property less conforming to the standards of this Ordinance.
- c. If replacement vegetation is warranted to either bring the site into compliance with this Chapter or meet the landscape requirements of the approved land development plans for the subject site.

**I. Credit for Existing Plant Material**

- 1. Use of existing landscaping features to satisfy the landscaping requirements of this section is strongly encouraged. If such existing landscaping features are used and they consist of mature and semi-mature trees, and shrubs, the Administrator shall have the authority to reduce the amount of required landscaping.
- 2. Required planting areas shall incorporate existing natural vegetation to the maximum extent feasible. Prior to disturbance of a required planting area, approval shall be obtained from the Town officials. Where existing vegetation is inadequate to meet the required planting standards, additional plant material shall be required.
- 3. The retention of existing vegetation shall be maximized within proposed planting areas. Existing native habitat or vegetation located within planting area that meets the requirements of this section may be counted, provided such plant material meets the minimum standards of this section. If the existing vegetation has been credited and is subsequently removed or dies, it shall be replaced with the appropriate planting material.
- 4. Credit may be permitted for existing plant material and walls on adjacent property, provided such items are in a permanently protected area, including, but not limited to:
  - a. A conservation easement or preserve area on adjacent property; or
  - b. An existing utility or drainage easement exceeding one hundred (100) feet in width.

**J. Issuance of Certificate of Occupancy**

After the effective date of this Ordinance, a Certificate of Occupancy shall not be issued for any use located on a lot(s) upon which landscaping is required, unless such landscaping is provided on said lot(s) as herein specified. This provision may be temporarily waived by the Administrator for a period of up to six (6) months after the issuance of a Certificate of Occupancy in cases where it was not possible for the developer to install certain species of plant material prior to occupancy due to the recommended planting season not occurring at an appropriate phase in construction. Performance guarantees may be required.

## **8.4 BUFFERS, STREET TREES, AND SCREENING**

### **A. Buffers**

#### **1. General**

- a. Buffers are established to give spatial separation and to decrease visual contact between incompatible uses.
- b. A buffer is a specified land area, located parallel to and within the outer perimeter of a lot and extending to the lot line, together with the planting and landscaping required on the land. A buffer may also contain, or be required to contain, a barrier such as a berm or wall where such additional screening is necessary to achieve the desired level of buffering and opacity between various land use activities. A buffer is not intended to be commensurate with the term "yard" or "setback."
- c. Buffers shall provide a variety of vegetation types to create varying degrees of opacity. At least forty (40) percent but no more than sixty (60) percent each of canopy trees and understory trees, and at least eighty (80) percent of shrubs must be evergreen.

#### **2. Buffer Types**

There are three (3) types of required buffers, any or multiple of which may be required on any given parcel. Subsection 3 delineates the specific width and plant material for each buffer classification.

##### **a. Street Buffers**

- (1) All new developments with frontage on a minor arterial street or roadway of higher classification shall provide a Class A buffer as set forth in Section 3 below.
- (2) Double frontage lots abutting a collector street shall provide a Class A buffer along the entire rear yard frontage.

##### **b. Parking Buffers**

- (1) The perimeter of all parking areas and other vehicular use areas with frontage on any portion of an existing public right-of-way shall be screened by a berm, a continuous landscaped hedge, a decorative masonry wall, or any combination thereof to form an opaque screen.
- (2) At the time of installation, such screening shall be at least thirty (30) inches in height. Any vegetative screen shall reach a maximum height of thirty-six (36) inches within two (2) years of planting.



- (3) No such buffer shall be required along an alley.
- (4) Breaks in the vegetative buffer may occur only in areas of vehicular and pedestrian walkways or driveways.

**c. District Boundary Buffers**

**(1) Required Buffers**

Perimeter compatibility is required along the boundaries of all incompatible zoning districts. The following table shall be used to determine the required buffer classification between adjacent districts.

Existing / Adjacent Zoning											
Subject Property/ Proposed District:	R-1	R-2	R-3	R-4	O-I	O-I/NB	CBD	B-1	B-2	B-3	I
R-1	--	--	--	--	--	--	--	--	--	--	--
R-2	A	--	--	--	--	--	--	--	--	--	--
R-3	B	A	--	--	--	--	--	--	--	--	--
R-4	B	A	A	--	--	--	--	--	--	--	--
O-I	B	B	B	A	--	--	--	--	--	--	--
O-I/NB	B	B	B	A	--	--	--	--	--	--	--
CBD	B	B	B	B	B	--	--	B	B	B	B
B-1	B	B	B	B	B	--	--	--	--	--	C
B-2	C	C	C	C	B	B	B	--	--	--	C
B-3	C	C	C	C	C	C	C	--	--	--	C
I-2	C	C	C	C	C	C	C	B	B	B	--

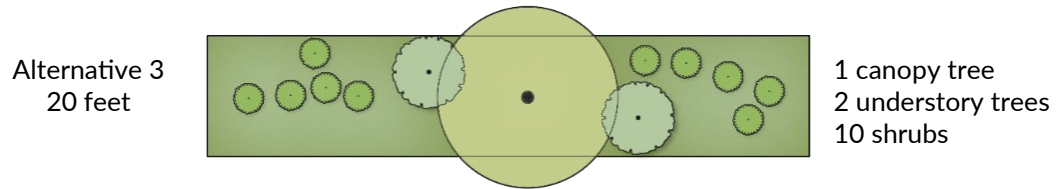
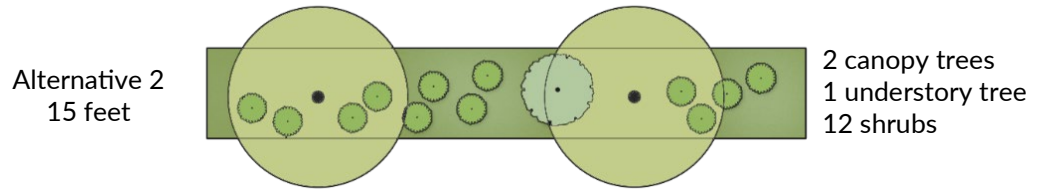
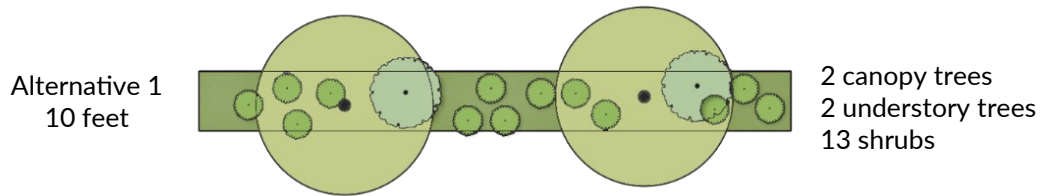
**(2) Credit for Existing Plant Material**

Credit for existing plant material shall be allocated as outlined in Section 8.3.I.

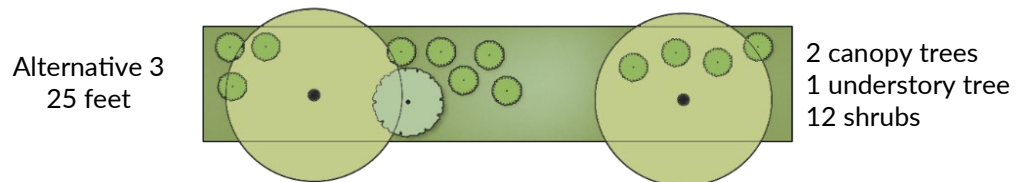
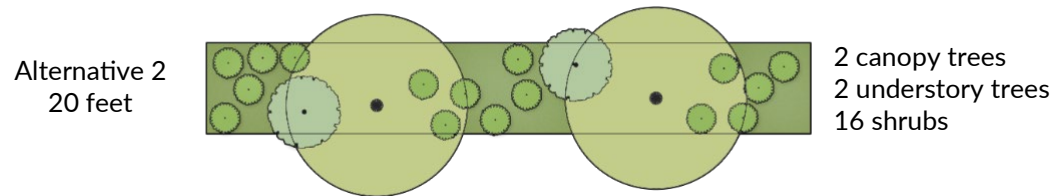
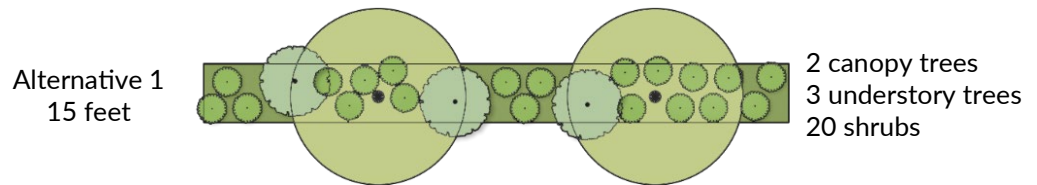
**3. Buffer Classifications**

- a. The following graphics establish the specific width and plant material for a variety of buffer classifications. The applicant is free to choose from each alternative (1, 2, or 3) in the respective buffer classification. Buffers planted below overhead utility lines shall apply any of the allowed buffer alternatives, except that understory trees shall replace any canopy trees at a rate of two (2) understory trees per required canopy tree.

**Class A Buffer**  
(plants/100 linear feet)

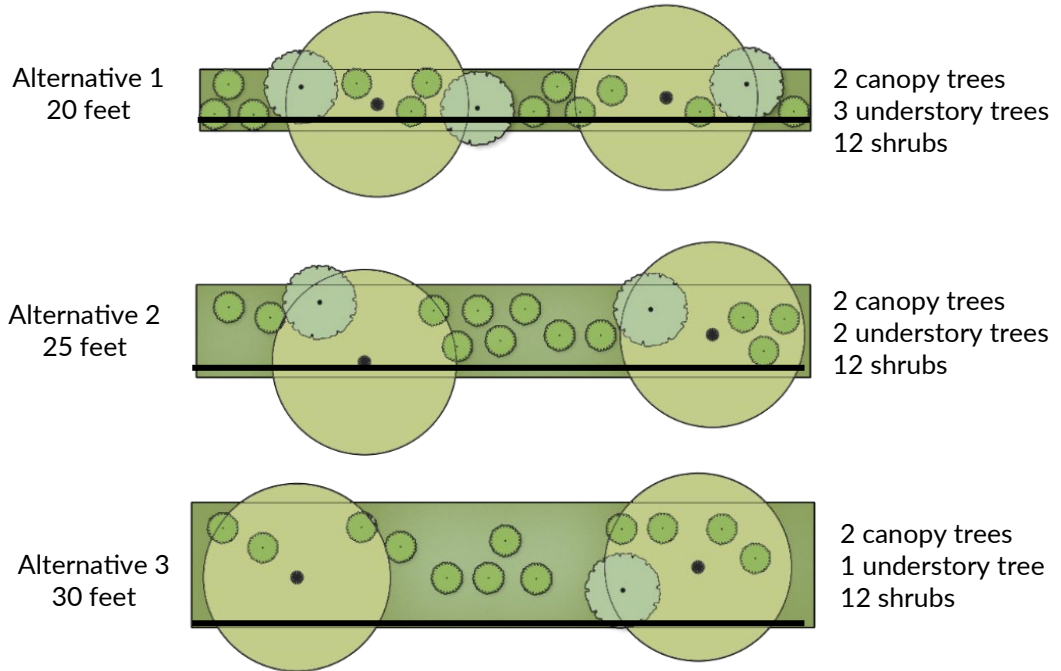


**Class B Buffer**  
(plants/100 linear feet)



**Class C Buffer**  
(plants/100 linear feet)

***Must Contain a wall, berm with a double alternating row of evergreens, an opaque fence or combination thereof with opacity to six (6) feet in height.***



- b. As determined by the Administrator or designee, a wall or berm meeting the standards in Subsection A.8 may be substituted in lieu of some of the required shrubs in buffer types A and B.
- c. Class C buffer shall include a wall, berm, opaque fence, evergreen hedge, or combination thereof with a minimum height of six (6) feet at maturity.

**4. Location of Buffer**

- a. No portion of a buffer may be placed on an individually platted lot within a major residential subdivision. All buffers shall be located on property owned and maintained by the POA, a conservation organization, or the Town.
- b. Buffers shall be located within the outer perimeter of a subject lot or parcel, parallel to and extending to the lot or parcel boundary line. Buffers shall not be located on any portion of an existing, dedicated or reserved public or private street or right-of-way.
- c. Except as provided below, the required buffer shall be provided along the entire frontage abutting the existing, dedicated or reserved public or private street or right-of-way, district boundary, or project boundary, as applicable.
- d. A buffer may be interrupted in order to provide access (pedestrian or vehicular) to adjacent parcels or public right-of-way.

## 5. Design Variations

While the buffer depth is normally calculated as parallel to the property line, design variations may be permitted and are calculated on the average depth of the buffer per one hundred (100) feet or portion of buffer. The minimum depth of the buffer at any one (1) point shall not be less than one half ( $\frac{1}{2}$ ) the required depth of the buffer chosen. Maximum depth for the purposes of installing required landscaping, or receiving credit for existing vegetation, shall not be more than one and one half ( $1\frac{1}{2}$ ) the required depth of the buffer chosen.

## 6. Plant and Structure Location within Buffer

The placement of required plants and structures shall be the decision of the applicant, except that the following requirements shall be satisfied:

- a. Plant materials shall be located so as to achieve the maximum level of protection. Plant material shall meet the buffer requirements every one hundred (100) feet.
- b. Canopy trees shall be located no closer than five (5) feet from any structure. Understory trees shall be planted no closer than three (3) feet from any structure.
- c. Buffer areas not retained in native habitat shall be seeded or sodded with lawn, established with ground cover, or mulched with organic mulch. No turfgrass shall be planted under the dripline of trees. Inorganic ground cover shall not exceed twenty (20) percent of the total required area of the buffer.

## 7. Planting in Easements

- a. No buffer shall be planted in a utility easement, storm water management basin, or drainage easements.
- b. Trees and shrubs shall be installed a minimum of five (5) feet away from the flow line of a swale.
- c. Existing trees may remain in dry retention ponds provided that the natural grade is undisturbed to the tree line, species are planted that are adapted to seasonal flooding and the pond is adequately maintained.
- d. Only where limited options are available due to the preservation of exiting vegetation or location of existing utilities, may vegetation be planted in utility easements with the permission of the utility provider, Administrator approval and the following:
  - (1) The root structure of any proposed tree is not anticipated to extend more than three (3) feet below the ground.
  - (2) Shrubs may be planted, provided they are only within the outer three (3) feet of the easement.
  - (3) Where such trees and shrubs are planted, the property owner shall be responsible for replacement of such required vegetation if maintenance or other utility requirements require their temporary removal.

## **8. Permitted Structures in Buffer Area**

### **a. Walls**

Walls placed within any required buffer area shall meet the following requirements.

- (1) Walls shall be a minimum of three (3) feet in height where used in collaboration with a berm and six (6) feet in height in all other instances.
- (2) Walls shall be constructed of one (1) or a combination of the following materials: stucco over concrete block, brick, stone, split-faced block, or glass block in a structurally safe and attractive condition. Alternative walls (including vinyl, EIFS or other similar systems) may be permitted with the approval of the Administrator. No walls of exposed concrete block are permitted, whether painted or not.
- (3) No wall shall be located within any required drainage, utility, or similar easement.
- (4) The applicant shall be required to demonstrate provision for access and maintenance of landscaping and the wall structure at the time of landscape plan approval.
- (5) Where pedestrian connections are to be provided to adjacent developments, breaks in the wall shall be provided.

### **b. Berms**

Berms placed within any required buffer area shall meet the following requirements.

- (1) Berms shall have a minimum height of three (3) feet with side slopes of not less than three (3) feet horizontal for each one (1) foot vertical.
- (2) Slopes more than three (3) feet horizontal for each one (1) foot vertical may be permitted if sufficient erosion control methods are taken and deemed by the Administrator to be maintainable.

### **c. Fences**

- (1) Fences as regulated herein may be constructed in a required buffer, however, no reduction in buffer width shall be provided based on the provision of a fence.
- (2) Fences shall be at least six (6) feet in height.
- (3) Fences shall be constructed of high-quality opaque materials, such as treated wood, vinyl, or aluminum. Chain-link fences shall not be permitted for use in buffer areas.
- (4) Breaks in the fence may be provided for pedestrian connections to adjacent developments.
- (5) Fences shall be maintained in a structurally safe and attractive condition and with finished faces and plantings located towards the adjacent property with at least one (1) upright shrub for every six (6) linear feet of fence length.
- (6) Any fence constructed in a buffer shall be capable of withstanding a thirty (30) pound per square foot horizontal wind load from any direction.

**d. Signs**

Freestanding signs meeting the requirements of [Chapter 9, Signs](#) may be located within a required buffer.

**9. Permitted Use of Buffer Area**

A buffer area shall not be used for any principal building or use, accessory building or use, vehicle use area or storage area except as specifically permitted below.

**a. A buffer may be used for passive recreation and picnic facilities; and it may contain pedestrian or bike trails, provided that:**

(1) Trails may be incorporated provided adequate width of a minimum fifteen (15) feet is added to the required buffer width to accommodate both the trail and the required buffer plantings. Buffers with trails may also count toward the provision of recreation and open space for the development.

(2) No existing plant material shall be eliminated, other than nuisance exotics; and

(3) All other requirements of this section shall be met.

**b. Other appurtenances which require high visibility and easy access, such as fire hydrants, public and emergency telephones, mailboxes and bus shelters or benches, and site identification signage (freestanding signs) as permitted in [Chapter 9, Signs](#), are also permitted in a buffer. No screening of such appurtenances shall be required.**

**c. A required buffer is encouraged to retain areas of native habitat and may incorporate water resources including stormwater detention or retention facilities. However, a minimum ten (10) foot contiguous width of the buffer shall be preserved as a planting area without stormwater facilities.**

**10. Ownership of Buffers**

Buffers may remain in the ownership of the original applicant; they may be subjected to deed restrictions and subsequently be freely conveyed; or they may be transferred to any consenting grantees, such as the Town, a land conservancy or land trust, or Property Owner's Association (POA). Any such conveyance shall adequately guarantee the protection and maintenance of the buffer in accordance with the provisions of this section.

**11. Alternative Compliance**

**a. The buffer requirements may be modified by the Administrator upon a finding that a modification would be consistent with the purpose of this chapter, this section and the adopted plans and policies of the Town; that such modification would not adversely affect the land use compatibility or public interest; and that the subject parcel or modified buffer complies with one or more of the following criteria:**

(1) The buffer is parallel and adjacent to an existing utility or drainage easement of at least one hundred (100) feet in width;

(2) The buffer is between uses that are to be developed under a common development plan or series of development plans;

- (3) The buffer is adjacent to a property that has a joint use agreement with the subject parcel;
  - (4) The buffer is parallel and adjacent to an existing railroad right-of-way; or
  - (5) The topography of the parcel is such that buffering would not be effective.
- b. Financial hardship due to meeting the requirements of this section shall not be sufficient justification for alternative compliance.

## **B. Street Trees**

1. Street trees shall be required along all collector streets, local streets, and cul-de-sac streets at the rate of one (1) canopy tree per lot or one (1) canopy tree for every fifty (50) linear feet.
2. Only when the planting of canopy trees is not practical due to the location of utilities, one (1) understory tree for every thirty-five (35) linear feet of planting area, may be substituted.
3. All street trees shall be a minimum of two and one half (2½) caliper inches at time of planting.
4. Street trees shall be planted outside of the right-of-way and on the subject property. They shall be planted no less than five (5) feet or more than fifteen (15) feet from the back of the sidewalk.
5. Street tree varieties shall be chosen from the plant list included in [Appendix C](#). Substitutions are subject to review and approval by the Administrator.
6. Street trees are to be maintained and replaced as needed by the property owner. Street trees on private lots in residential subdivisions should be placed in a minimum ten (10) foot landscape easement for maintenance access.
7. Conflict with Street Lighting: Street trees shall be located and planted so as not to diminish the effectiveness of required street lighting.

## **C. Screening**

### **1. Drive-Thru Facilities**

Drive-thru windows and lanes shall be designed to adhere to the following standards:

- a. Drive-thru windows and lanes placed between the right-of-way and the associated building shall require landscape plantings installed and maintained along the entire length of the drive-thru lane, located between the drive-thru lane and the adjacent right-of-way.
- b. Such screening shall be a compact evergreen hedge or other type of dense foliage. At the time of installation, such screening shall be at least thirty-six (36) inches in height and shall reach a height of forty-eight (48) inches within two (2) years of planting.
- c. No drive-thru window shall be permitted on the side of a building adjacent to any residential district.

### **2. Service Areas**

- a. Trash collection, trash compaction, recycling collection and other similar service areas shall be located on the side or rear of the building and shall be effectively screened from view from residential properties or public rights-of-way.
- b. Screening enclosures shall be fully enclosed by opaque walls or fences at least eight (8) feet high with self-closing access doors and shall be constructed of the same materials as the primary building.
- c. All service areas shall be limited to the area shown on an approved site plan.
- d. All service areas shall be located a minimum of fifty (50) feet away from any residentially zoned property line.

**3. Loading Areas**

Loading areas shall be subject to the following screening requirements:

- a. Provide a minimum one hundred (100) percent year-round screen of all loading areas visible from residential properties or public rights-of-way.
- b. This screen shall consist of berms, walls, fences, plant material or combination totaling eight (8) feet in height at installation or completion of construction. Wall or fence materials shall be compatible with the primary structure.
- c. Loading docks not in an industrial district shall be located at the side or rear of buildings a minimum of fifty (50) feet away from any residentially zoned property unless the loading area is wholly within a closed building.

**4. Mechanical Equipment**

- a. All roof, ground and wall mounted mechanical equipment (e.g., air handling equipment, compressors, duct work, transformers, and elevator equipment) shall be screened from view from residential properties or public rights-of-way at ground level of the property line.
- b. Roof-mounted mechanical equipment shall be shielded from view on all sides. Screening shall consist of materials consistent with the primary building materials and may include metal screening or louvers which are painted to blend with the primary structure.
- c. Wall or ground-mounted equipment screening shall be constructed of:
  - (1) Planting screens; or
  - (2) Brick, stone, reinforced concrete, or other similar masonry materials; or
  - (3) Redwood, cedar, preservative pressure treated wood, or other similar materials.

**5. Utilities**

Above-ground utilities and appurtenances to underground utilities which require above-ground installation shall be screened by a continuous planting of shrubs, with a minimum mature height equal to that of the utility structure. Required access ways to these utilities are exempt from the screening provisions.

**6. Fencing and Walls**



- a. A fence or wall not more than eight (8) feet in height may be installed along any side and rear lot line. A fence or wall in any required front yard shall not exceed four (4) feet in height.
- b. Fences and walls shall be constructed of high-quality materials, such as decorative blocks, brick, stone, treated wood, aluminum, and wrought iron.
- c. Chain link fence is not a screening but rather for enclosures and is only permitted subject to the following additional requirements:
  - (1) Chain link fencing is not permitted for any buffering and screening required by this code.
  - (2) Black or green vinyl coated fencing may be used for recreational uses including, but not limited to parks, amenity centers, playgrounds, swimming pools, tennis courts and basketball courts.
  - (3) Non-residential uses. Chain link fencing is permitted for the accessory enclosures of day care facilities, kennels, or veterinary clinics. Chain link fencing is permitted for industrial uses.
  - (4) Public Utilities. Chain link fencing is permitted for public utility purposes. Vinyl coating is not required for industrial fences when it is not visible from adjacent property or right-of-way.
  - (5) The Administrator or designee may authorize the use of chain link fencing for uses not listed above if the use of such material is consistent with and will not impact the aesthetic appearance of the surrounding area.
- d. Breaks in the fence or wall may be provided for pedestrian connections to adjacent developments.
- e. The maximum length of a continuous, unbroken, and uninterrupted fence or wall plane shall be one hundred (100) feet. Breaks shall be provided using columns, landscaped areas, transparent sections, and changes in material.
- f. Fences topped with razor, concertina, or barbed wire are limited to properties designated for industrial or utility use. The material may be used for security at commercial uses subject to Technical Review Committee approval. In no case should the material be used below a point of five (5) feet from ground level, or visible from public streets or adjacent residential areas.

## **8.5 OFF-STREET PARKING AND LOADING REQUIREMENTS**

### **A. Applicability**

1. Every new use, or an enlargement, expansion, or alteration of an existing use, shall require off-street parking in compliance with this Chapter with the exception of those located within the Central Business District (CBD).
2. The number of required off-street parking spaces shall be increased when a change of use of either a structure or of land requires additional parking spaces in compliance with this Chapter. Parking spaces may be decreased when a change of use requires fewer spaces than was originally

provided.

3. A principal use which is not deficient in the number of off-street parking spaces provided may expand without having to provide additional off-street parking spaces under certain circumstances. Such circumstances are:
  - a. When, after the expansion, the number of off-street parking spaces provided still meets or exceeds the required minimum.
  - b. If the expansion results in the need to create no greater than five (5) off-street parking spaces to meet the minimum number of required spaces, these additional spaces may be waived by the Administrator on a one-time basis only. In shopping centers, office parks and similar planned, phased, or multi-use developments, such waiver may only be applied once within the development.
  - c. In no instance shall a reduction be allowed for the number of off-street parking spaces parking for any use which expands when, prior to such expansion, said use was deficient in the number of off-street parking spaces provided.
4. There shall be no required off-street parking spaces for uses located in the CBD district. However, when off-street parking is provided, such parking spaces and areas shall be in compliance with this Chapter.

**B. Issuance of a Certificate of Occupancy**

A Certificate Of Occupancy shall not be issued for any use until all off-street parking and loading requirements in accordance with this Ordinance have been met and are in place and ready for use.

**C. Off-Street Parking Space Requirements**

**1. Calculation of Parking Ratios**

When units of measurement determining the number of required parking spaces result in a fractional space, any fraction of one-half (1/2) or more shall require one (1) parking space.

**2. Multiple Uses.**

If there exists more than one principal use, the required number of parking spaces is calculated by adding together the required number of parking spaces for each principal use contained in the structure and/or on the site.

**3. Parking Ratios**

**a. Minimum**

The following minimum off-street parking ratios shall be applicable to all general use zoning districts.

Use Category	Minimum Vehicle Parking Spaces
Single-Family, Detached	2 per dwelling unit
Single-Family, Attached* Multi-Family Residential*	2 per dwelling unit. Studio and 1 BD units, 1 per dwelling unit.
Residential Care Facilities	1 per 4 licensed beds
Commercial/Office/Retail	1 per 300 sq. ft.

Use Category	Minimum Vehicle Parking Spaces
Restaurants	1 per 3 seats
Accommodations	1 per room / bedroom
Civic Uses	1 per 3 seats
Parks	No minimum
Industrial Uses	1 per 1,000 sq. ft. plus 1 per 250 sq. ft. associated office space
Mixed-Use	Calculated individual by each use provided.

*\*A minimum of 5% and a maximum of 10% of the total parking required shall be provided as additional parking for guests. Where parking spaces are assigned or reserved, guest parking shall be clearly marked.*

**b. Maximum**

- (1) No use shall provide more than one hundred fifty (150) percent of the required parking shown in the table above.
- (2) Parking in excess of the minimum is encouraged to be constructed using pervious material.
- (3) Where a project is intended to be developed in phases, the development of a parking area intended to serve current and future development may be approved.

**c. Reductions / Variations in Required Number of Spaces**

- (1) **Authorized by Administrator.** The Administrator may reduce the required number of spaces by up to five (5) percent if for reasons of topography, mix of uses, ride sharing programs, availability of transit, or other conditions specific to the site, provided the reduction in the required number of parking spaces satisfies the intent of this Chapter.
  - (a) The reduction must be specifically requested by the applicant at the time of application;
  - (b) A reduction over five (5) percent requires the submission of an Alternative Parking Plan or a variance.
- (2) Where the required parking ratios are not applicable specific use, the applicant may provide an Alternative Parking Plan with data submitted in support of higher or lower ratios in accordance with Subsection G, *Alternative Parking Plan*.

**d. Dimensions**

- (1) Parking space sizes shall be governed by the following dimensions:

Parallel stall	20 feet x 9 feet
Angle stall	19 feet x 9 feet
Ninety-degree stall (typical)	19 feet x 9 feet
Accessible (ADA) stall	19 feet x 12.5 feet

(2) Minimum parking aisle widths shall be as follows:

Angle	One-Way Traffic	Two-Way Traffic
0-15	12	24 (0 degrees only)
16-37 degrees	11	--
38-57 degrees	13	--
58-74 degrees	18	--
75-90 degrees	24	24

(3) Driveways shall be not less than ten (10) feet in width for one (1) way traffic and eighteen (18) feet in width for two (2) way traffic, except that ten (10) feet wide driveways are permissible for two (2) way traffic when:

- (a) the driveway is no longer than fifty (50) feet,
- (b) it provides access to no more than five (5) spaces, and
- (c) sufficient turning space is provided so that vehicles need not back into a public street.

(4) In no case shall a driveway width exceed thirty-six (36) feet, except as required by NCDOT.

#### 4. Accessible Spaces

The number of accessible spaces to meet the requirements of the Americans with Disabilities Act (ADA) to be provided on any development shall be in accordance with all applicable N.C. State Building Code requirements. Such spaces shall be counted as part of the number of off-street parking spaces provided to fulfill the off-street parking requirements of this Ordinance.

a. Accessible Off-street parking spaces shall be designed as follows:

(1) All spaces shall have access to a curb-ramp or curb-cut when necessary to allow access to the building served and shall be located so that users will not be compelled to maneuver behind parked vehicles and shall be located the shortest possible distance between the parking area and the entrance to the principal building it serves.

b. Parallel accessible parking spaces shall be located either at the beginning or end of a block or adjacent to alley entrances. Curbs adjacent to such spaces shall be of a height which will not interfere with the opening and closing of motor vehicle doors.

c. Each accessible parking space shall be paved and prominently outlined with paint, with a permanent sign of a color and design approved by the North Carolina Department of Transportation, bearing the internationally accepted wheelchair symbol, posted at the head of the parking space.

d. The size of the parking space and associated access aisle shall be per North Carolina building code specifications.

#### D. Landscaping in Off-Street Parking Areas

Off-street parking areas in excess of one thousand five hundred (1,500) square feet or five (5) motor vehicle parking spaces shall provide landscaped areas in accordance with the following requirements (except for parking associated with single-family or two-family development on single lots).

##### 1. Perimeter Screening

- a. All parking areas and other vehicular use areas with frontage on any portion of an existing public right-of-way shall provide a parking buffer as set forth in Section [8.4, Buffers, Street Trees, and Screening](#).
- b. Unless the property contains a buffer yard by Section [8.4](#), the perimeter of all parking areas and other vehicular use areas adjacent to residentially zoned property shall provide a Class A buffer ([see Section 8.4.A.3](#)).

## 2. Interior Landscaping

### a. Interior Islands

- (1) An interior landscaped island shall be provided for every ten (10) spaces.
- (2) Each island shall contain a minimum of two hundred (200) square feet with a minimum width of eight (8) feet inside the curb and include a minimum of one (1) canopy tree and three shrubs.
- (3) Planting islands shall be evenly distributed throughout the parking area, with no parking space located more than sixty (60) feet from a base of the trunk of a required canopy tree.
- (4) Interior islands may be consolidated, or intervals may be expanded in order to preserve existing trees where approved by the Administrator.

b. **Terminal Islands.** All rows of spaces shall terminate in a curbed landscaped island. Each island shall conform to the specifications described in paragraph a) above.

c. **Median Islands.** A median island with a minimum width of eight (8) feet inside the curb shall be sited between every three (3) double parking rows and along primary internal and external access drives. Median islands may be expanded in order to preserve existing trees, where approved by the Administrator.

## 3. Curbs

- a. All landscaping in or adjacent to a parking area shall be protected from vehicular damage by a raised concrete curb six (6) inches in height or equivalent barrier, however, the barrier need not be continuous.
- b. Landscaped areas adjacent to parking areas shall be landscaped so that no plant material greater than twelve (12) inches in height will be located within two (2) feet of the curb or other protective barrier.

## E. Required Design Elements

### 1. Markings

Each parking stall shall be demarcated and maintained so as to be distinguishable.

### 2. Lighting

Where off-street facilities are provided for parking, or any other vehicular use area adequate outdoor lighting shall be provided. Lighting shall be arranged as to direct the light and glare away from streets and adjacent property ([see Section 8.6, Outdoor Lighting](#)).

### **3. Yards / Setbacks**

Parking shall be located to the side and rear of the principal building. All parking lots shall observe a minimum front yard of not less than five (5) feet, and a side yard on a corner lot of not less than five (5) feet. Parking lots in residential districts shall have front yards of not less than fifteen (15) feet and side and rear yards of not less than five (5) feet.

### **4. Separation from Walkways and Streets**

In the event any parking area abuts a walkway, sidewalk, or street, the parking area shall be separated by curbing or other protective device with a minimum distance of three and one half (3½) feet between the protective device and the edge of the walkway.

### **5. Drainage**

Parking lots shall not drain onto or across public sidewalks or into adjacent property, except into a natural watercourse or a drainage easement. In already developed areas where this condition would be impossible to meet, the Administrator may exempt the applicant from this requirement, provided that adequate provision is made for drainage.

### **6. Entrances and Exits**

- a. Unless otherwise regulated by NCDOT, on all corner lots, all vehicular openings shall be located at least twenty (20) feet from the point of intersection of established right-of-way lines.
- b. No entrance and exit shall exceed thirty (30) feet in width at the property line or forty (40) feet in width at the curb line.
- c. Where driveways for non-residential uses are located less than 5' apart, it is recommended that a shared driveway arrangement be utilized to reduce the number of curb cuts and turning movements.
- d. Where site frontage is a NCDOT roadway, NCDOT shall regulate driveway locations and issue driveway permits. These permits shall be provided to the Town prior to construction.

### **7. Surfacing for Off-Street Parking Areas**

- a. Off-street parking areas with six (6) or more parking spaces or any off-street parking area in the CBD district, regardless of the number of spaces shall be graded and surfaced with asphalt, concrete, or other paved material that will provide equivalent protection against potholes, erosion, and dust. Such paved surface areas shall only be required for the amount of off-street parking spaces required by this Ordinance. Any parking spaces provided above and beyond what is herein required may conform to the standards contained in the paragraph below.
- b. Off-street parking areas that are not provided with the type of surface specified in the paragraph above shall be graded and surfaced with crushed stone or gravel, or other suitable material to provide a surface that is stable and will help to reduce dust and erosion.
  - (1) The perimeter of such parking areas shall be defined by bricks, stones, railroad ties, or other similar devices.
  - (2) Whenever such a vehicle accommodation area abuts a paved street, the driveway leading from such street to such area (or, if there is no driveway, the portion of the off-street parking area that opens onto such streets), shall be paved as provided in the paragraph

above for a distance of fifteen (15) feet back from the edge of the paved street or from the edge of the paved street to the property line, whichever is greater.

- (3) This subsection shall not apply to single-family or two-family residences or other uses that require only one (1) or two (2) parking spaces.
- c. Parking spaces in areas surfaced in accordance with paragraph a. of this subsection shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced in accordance with the paragraph above shall be demarcated whenever practical.
- d. Off-street parking areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, off- street parking area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

## **F. Bicycle Parking Requirements**

### **1. Applicability**

Bicycle parking shall be provided for all civic, commercial, office, medical, multi-family, and recreation uses requiring over ten (10) vehicular parking spaces.

### **2. Requirements**

Bicycle parking shall be provided at a rate of one (1) bicycle parking space/rack per twenty-five (25) spaces of vehicular parking required. A minimum of one (1) space is required. A maximum of twenty (20) spaces shall be provided for any one use.

### **3. Short-term bicycle parking facilities**

Bicycle parking must be conveniently located and publicly accessible. A sidewalk will need to connect the bicycle parking facility to the rest of the internal pedestrian network.

### **4. Long-term bicycle parking facilities**

Long-term facilities are convenient and a necessity for employees, students, residents, commuters and others who use bicycles for commuting purposes and or typically store bicycle for longer periods of time, requiring a protected and secured parking facility.

- a. Long-term bicycle shall be covered and weather resistant.
- b. Long-term bicycle parking shall be located near the building entrance it is intended to serve.
- c. Long-term bicycle parking may be located within an internal area, accessible by the public (such as bike locker rooms) or located in stairwells.
- d. Storage within a multi-family dwelling unit would not be considered a long term bicycle parking space.

### **5. Design Standards.**

#### **a. Surfacing**

Bicycle parking shall be provided on a hard-surface, all-weather pavement of asphalt or concrete.

#### **b. Placement**

- (1) Bicycle parking shall be located as not to interfere with pedestrian access.
- (2) Bicycle parking shall be located three (3) feet away from walls, fences, and the edge of landscaping at the time of maturity, as measured from the edge of the rack closest to the wall, fence, or landscaping.

**c. Rack Types**

- (1) Grid bicycle racks shall not be permitted.
- (2) Bicycle lockers or similar types of facilities are permitted and count towards required bicycle parking standards.

**G. Alternative Parking Arrangements**

**1. Purpose**

It is understood that in growing metropolitan areas, where transit, bicycle, and pedestrian opportunities exist, the need for parking may vary dependent on any number of variables that exist on a particular site, including but not limited to the type of use, proximity to transit, availability of sidewalk or bike lanes, opportunities for shared parking, topography, resource protection, etc. The purpose of this section is to allow an applicant to propose alternative arrangements for parking other than what is required in this Chapter when those variables exist.

**2. Alternative Parking Plan (APP)**

- a. An applicant shall submit parking data and associated report, prepared and sealed by a registered engineer in the State of North Carolina with transportation expertise, illustrating that the standards of this section do not accurately apply to a specific development.
- b. The administrator may approve the modification of the parking requirements of this section (beyond that permitted by Subsection C.3.c, *Reductions/Variations in Required Number of Spaces*) outlined in the Alternative Parking Plan. However, where the applicant requires a reduction of the required minimum number of spaces in excess of 10% or an increase in the maximum number of required spaces over 150% as allowed in Section 8.5.C.3.b., the Alternative Parking Plan shall be reviewed by the Planning Board and approved by the Board of Commissioners as a portion of the site plan application.

**3. Alternative Options Available:**

The following methods may be used to alternatively provide for reduced parking.

**a. On-Street Parking**

On-street parking spaces located immediately abutting the subject parcel, entirely within the extension of the side lot lines into the roadway, and not within any required clear sight triangle may be counted toward meeting off-street parking requirements.

**b. Off-Site, Satellite Parking**

Required off-street parking spaces may be located on a separate lot from the lot on which the principal use is located if the off-site parking complies with all of the following standards.

**(1) Ineligible Activities**

Off-site parking may not be used to satisfy the off-street parking requirements for residential uses (except for guest parking), as well as convenience stores or other



convenience-oriented uses. Required parking spaces reserved for persons with disabilities may not be located off-site.

**(2) Location**

- (a) Off-site parking spaces shall be located within seven hundred fifty (750) feet from the primary entrance of the use served unless shuttle bus service is provided to the remote parking area.
- (b) Off-site parking may not be separated from the use that it serves by a street right-of-way with a width of more than eighty (80) feet unless a grade-separated pedestrian walkway is provided, or other traffic control or shuttle bus service is provided to the off-site parking area.
- (c) Sidewalks and crosswalks shall be required between the satellite parking and the subject site.

**(3) Zoning Classification**

Off-site parking areas serving uses located in nonresidential districts shall be located in nonresidential districts. Off-site parking areas serving uses located in residential districts may be located in residential or nonresidential districts.

**(4) Agreement**

- (a) If an off-site parking area is not under the same ownership as the principal use served, a written agreement between the recorded property owners shall be required.
- (b) The owner of the off-site parking area shall enter into a written agreement with the Town, with enforcement running to the Town, providing that the land comprising the parking area shall never be disposed of except in conjunction with the sale of the building which the parking area serves so long as the facilities are required; and that the owner agrees to bear the expense of recording the agreement and such agreement shall bind their heirs, successors, and assigns.
- (c) An off-site parking agreement may be rescinded only if all required off-street parking spaces will be provided in accordance with this section.

**c. Cooperative / Shared Parking**

- (1) Up to one-half (½) of the parking spaces required for one (1) use may be used to satisfy the parking requirements for a second use on an adjacent lot, subject to approval of the Alternative Parking Plan after certification by the Administrator that such joint usage of the shared parking complies with both:
  - (a) The peak usage of the parking facility by one (1) use will be at night or on Sundays (such as with theaters, assembly halls, or churches), and the peak usage of the parking facility by the second use will be at other times; and
  - (b) The joint use of shared off-street parking between two (2) uses is made by contract between two (2) or more adjacent property owners.

**(2) Ineligible Activities**

Shared parking may not be used to satisfy the off-street parking standards for upper-story residential uses. Required accessible parking spaces reserved for persons with disabilities may not be shared.

**(3) Location**

Shared parking spaces shall be located within seven hundred fifty (750) feet of the primary entrance of the use necessitating the shared agreement, unless shuttle bus service is provided to the parking area.

**(4) Zoning Classification**

Shared parking areas serving uses located in nonresidential districts shall be located in nonresidential districts. Shared parking areas serving uses located in residential districts may be located in residential or nonresidential districts. Shared parking areas shall require the same or a more intensive zoning classification than that required for the most intensive of the uses served by the shared parking area.

**(5) Shared Parking Study**

Applicants wishing to use shared parking as a means of satisfying off-street parking requirements shall submit a shared parking analysis to the Administrator, as part of the Alternative Parking Plan, that clearly demonstrates the feasibility of shared parking. The study shall be provided in a form established by the Administrator and made available to the public. It shall address, at minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces. Further, the following shall be demonstrated:

(a) The peak hours for each use do not overlap

(b) The proposed amount of parking is sufficient to accommodate the anticipated demands for each use at peak hour.

**(6) Agreement**

(a) Shared parking arrangements shall be a formal legal instrument and be provided to the Administrator or designee at time of rezoning and/or plan approval.

(b) A shared parking agreement may be rescinded only if all required off-street parking spaces are provided in accordance with this section.

**d. Valet Parking**

Valet parking may be utilized as a means of satisfying otherwise applicable off-street parking requirements where all of the following standards have been met:

(1) Adequate assurance of the continued operation of the valet parking is provided, such as a contractual agreement for valet services or the tenant's affidavit agreeing to provide such services;

(2) An equivalent number of valet spaces are available to replace the required parking spaces. Such valet spaces do not require individual striping, and may take into account the tandem or mass parking of vehicles. All valet parking areas visible from the public right-of-way shall meet the requirements of access requirements within [Chapter 6, Subdivision and Infrastructure](#).

- (3) Valet parking drop-off locations shall meet the requirements of Subsection H., *Off-Street Stacking Requirements*; and
- (4) The design of the valet parking shall not cause customers who do not use the valet service to park off-premises or cause queuing in the right-of-way.

**e. Site Design Changes**

The minimum amount of motor vehicle parking can be reduced using the following methods, individually or in combination, for an overall maximum reduction of twenty-five (25) percent.

**(1) Additional Bike Parking**

A maximum of five (5) percent reduction is permitted if an additional six (6) bicycle parking spaces are provided for each motor vehicle parking space reduced.

**(2) Additional Tree Coverage**

A maximum of twenty (20) percent reduction is permitted if the following additional tree coverage is provided per one parking space:

- (a) An additional canopy tree is preserved and protected; or
- (b) One canopy tree and two understory trees are planted;
- (c) The following shall also apply:
  - (i) An appropriate species per the [Recommended Planting Tables \(Appendix C\)](#) shall be used for planting.
  - (ii) A minimum dbh of six (6) inches shall qualify as a preserved tree.
  - (iii) Root zone protection standards of this Ordinance shall apply.
  - (iv) The additional planted or protected tree(s) shall not count towards any other Ordinance requirement.

**4. Recording of Approved Plans**

An attested copy of an approved Alternative Parking Plan shall be recorded in the deed records for Gaston County on forms made available by the Administrator. An Alternative Parking Plan may be amended by following the same procedure required for the original approval. The applicant shall provide proof of recording prior to approval of the certificate of occupancy.

**5. Violations**

Violations of an approved Alternative Parking Plan constitute a violation of this chapter and will be subject to the enforcement and penalty provisions of Section [3.29, Enforcement](#).

**H. Off-Street Stacking Requirements**

- 1. The following vehicle stacking standards shall apply unless otherwise expressly approved by the Administrator. The Administrator may require additional stacking spaces where trip generation rates suggest that additional spaces will be needed.
- 2. **Minimum Number of Spaces**

Off-street stacking spaces shall be provided as follows:

Use	Minimum Stacking Spaces	Measured From
Automated teller machine	3	Machine
Bank teller lane	4	Teller or window
Car lubrication stall	2	Entrance to stall
Car wash stall, automated	4	Entrance to wash bay
Car wash stall, hand-operated	3	Entrance to wash bay
Day care drop off	3	Passenger loading area
Gasoline pump island	2	Pump island
Parking area, controlled entrance	4	Key code box
Restaurant drive-thru	6	Order box
Restaurant drive-thru	4	Order box to pick-up window
Valet parking	3	Valet stand
School drop-off (Public and Private)	Determined by Administrator	
Other	Determined by Administrator	

### 3. Design and Layout

Required stacking spaces are subject to the following design and layout standards:

#### a. Dimensions

Stacking spaces shall be a minimum of eight (8) feet by twenty (20) feet in size.

#### b. Location

Stacking spaces shall not impede on- or off-site traffic movements or movements into or out of off-street parking spaces.

#### c. Design

Stacking spaces shall be separated from other internal driveways by raised medians if deemed necessary by the Administrator for traffic movement and safety.

### I. Off-Street Loading Requirements

#### 1. Purpose

In order to assure a proper and uniform development of off-street loading areas and to relieve traffic congestion in the streets, the off-street loading requirements set forth in this Section will apply in all Business (B), Office (O) and Industrial (I) zoning districts except in the CBD District.

#### 2. Minimum Off-Street Loading Space Requirements

The following minimum loading space requirements shall apply for the appropriate use:

Use Type	Gross Floor Area (Square Feet)	Required Number of Loading Spaces
Office, Restaurant, or Hotel/Motel	0 - 2,999	None
	3,000 - 49,999	1
	50,000 - 99,999	2
	100,000+	2 plus one for each 100,000 SF of gross floor area in excess of 100,000 SF
Other Commercial Establishments, Shopping Centers, or Industrial Uses	0 - 2,999	None
	3,000 - 19,999	1
	20,000 - 49,999	2
	50,000 - 79,999	3
	80,000 - 99,999	4
	100,000 - 149,999	5
	150,000+	5 plus one for each 50,000 SF of gross floor area in excess of 150,000 SF

### 3. Design of Loading Spaces

- a. Off-street loading spaces shall be designed and constructed so that all maneuvering to park vehicles for loading and unloading can take place entirely within the property lines of the premises. Loading spaces must be designed so not to interfere with the normal movement of vehicles and pedestrians on public rights-of-way. Off-street loading areas shall be required in the side or rear yard and shall be screened from any adjacent right-of-way.
- b. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.
- c. Each loading berth shall have a paved surface and be a minimum of twelve (12) feet in width and thirty-five (35) feet in length. Each such berth shall also have a minimum vertical clearance of fourteen (14) feet. For any use which is required to furnish three (3) or more loading berths, at least one (1) of every three (3) berths shall have a minimum width of twelve (12) feet, minimum length of sixty-five (65) feet and a minimum vertical clearance of fourteen (14) feet.
- d. Hours of loading and unloading operation adjacent to ground floor residential uses shall be limited between the hours of 6:30 a.m. and 10:00 p.m. Loading docks shall be signed to indicate "no idling."

### 4. Screening

All loading areas shall be screened in accordance with Section 8.4.C.3.

## 8.6 OUTDOOR LIGHTING

### A. Applicability

1. Unless specifically exempt, all existing and proposed development for which site plan or major subdivision plat approval is required shall meet the provisions of this section.

2. Buildings and structures lawfully existing as of the effective date of this chapter, may be redeveloped, renovated or repaired without modifying outdoor lighting in conformance with this section, provided there is no increase in gross floor area in such building or structure or impervious area on the site.
3. Where a building or structure existed as of the effective date of this chapter, and such building is enlarged in gross floor area or impervious area on the site by ten (10) percent or two thousand (2,000) square feet, whichever is less, outdoor lighting as specified in this section shall be provided.
4. Lighting plans shall be submitted with the appropriate development applications as required by [Chapter 3](#). Details for lighting plans are included in Subsection J.

**B. Prohibited Light Sources**

The following light fixtures and sources shall not be used within the Town where the direct light emitted is visible from adjacent areas:

1. Low-pressure sodium and mercury vapor light sources;
2. Cobra-head-type fixtures having dished or drop lenses or refractors which house other than incandescent sources; and
3. Searchlights and other high-intensity narrow-beam fixtures.
4. Flashing, revolving, or intermittent exterior lighting visible from any lot line or street.
5. Upward facing lights. Lights set upon the ground or mounted so as to face upwards toward the sky, except those which are required to light the U.S. Flag and the North Carolina State Flag, when displayed during evening hours.

**C. Exemptions**

The following lighting types shall be exempt from the requirements of this section:

1. All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as all vehicular luminaires.
2. All hazard warning luminaires required by Federal regulatory agencies - all luminaires used must be red and must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task.
3. Individual residential lighting that is not part of a site plan or subdivision plan for street or other common or public areas outdoor lighting shall not be required to provide lighting but all lighting that is provided shall meet the design, height, and isofootcandle requirements of this section.
4. Lighting associated with the holiday, festival, or other temporary uses.
5. Lighting of public art that has been permitted or otherwise approved by the Town.
6. Other municipal or state lighting installed for the benefit of public health, safety, and welfare.

7. All fixtures installed or temporarily used by public agencies, their agents, or contractors for the purpose of illuminating public streets.
8. Lighting of U.S. and North Carolina State Flags provided the flag standard does not exceed the maximum permitted building height for that planning area.

**D. Design Requirements**

Outdoor lighting shall primarily be used to provide safety while secondarily accenting key architectural elements and to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project. This may be accomplished through style, material, or color. All lighting fixtures designed or placed to illuminate any portion of a site shall meet the following requirements:

**1. Fixture (Luminaire)**

The light source shall be concealed and shall not be visible from any street right-of-way or adjacent properties. In order to direct light downward and minimize the amount of light spillage into the night sky and onto adjacent properties, all lighting fixtures shall be cutoff fixtures.

**2. Fixture Height**

Unless otherwise noted in this ordinance (eg, recreation facilities), all lighting height shall meet the following:

- a. Lighting fixtures shall be a maximum of thirty (30) feet in height within parking areas and shall be a maximum of fifteen (15) feet in height within non-vehicular pedestrian areas.
- b. All light fixtures located within fifty (50) feet of any residential use or residential property boundary shall not exceed fifteen (15) feet in height.

**3. Light Source (Lamp)**

All lighting shall be a warm or neutral white in color, and shall be incandescent, fluorescent, metal halide, LED, or color corrected high-pressure sodium. The same light source type shall be used for the same or similar types of lighting on any one site throughout any development.

**4. Shielding**

- a. Building lighting and landscaping lighting shall be located, aimed, and shielded so that direct illumination is focused exclusively on the building facade, plantings, or other site features and shall not extend upward to the night sky. The source of illumination (the bulb) shall not be visible from any roadway or adjacent land use.
- b. Lights shall be shielded to prevent light spillage onto adjoining properties and the street right-of-way.
- c. Lighting used to illuminate pedestrian walkways and signage shall be downcast or cutoff type lighting fixtures.

**5. Mounting**

Fixtures shall be mounted in such a manner that the cone of light is contained on-site and does not cross any property line of the site.

**6. Limit Lighting to Periods of Activity**

The use of sensor technologies, timers, or other means to activate lighting during times when it will be needed may be required by the Planning Board to conserve energy, provide safety and promote compatibility between different land uses.

#### **E. Specific Lighting Standards**

Standards for specific lighting types shall be as listed below and as included in the Footcandle measurement chart in Subsection G.3.

##### **1. Security Lighting**

- a. Building-mounted security light fixtures such as wall packs shall not project above the fascia or roof line of the building and shall be shielded.
- b. Security fixtures shall not face a residential property.
- c. Security fixtures shall not be substituted for parking area or walkway lighting and shall be restricted to loading, storage, service, and similar locations.

##### **2. Accent Lighting**

Only lighting used to light the American flag or accent architectural features, landscaping or art may be directed upward, provided that the fixture shall be located, aimed, or shielded to minimize light spill into the night sky.

##### **3. Canopy Area Lighting**

All development that incorporates a canopy area over fuel sales, automated teller machines, or similar installations shall use a recessed lens cover flush with the bottom surface of the canopy that provides a cutoff or shielded light distribution.

##### **4. Entrances and Exits in Nonresidential and Multifamily Development**

All entrances and exits to buildings used for nonresidential purposes and open to the public, along with all entrances and exits in multifamily residential buildings containing more than four (4) units, shall be adequately lighted to ensure the safety of persons and the security of the building.

##### **5. Commercial Parking Area Lighting**

All commercial parking areas shall be required to provide lighting during nighttime hours of operation.

##### **6. Outdoor Recreation Facilities**

- a. The mounting height of outdoor sports field lighting fixtures shall not exceed eighty (80) feet from finished grade unless approved by the Planning Board as having no adverse effect or approved by the Town as part of a Special Use Permit.
- b. All outdoor sports field and outdoor performance area lighting fixtures shall be equipped with a glare control package (louvers, shields, or similar devices).
- c. The fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area.
- d. Non-conforming fixtures lighting sports fields may be replaced or otherwise changed on an individual/small cluster basis with new non-conforming fixtures. However, when all



the fixtures are upgraded or otherwise changed, the fixtures must be brought into compliance with the requirements of this Chapter.

- e. The hours of operation for the lighting system for any game or event shall not exceed one hour after the end of the event.

**F. Excessive Illumination**

1. Lighting within any lot that unnecessarily illuminates and substantially interferes with the use or enjoyment of any other property shall be prohibited. Lighting unnecessarily illuminates another lot if it exceeds the requirements of this section.
2. Lighting shall not be oriented to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers.

**G. Average Maintained Foot-Candle Requirements**

**1. Measurement**

The maximum permitted illumination shall be measured in average maintained foot candles from ground level. This average shall be arranged to prevent light spillage as specified in Subsection H.

**2. Level of Illumination**

The level of illumination shall be based on the primary activity in each area to be lighted as shown in the table below. Foot-candle designations represent measurements for the average maintained intensity at grade.

**3. Foot-Candle Requirements**

Average Maintained Footcandle Requirements			
Lighting Type	Maintained Footcandle Max   Min		Additional Notes/Requirements
Utility Lighting			
Street Lighting	2.0	0.5	Also, see subsection I. for additional street lighting standards.
Pedestrian Paths/Sidewalks	1.0	0.5	As measured at the property line. Outdoor lighting sources shall be shielded so as not be visible from a residential use.
Area Lighting			
Commercial/Mixed-Use	2.0	1.0	As measured at the property line.
Residential	0.3	n/a	Lighting shall be focused exclusively on the plantings and away from adjoining properties and the street right-of-way.
Landscaped Areas <i>(continued)</i>	2.0	n/a	Site and parking lighting shall be coordinated with trees and landscaping so as not to be obscured by such plantings. Lighting fixtures of more than two thousand (2,000) lumens shall be cut-off fixtures. Decorative lighting fixtures no more than fifteen (15) feet in height shall be installed along pedestrian walkways, as approved by the Administrator. Such lighting shall provide uniform distribution of lighting to produce minimal shadows.

Average Maintained Footcandle Requirements			
Lighting Type	Maintained Footcandle Max   Min		Additional Notes/Requirements
Parking Lots	4.0	1.0	Fixtures shall be directed to light the parking area and not to shine onto adjacent properties. All fixtures shall be fully shielded or installed with a manufacturer's glare control package to minimize up-light, spill-light, and glare. Fixtures must not exceed thirty (30) feet in height as measured from grade.
Outdoor Recreation and Performance Facilities	n/a	n/a	Fixtures shall be directed to the primary playing or performance area and the immediate surroundings only so as not to shine onto adjacent properties. All fixtures shall be fully shielded or installed with a manufacturer's glare control package to minimize up-light, spill-light and glare. Fixtures shall not exceed thirty (30) feet in height as measured from grade except that sports field lighting shall be permitted to a height not to exceed eighty (80) feet.
Gas Station Canopy	10.0	4.0	All light fixtures for gas stations mounted on the lower surface of canopies must be fully shielded (canopy edges do not qualify as shielding). Lighting levels should be no more than 10 FC at edge of canopy. Light spillage requirements shall be met.
<b>Building Exteriors</b>			
Patron Entrances	6.0	2.0	
Employee/Service Entrances	1.0	0.5	
Building Facade	5.0	2.0	Lighting shall be focused exclusively on the building features and away from adjoining properties and right-of-way.

*This table is derived from recommendations of the Illuminating Engineering Society.*

#### H. Light Spillage Requirements

Lighting intensities shall be controlled to assure that light spillage and glare are not directed at adjacent properties, neighboring areas, drivers, or the sky. The table below shows the maximum light permitted, as measured in foot candles, at the property line in order to prevent light spillage.

Light Spillage Requirements	
Lighting Type	Maximum Foot-candles at Property Line
Commercial/Mixed-Use Areas	2.0
Residential Areas	0.3
Parking Lots	2.0
Outdoor Recreation and Performance Areas	1.0
All Other Areas	0.3 (non-cut-off lights); 1.5 (cut-off lights)

#### I. Street Lighting

**1. Required Improvements**

The owner, developer, or developer of property shall install street lighting along all proposed streets and along all adjoining existing streets in conformance with Duke Energy and Town of Cramerton standards at the developer's expense.

**2. Plans Required with Development Applications**

The applicant shall coordinate efforts prior to submission of development applications to the Town so that the necessary street light locations, pole and fixture details, and photometric plans can be included in the application. Proposed placement of lighting shall be coordinated with existing vegetation and proposed landscaping as well as parking, driveways, and utilities.

**J. Lighting Plan Requirements**

All development subject to the standards of this Chapter shall require a lighting plan. Plans shall be reviewed for compliance during the site plan and/or subdivision process. Lighting shall be shown on plans, including as-builts that are signed and sealed, verifying that all site lighting is installed according to town standards, the approved plans, and any applicable conditions. Lighting plans, at minimum, shall contain the following:

1. All proposed and existing buildings on the site;
2. Pedestrian and vehicular areas;
3. Other above-ground improvements;
4. The horizontal location of all proposed and existing outdoor lighting fixtures, including pole and wall-mounted fixtures;
5. Mounting heights of each fixture;
6. Overall height of each pole above grade;
7. Fixture details;
8. Location of externally illuminated signs and associated fixtures;
9. The location of all architectural and landscape lighting fixtures.
10. Footcandle plan, including the footcandles of illumination at ground level to the nearest tenth of a footcandle at horizontal intervals of not more than 10' over the entire site and at the lot lines.
11. Manufacturer cut sheets (specifications) for each proposed fixture, including pole, heads, cut-offs.
12. A lighting fixture schedule that presents the following information:
  - a. Fixture type, including the manufacturer's product identification catalog number.
  - b. Fixture mounting height

## 8.7 SITE DESIGN STANDARDS

### A. Relationship of Building to the Street

1. Building facades that front a street should extend parallel to the street. Main pedestrian access to the building should be from the fronting street, with secondary access from a secondary street or parking areas. Entrances to retail-oriented buildings should be at grade with fronting sidewalk. Corner buildings may have corner entrances.
2. Nothing in this section is intended to limit vehicular access around the building. Site design shall accommodate both pedestrian and vehicular traffic, utilizing sidewalks and crosswalks where necessary for access.
3. To the greatest extent practical, parking shall be placed to the side and/or rear of a building. In instances where this requirement is unable to be met due to site specific constraints like width, length, existing structures, etc., as determined by the Administrator, the following apply:
  - a. Two (2) rows of parking, not greater than forty (40) percent of the total amount of parking located on the parcel may be located between a commercial building and the street.
  - b. A knee wall, no less than 3.5' feet in height or a 3' berm, both with a mix of shrubs and shade trees, shall be installed between the sidewalk and the building frontage to provide an spatial frontage and provide screening for parking.
  - c. All additional off-street parking requirements of Section [8.5](#) of this Chapter shall apply.
4. Drive-thru service windows shall be placed on the side or rear of the building. In no case shall a drive-thru window be located on the front façade or facing a public road. If a drive-thru window is to be located on a side of the building, it must be located on the least visible side from the fronting street and screened from view with island plantings or perimeter buffers.
5. Loading and unloading areas shall be provided in accordance with Section [8.5](#) of this Chapter. Loading/unloading areas shall be placed, to the rear or side of the structure and screened from view of any street or any residentially developed or residentially zoned property. If a loading dock is necessary to support the proposed use, the loading dock shall be located to the rear of the structure and shall be screened from view of any street or any residentially developed or residentially zoned property.

### B. Sidewalks and Required Planting Strip

1. Sidewalks shall be provided along the public or private rights-of-way of all roads within the Town.
2. A minimum of ten-foot (10') wide sidewalks or multi-use paths are required with a minimum of six (6) feet of planting strip between the sidewalk and edge of curb along Wilkinson Boulevard and S. New Hope Road. Bollards may be required at intersections to prevent unauthorized vehicles from accessing sidewalks.
3. A minimum of six-foot (6') wide sidewalks are required along all other routes.

4. A minimum of a six (6) foot wide planting strip shall be placed between the sidewalk and edge of curb for the placement of street trees and to provide a safety area for pedestrians. Where trees are to be located outside of the right-of-way street trees shall be placed with a landscape easement.

**C. Alternative Designs: Conditional Zoning**

An applicant may request certain alternate designs to those that are required where such deviations may not meet the strict requirements of this Section, but clearly satisfy its purpose and intent. The Board of Commissioners may, as part of a conditional zoning request, approve such alternative designs, where an equal or greater standard is proposed. Such approval must conform to the requirements of Section 3 of this Ordinance and shall not be used to circumvent the variance process.

## **8.8 PEDESTRIAN DESIGN CONSIDERATIONS**

**A. Purpose and Applicability**

The purpose of this section is to ensure the design of buildings and sites support a safe and inviting environment. Pedestrian considerations shall be clearly provided for on all site plans and major subdivisions over two (2) acres in size, not subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings

**B. Standards**

**1. Entrances**

The following requirements for building entrances shall be required:

- a. A primary facade and primary building entry should face a street or public right-of-way. Secondary entrances are encouraged along local streets, parking lots, plazas, and adjacent buildings. Vehicular openings, such as those for garages, shall not constitute a public entrance.
- b. Weather protection for pedestrians shall be provided along building frontages abutting a public sidewalk. These may include items such as awnings, canopies, galleries, and arcades.

**2. Pedestrian Amenities**

All non-residential development shall provide at least one (1) pedestrian amenities. Pedestrian amenities shall have direct access to public sidewalk network. Pedestrian amenities may include, but are not limited to:

- a. Patio seating;
- b. Active use areas;
- c. Café style tables and seating;
- d. Features such as a fountain, water features or clock towers;
- e. Pedestrian plaza with benches;
- f. Decorative planters and large potted plants;

- g. Public art installments such as statutes or monuments;
- h. Enhanced paving areas and colored pavers;
- i. Pocket parks or gardens; and
- j. Focal feature.

**3. Pedestrian Access and Flow**

A continuous, internal pedestrian walkway system shall be provided from a perimeter public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. Pedestrian walkways shall feature amenities (Subsection 2, above) such as landscaping, benches, enhanced pavers, seating areas and similar materials/facilities along the length of the walkway.

**a. Sidewalks**

- (1) Sidewalks shall be at least six (6) feet in width and shall be provided along any street-facing side(s) of any lot that abuts a public street;
- (2) Sidewalks shall have a minimum width of ten (10) feet in the following areas:
  - (a) Along the full length of the building(s) along any façade(s) featuring a customer entrance, and
  - (b) Along any building façade(s) abutting public parking areas.
- (3) Sidewalks are required on both sides of any street unless approved otherwise by the Administrator or deciding body.

**b. Pedestrian Crossings**

Street crossings shall be required whenever a walkway intersects a vehicular area; and/or a pedestrian walkway intersects a vehicular area within a development or along its frontage. Crossings dedicated for pedestrians within vehicle use areas shall be marked in accordance with state and federal law and designed to draw special attention to alert vehicles to its location through:

- (1) Physical articulations such as bump-outs;
- (2) Signage;
- (3) Change in materials;
- (4) Colored paint;
- (5) Grade change; and/or
- (6) A combination of these elements.

**c. Foundation Landscaping**

- (1) A minimum of one (1) foundation planting bed shall be provided for every two hundred and fifty (250) feet of pedestrian walkway.

- (2) Where possible, planting beds shall be spaced at regular intervals and located between curbs and buildings.
- (3) A minimum of one (1) canopy or understory tree, three (3) shrubs, and ground covering, or mulch, shall be installed in each planting bed.
- (4) Such beds shall have at least three hundred (300) square feet of area.

**d. Surfaces**

All internal pedestrian walkways shall be distinguishable from driving surfaces through the use of special pavers, bricks, or scored concrete to enhance pedestrian safety and the attractiveness of the walkways.

## **8.9 BUILDING DESIGN AND MAINTENANCE STANDARDS**

**A. Purpose**

These standards are intended to promote the development and maintenance of property within the Town of Cramerton with new and existing buildings that meet with the community character and promote the economic integrity of the area. Buildings should respond to long term needs of changing users, prioritize connectivity and access for pedestrians, future transit opportunities, and vehicular requirements, and integrate with adjacent existing properties by maintaining context sensitive street frontages along the thoroughfares they border.

**B. Applicability**

- 1. The building design standards of this section are applicable to all buildings except for structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings and industrial buildings, located within the I, Industrial district.
- 2. Civic and Institutional buildings, such as schools, churches, and libraries, are signature community elements, and may be made exceptions to the requirements of the more regulated style of private development. However, appropriate designs for these types of structures are a crucial part of maintaining the image of the Town; therefore, while civic and institutional buildings shall meet the following design regulations, exceptions may be provided administratively when the specific design circumstance is justified.

**C. Street Level**

The front of the building should be oriented to the street and parking, storage, loading, and preparation areas shall be placed to the side or rear of the building and screened from view. The use of, landscaping, walls/fences, window treatments, and other architectural features shall be used to ensure such activities are hidden from view from any adjacent roadway.

**D. Exterior Materials**

- 1. Building walls shall incorporate brick, stone, cast stone, formed concrete, stucco, concrete siding, EIFS, wood, and wood materials designed and intended for use as an exterior finish material, or other long-lasting material over a minimum seventy-five (75) percent of the surface area (excluding windows and doors). Exterior metal, aluminum siding, unfinished concrete block, or vinyl siding shall be prohibited as primary materials.

2. Building materials shall be similar to the materials already being used in the area, or if dissimilar materials are being proposed, other characteristics such as scale, proportion, form, detailing, color, and texture shall be used to ensure that the building relates to the rest of the neighborhood.
3. Building trim may feature bright colors as an accent material only. The use of fluorescent, day-glow, or neon colors shall be prohibited.

#### **E. Walls and Facades**

1. The building façade shall have a clearly identifiable base, body, and cap with horizontal element separating these components. The component described as the body shall constitute a minimum of fifty (50) percent of the total building height.
2. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding forty (40) feet. All building walls shall include at least two of the following items:
  - a. Change in plane of at least twelve (12) inches in depth.
  - b. Change in texture or masonry pattern.
  - c. Windows.
  - d. Awnings and/or canopies, so long as they meet the following criteria:
    - (1) Must have a minimum of nine (9) feet clear height above the sidewalk and must have a minimum depth of three (3) feet.
    - (2) May extend into a required setback above private property; may extend into public right-of-way so long as it is no closer to two (2) feet to the back of the curb of the street, nor shall it interfere with street trees, streetlights, or street signs.
  - e. All sides, including the rear of the building, shall include materials and design characteristics consistent with those of the front. Use of inferior or lesser quality materials on side or rear walls is prohibited.

#### **F. Transparency**

1. Façades of all commercial structures shall incorporate windows and doors over a minimum percentage of the surface area of street fronting facades. Minimum percentages are outlined below.
  - a. Ground level of commercial uses: Thirty (30) percent of surface area minimum.
  - b. Ground level buildings over twenty-five thousand (25,000) square feet: Twenty (20) percent of surface area minimum.
  - c. Upper Story Transparency: Twenty (20) percent of surface area minimum.



2. In cases where a building has more than two (2) facades fronting a street or primary travel way, the transparency requirement shall only be required on two (2) facades based on pedestrian traffic and vehicular visibility.

#### **G. Roofline**

1. Rooflines should consist of one (1) or more sloped planes. However, flat roofs are allowed so long as they are concealed from view by a parapet wall of a minimum height of three (3) feet along all elevations of the building.
2. Pitched roofs shall be clad in wood shingles, standing seam metal, corrugated metal, slate, architectural asphalt shingles, or similar, high-quality roofing materials as determined by the Administrator.
3. All rooftop mechanical and electrical equipment shall be completely screened from view from all public streets and adjacent properties.

#### **H. Height**

Building height is specific to the zoning district as outlined in [Chapter 4](#) of this Ordinance.

#### **I. Window Displays**

1. Window displays shall not contain merchandise, products, or materials that are faded from the sun or refuse, debris, scarp, stored materials, dust, dirt, withered plants, etc. that are not currently promoting commercial or public activity and interests.
2. Store fronts with display windows that are visible by pedestrian traffic at street level and are vacant for more than fourteen (14) calendar days shall provide either a window screen that obscures the view of vacant space from pedestrians or a window display that shows arts, crafts, or merchandise from surrounding businesses or objects or information of general interest. In multi-story buildings, some form or type of window treatment shall be provided to obscure contents at all levels above grade.

#### **J. Maintenance**

##### **1. Windows**

Boarded or sealed window and door opening[s] create a health, safety, and fire hazard to adjoining property owners, tenants, customers, and emergency personnel.

- a. After the effective date of this Ordinance boarding up windows will be prohibited except as a temporary measure for no longer than thirty (30) days.
- b. Missing and broken windows shall be replaced with glass to allow for safe and rapid egress in case of emergency and shall not be boarded or sealed over unless:
  - (1) There is at least one (1) window opening for every room adjacent to the outside/exterior of the building, and
  - (2) The building complies with all current fire codes, and

- (3) The sealed opening is constructed of the same material and architectural look to appear as if such opening never existed (i.e., windows missing in a brick building shall be sealed with a brick of similar color and style as the existing structure), and
- (4) The architectural renderings of the material proposed to be used to seal such openings are approved by the Planning Board; or
- (5) The Board of Commissioners otherwise approves of the architectural and safety measures in place for such sealed opening.

## 2. Façades

Building façades, including windows, doors, glass, awnings, siding, rails, steps, fixtures, signs, etc., shall be maintained as follows unless otherwise regulated:

- a. Paint and material finishes shall be periodically applied to replace checked, cracked, peeled, or weathered surfaces.
- b. All windows shall be clean, broken glass replaced and obstructions removed that are not part of a current window display or sign. This shall not apply to devices designed to facilitate the passage of air or light.
- c. All exterior building parts shall be maintained in a safe and secure condition and all exterior parts that show signs of deterioration, obsolescence, or disrepair shall be removed, replaced, or renovated.

## 3. Planted Areas

All planters, gardens, green areas, etc. shall be kept free of weeds, litter, and plant material that is invasive, dead, dying, diseased, or infested by insects. Overgrown plants shall be trimmed and kept within designed planting areas. At the end of the growing season, not later than December 1st of each year, a continuous layer of shredded bark or pine needle mulch (2-3" deep) shall be applied to soil surfaces that are not planted with a ground cover.

## 8.10 INFILL DEVELOPMENT STANDARDS

### A. General

Unless otherwise stated, standard ordinance requirements shall apply unless modified by the standards set forth within this section.

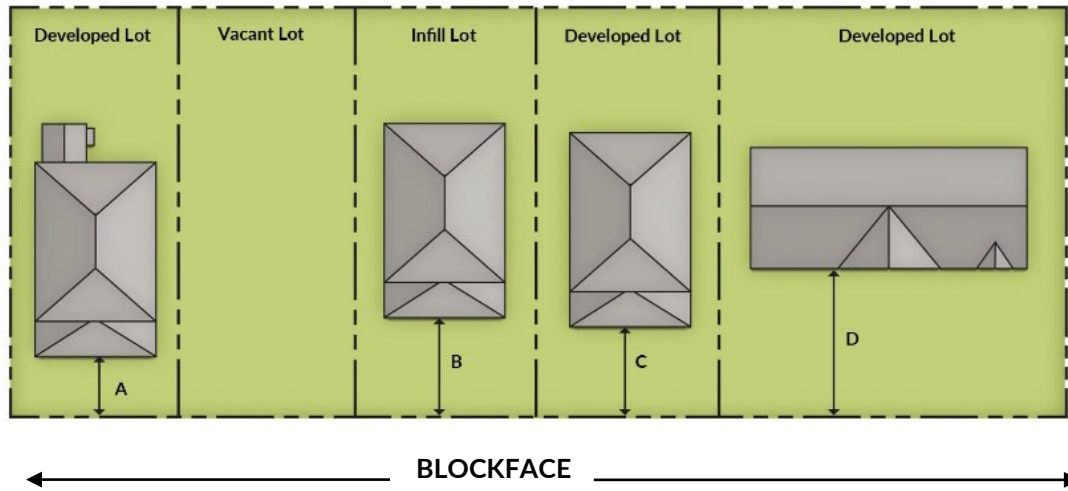
### B. Applicability

1. This section shall apply to any new construction or modification of any existing residential building located on a site of less than two (2) acres in a residential district, where development on and within the same block exists. A residential building shall also include a residential building converted to a nonresidential use.
2. Where a character overlay provides for regulations which vary from the provisions provided herein, those regulations outlined in the overlay shall take precedent.

### C. Determination of Context Area / Blockface

The context area for determining infill standards shall be the surrounding block of the subject parcel. For the purposes of this section, all lots on the same side as the subject property extending three

hundred (300) feet in either direction along a cul-de-sac or other similar street section, within the same block and zoning district, shall be considered a block face.



*The front setback or required street yard of 'B' on the INFILL LOT, shall be no less than 'A' and no more than 'D'.*

#### D. Yards / Setbacks

##### 1. Street Yards.

The required street yard or front setback of the subject lot shall be the established street yards (as defined by the distance between the primary structure on each property and the edge of the right-of-way) or front setback on residential lots, including structures converted to nonresidential use, with residential zoning along the same block face.

- a. Vacant lots shall apply if the primary structure was demolished. GIS maps, demolition documents, and any available surveys shall be used to determine the street yard of the demolished building. If no documentation is available, then the minimum or maximum street yard of the zoning district, as applicable, shall be used.
- b. Flag lots shall not be used for considering street yards.

##### 2. Required Street Yard

- a. The required street yard or front setback shall be any distance between the smallest and largest street yards within the context area. However, in no instance shall the smallest street yard be less than five (5) feet.
- b. If there are fewer than two (2) lots that qualify within the context area, then at the discretion of the applicant:
  - (1) The base zoning district requirements shall apply; or
  - (2) A street yard measuring between the smallest and largest street yard or front setback of the opposing block face can be used.

- c. For corner lots, each street yard or front setback shall be determined separately.
- 3. Alleys shall not be considered to create a new block. Parcels on the opposite side of an alley shall be considered along the same block face.
- 4. **Side Yards**  
Porches can extend into the side yard when incorporated into the design and construction of the primary structure, but in no case shall they be permitted to be closer than three (3) feet from the property line.
- 5. **Landscaping**  
In addition to required street trees, at least one (1) canopy or understory tree shall be planted or retained on the lot.

## E. Buildings

### 1. Building Width

New construction shall not exceed the average building width for existing residential structures in the context area established in Subsection C. *Determination of Context Area/Blockface*, by more than twenty-five (25) percent, unless a building articulation of at least six (6) feet in depth at a point that mimics the average building width in the context area is provided.

### 2. Building Height

The maximum height of a primary structure shall not exceed the height of the lesser of either of the following:

- a. The maximum height permitted by the zoning district; or
- b. More than ten (10) feet taller than the shortest height of primary structures on adjacent lots along the block face.
  - (1) If there is not a primary structure on an adjacent lot, the next lot along the block face shall be used.
  - (2) If the next lot also lacks a primary structure, then the height of the vacant adjacent lot shall be the maximum allowed by the zoning district.

### 3. Main Entrance

Except for single-family and two-family residential structures, every principal structure shall have a main entrance on a street other than an alley. On corner lots, the main entrance can face either street or can be oriented toward the corner. For buildings that have more than one (1) main entrance, only one (1) main entrance shall be required to face a street.

### 4. Garages and Access

- a. Where a lot abuts an improved alley, all vehicular access shall be taken from the alley.
- b. When a garage entrance faces a street other than an alley, a single garage entrance shall be no more than twenty-four (24) feet in width.
- c. Where a front setback or yard of less than 20' is required by these infill requirements, the primary structure maybe located at the infill setback, however, a garage shall be required to

have a setback of no less than 20' in order to meet the required off-street parking requirements in the driveway.

**5. Downspouts**

For sites where no other stormwater controls are required, downspouts shall direct stormwater runoff over pervious area and not piped to right-of-way.

## Chapter 9. Signs

### 9.1 GENERAL INTENT

The purpose and intent of this Article is to support and complement the various land uses allowed in the Cramerton area by the adoption of policies and regulations concerning the placement of signs. It is not the intent of this Article to prohibit any sign, display, or device containing any lawful, noncommercial message.

The Town Board of Commissioners does hereby find and declare that outdoor placement of signs to be a legitimate use of private property but that the erection of signs should be controlled and regulated in order to promote the health, safety, welfare and convenience and enjoyment of travel on and protection of the public investment in streets and roads in the Cramerton area and to promote the reasonable, orderly and effective display of such signs, displays and devices. It is also the intent of this Ordinance to prevent signs from dominating the visual appearance of the area in which they are located.

### 9.2 DEFINITIONS & SIGN TYPES

#### A. Definition:

Any object, display or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

#### B. Building Sign. Building signs are those on-premises signs mounted or affixed directly to a building or building window, or to a structural addition of a building, such as a parapet or awning, directly related to the use within the subject building.

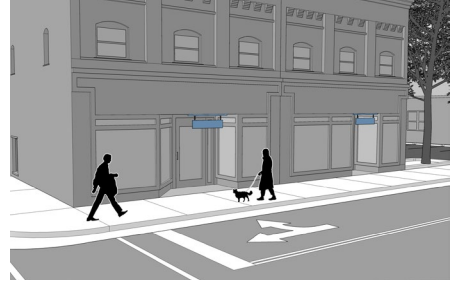
1. **Awning Sign.** A building sign integrated into traditional storefront awnings that project over a sidewalk from the building façade.



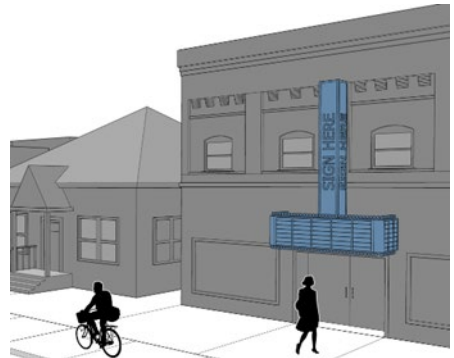
2. **Canopy Sign.** A building sign which is attached flat to, designed as part of, and fastened to a canopy.



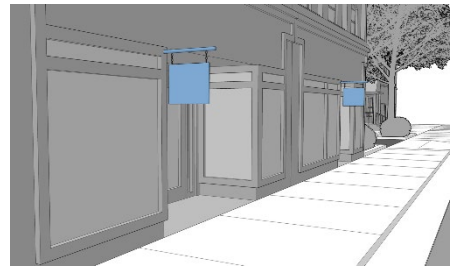
3. **Hanging Sign.** A building sign which is hanging from a canopy or recessed building entrance.



4. **Marquee Sign.** A building sign attached to a marquee for the purpose of identifying a use or product. Typically attached to a theater, performing arts center, or similar use, and may advertise films or productions.



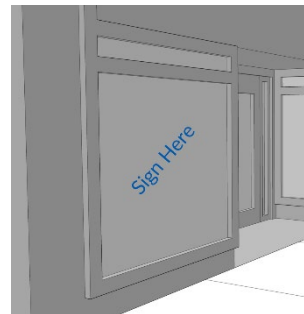
5. **Projecting Sign.** A sign that is attached to an exterior building wall that extends more than twelve (12) inches. A Projecting Sign intersects the building on which it is located at a right angle.



6. **Wall Sign.** A building sign that is directly attached to an exterior building wall and projects no further than twelve (12) inches from said building wall.



7. **Window Sign.** A sign attached flat but parallel to the inside of a building window and does not include wall/fascia signs.



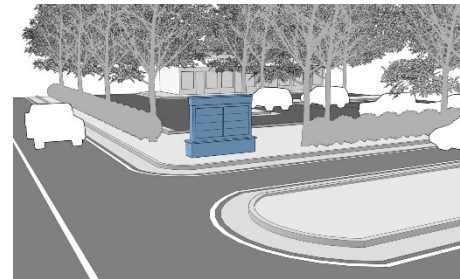
**C. Freestanding Signs.** Freestanding signs are on-premises signs that are supported by structures that are independent of a building, yet relate to uses on the same subject site.

- 1. Directional On-Site Sign.** An on-premises freestanding sign incidental to the use of the lot on which it is located that provides necessary information to guide traffic, whether vehicular or otherwise, within the site. Any one directional sign shall be no larger than four (4) square feet.

- 2. Ground or Monument Sign.** A free-standing sign that is permanently affixed to the ground, and not mounted on a pole or attached to any part of a building.



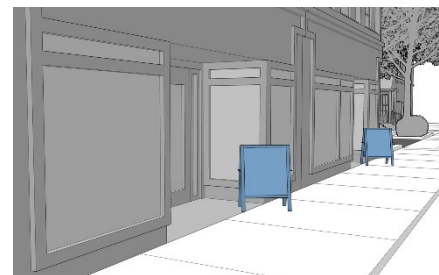
- 3. Multi-tenant Sign.** A freestanding sign used to advertise businesses that occupy a shopping center or complex of two (2) or more tenants.



- 4. Pole Sign.** A freestanding sign that is permanently supported by a structure of one or more poles, posts, uprights, or braces from the ground.



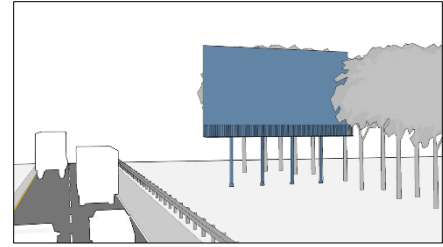
- 5. Sidewalk Sign.** A freestanding upright "A-frame" structure used for displaying promotional information to the public.



**D. Off-Premises Signs.**



1. **Billboard.** An off-premises, freestanding sign that advertises an establishment, service, commodity, goods, or entertainment. A billboard usually has a sign area larger than thirty-two (32) square feet.
2. **Directional Off-Site Sign.** An off-premises freestanding sign that provides information or direction to a use or building not located on the subject site.



**E. Other Signs:**

1. **Government Sign.** Any sign for the control of traffic or for identification purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger or construction, which are erected by or at the order of a public officer, employee or agent thereof, in the discharge of official duties.
2. **Incidental Signs.** A sign that displays general site information, instructions, directives, or restrictions that are primarily oriented to pedestrians and motor vehicle operators who have entered a property from a public street. These signs shall not contain any commercial advertising. These shall include, but not be limited to and signs on automatic teller machines, gas pumps, vending machines, or newspaper boxes. This does not include menu boards which require a sign permit.

### 9.3 SIGN ILLUMINATION

- A. Signs are permitted to be internally or externally illuminated as noted in Section [9.3](#).
- B. All lighted signs shall have their lighting directed in such a manner as to illuminate only the face of the sign.
- C. No sign (other than a freestanding ground sign) within one hundred (100) linear feet of a pre-existing residential structure may be illuminated between the hours of 12:00 midnight and 6:00 a.m. A residence shall be deemed "pre-existing" for purposes of this subsection if it had received a certificate of occupancy prior to the installation of such signage. Any residential structure constructed prior to the effective date of this Ordinance shall also be considered "pre-existing".
- D. Prohibited Lighting: No flashing or intermittent illumination shall be permitted on any advertising sign or structure.

### 9.4 UNSAFE SIGNS

Any sign which is determined by the Administrator as being insecure, in danger of falling or otherwise endangering the public safety shall be immediately removed by its owner unless it is repaired and made to otherwise comply with the requirements of this Ordinance.

### 9.5 MEASUREMENT

**A. Sign Area**

1. **Channel Letter Signs.** The area of a sign with individual letters and logos shall be the entire area within the smallest polygon that will encompass the extreme limits of the words, copy, text, or logo, that can be reasonably calculated (See example A1, below)

2. **Sign Face.** The area of a sign face shall include any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. (See example A2, below)



Figure 9.5.A.1.  
Measurement of sign area for individual letters



Figure 9.5.A.2  
Measurement of sign area for copy on a background

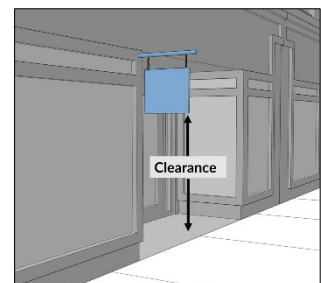
3. Frames and structural supports shall not be included in the area of a sign face.
4. In computing the area of a double-faced sign, only one (1) face shall be considered, provided that both faces are identical and parallel to each other with no discernable angle to each other. All other multi-faced signs shall consider the area of each individual sign face.

## B. Sign Height

1. Sign height is measured as the vertical distance from the average finished grade of the roadway on which the sign faces, fronts, or is adjacent, to the highest point of the sign or supporting structure.
2. Where the sign is located more than 100 feet from the edge of the right-of-way, the measurement shall be from the average finished grade of the ground surrounding the sign to the highest point of the sign or supporting structure.
3. All signs must be contained within the building height restrictions of the zoning district, with the exception of outdoor advertising / billboards.

## C. Clearance

Clearance is measured as the smallest vertical distance between the finished grade at the base of a sign and the lowest point of the actual sign, framework or other structural elements.



## 9.6 PERMIT REQUIRED

- A. Except as otherwise provided in Section 9.8 of this Ordinance, it shall be unlawful for any person to erect, construct, enlarge, move or replace any sign without first having obtained a sign permit from the Administrator as required by this Ordinance. This includes temporary signs. A fee, in accordance with a fee schedule adopted by the Town Board of Commissioners, shall be charged for each sign permit issued.
- B. Notwithstanding the above, changing or replacing the copy on an existing lawful sign shall not require a permit, provided the copy change does not change the size or nature of the sign such as to render the sign in violation of this Ordinance.

## 9.7 PROHIBITED SIGNS

The following signs are not permitted in the zoning jurisdiction of the Town of Cramerton:

- A. **Signs Obstructing Views.** Any sign which obstructs the view of bicyclists or motorists using any street, approach any street intersection, or which interferes with the effectiveness of or obscures any traffic sign, device, or signal shall be prohibited. Any sign located in such a way as to intentionally deny an adjoining property owner visual access to an existing sign.
- B. **Signs Obstructing Access.** Any sign located outdoors which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air.
- C. **Flashing Signs and Lights.** Any sign, portion of a sign, display, or device displaying flashing lights, intermittent lights, or lights of changing degrees of intensity, including high intensity LED or flashing lights. This includes any lights that blink intermittently to mimic or appear in motion. *This does not include government signs and signs which give time and temperature information.*
- D. **Reflective Signs and Spotlights.** Illuminated, highly reflective signs or spotlights which hampers the vision of motorists or bicyclists.
- E. **Moving Signs.** Unless expressly permitted by this Ordinance, any moving sign or device, permanent or semi-permanent, designed to attract attention, all or any part of which moves by any means, including fluttering, rotating, or otherwise moving devices set in motion by the atmosphere, or by mechanical means, such as pennants, flags, propellers or discs, inflatables, whether or not any said device has a written message. No portion of the message of any digital sign may flash, scroll, twirl, twinkle, oscillate, rotate, blink, change color, or in any manner imitate movement. Traditional barber poles located at barbershops, however, shall not be prohibited.
- F. **Signs Resembling Traffic Signals.** Other than government signs, which contain lights, words and other devices not erected by a public authority which may be erroneously construed as government signs or emergency warning signs. An example of this is a sign which contains a picture of a traffic sign plus the word "Stop", "Yield", etc.
- G. **Signs within a Right-of-Way or Illegally Placed.** Any sign, other than a government or political signs, placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, rock, or other surface located on, over, or across any public street or right-of-way.
- H. **Portable signs and vehicular signs.** Any sign that is designed to be moved on its own chassis or that is not permanently affixed to a building, stationary structure, or the ground or that is not designed to be permanently affixed to a building, structure, or the ground. This shall not apply to signs that are exempt from this Ordinance or to any category of temporary sign , or as otherwise permitted in this Ordinance.
- I. **Off-Premises Signs.**
- J. **Inflatable signs.**
- K. **Roof Signs.** Any sign which is erected on a roof or which extends in height above the parapet or roofline of the building on which the sign is erected.
- L. **Other signs not expressly permitted by this Ordinance.**

## 9.8 EXEMPT SIGNS

The following types of signs are exempt from permit requirements of Section 9.6 of this Ordinance and may be placed in any zoning district subject to this Section, provided such signs are in complete conformance with all applicable requirements contained in this Ordinance and this section. There shall be no limit as to the number of such signs on any lot, except as herein prescribed. All such signs (except government signs and political signs) shall be located outside a road right-of-way. Any exempt sign contained herein which does not meet the specific standards shall require a sign permit.

- A. **Government signs.**
- B. **Memorial plaques or grave markers.**
- C. **Flags, pennants, insignia, or religious symbols of any government, non-profit or not-for-profit organization when not displayed in connection with a commercial promotion or as an advertising device.**
- D. **Integral decorative or architectural features of buildings; works of art; so long as such features or works do not contain letters, trademarks, moving parts or lights.**
- E. **Security and Warning Signs.** Signs posted on private property related to public safety. Not more than two (2) signs shall be placed on any parcel. Shall not exceed two (2) square feet per sign in residential districts and five (5) square feet in all other districts.
- F. **Identification signs for residential principal and accessory uses.** Not exceeding four (4) square feet in area and only one (1) per premises.
- G. **Incidental signs.**
- H. **Political Signs.** Any sign that advocates for political action. The term does not include a commercial sign. Political signs shall be allowed without a permit if the following conditions are met:
  - 1. Political signs within the Town limits of Cramerton, meeting the requirements of this Section, are to be located entirely on private property, outside of any right-of-way of any local or Town-owned or maintained road, and placed with the permission of the property owner, no more than 30 days prior to an election, except as permitted in Subsection 2., below.
  - 2. **Compliant Political Signs Permitted.**
    - a. During the period beginning on the thirtieth day before the beginning date of "one-stop" early voting under G.S. 163-227.2 and ending on the tenth day after the primary, election day, or runoff election, persons may place political signs in the right-of-way of the State highway system as provided in this subsection. Signs must be placed in compliance with subsection 3 of this section and must be removed by the end of the period prescribed in this subsection.
    - b. Any political sign remaining in the right-of-way of the State highway system more than thirty (30) days after the end of the period prescribed in this subsection shall be deemed unlawfully placed and abandoned property, and a person may remove and dispose of such political sign without penalty.

3. Sign Placement. - The permittee must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected. Signs must be placed in accordance with the following:
  - a. No sign shall be permitted in the right-of-way of a fully controlled-access highway.
  - b. No sign shall be closer than three (3) feet from the edge of the pavement of the road.
  - c. No sign shall obscure motorist visibility at an intersection.
  - d. No sign shall be higher than forty-two (42) inches above the edge of the pavement of the road.
  - e. No sign shall be larger than eight hundred sixty-four (864) square inches or six (6) square feet.
  - f. No sign shall obscure or replace another sign.
4. Penalties for Unlawful Removal of Signs. - It is a Class 3 misdemeanor for a person to steal, deface, vandalize, or unlawfully remove a political sign that is lawfully placed under this section.

I. **Bulletin boards.** With a maximum area of thirty-two (32) square feet, these may be enclosed and illuminated.



*Example of a Bulletin Board*

J. **Directional Signs**, provided that:

1. No more than three (3) directional signs per principal use may be erected. Additional directional signage may be permitted with the issuance of a building permit.
2. All such signs shall be located on the subject site for which direction is being provided.
3. All such signs greater than three (3) feet in height as measured from the grade of the road upon which it fronts shall be located outside the required sight triangle as indicated in [Section 6.12](#) of this Ordinance.
4. All such signs shall not be illuminated externally or internally.
5. All directional signs shall be freestanding signs. Portable signs shall be prohibited.
6. The maximum area of any directional sign shall be four (4) square feet.
7. Off-site directional signage is prohibited.

K. **Personal Expression Signs.** Signs containing non-commercial copy messages, provided that:

1. Such signs have an area of four (4) square feet or less and are limited to a maximum number of two (2) per lot.
2. Such signs do not fit under the category of prohibited signs (i.e., Section 9.7)
3. Personal Expression signs shall be non-illuminated

**L. Building Directory Signs, provided that:**

1. One directory sign is permitted per multi-tenant building and shall list tenants and their respective suite, room, or office numbers.
2. No such building directory sign is intended to be visible/read from the right-of-way on which the building fronts.
3. The maximum sign area shall be thirty-two (32) square feet.
4. Letters do not exceed six (6) inches in height.
5. The height of the sign does not exceed six (6) feet.

**M.** 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 at that site or twenty-four (24) months from the time the fence wrap was installed, whichever is shorter. If construction is not completed at the end of twenty-four (24) months from the time the fence wrap was installed, the Town will regulate the signage but shall continue to allow fence wrapping materials to be affixed to the perimeter fencing.

**N.** Signs attached to commercial vehicles via wraps, decals, or permanent paint.

**O. Barber Poles.**

**P.** Signs displayed on the inside of a structure that are not visible from any public street or walkway.

## **9.9 SIGNS REQUIRING A PERMIT**

**A.** The following signs may be placed in such districts subsequent to the issuance of a permit by the Administrator. All other signs shall be prohibited.

RESIDENTIAL (R) DISTRICTS					
Use	Sign Type	# Signs Permitted	Max. Sign Area	Illumination	Max. Height (ft)
B&Bs, Day Care, Rooming Houses	Building	One (1) per establishment	4 sq. ft.	Permitted	Parapet of Bldg.
	Freestanding				5
Development Entrance	Ground/Monument	One (1) per entrance	32 sq. ft.	Permitted	8
All Other Permitted Uses	Building	One (1) per street frontage <sup>1</sup>	30 sq. ft.	Not Permitted	Parapet of Bldg.
	Freestanding		15 sq. ft.		10
BUSINESS (B) AND INDUSTRIAL (I) DISTRICTS					
Use	Sign Type	# Sign Permitted <sup>4</sup>	Max. Sign Area	Illumination	Max. Height (ft)
Shopping Center and Multi-Tenant Uses	Building	One per façade facing road or parking	10% of the wall area of the individual tenants on which sign is mounted	Permitted	Parapet of the Building
	Freestanding (Multi-tenant)	One (1) sign <sup>1,2</sup>	100 sq. ft.	Permitted	10 <sup>3</sup>
All Other Permitted Uses	Building	No limit on frontages facing road or parking	10% of the wall area on which sign is mounted	Permitted	Parapet of bldg.
	Freestanding	One (1) per street frontage <sup>1</sup>	64 sq. ft. total		10
OFFICE-INSTITUTIONAL (O-I) DISTRICT					
Use	Sign Type	# Signs Permitted <sup>4</sup>	Max. Sign Area	Illumination	Max. Height (ft)
Office Parks & Other Multi-Tenant Bldgs.	Building Sign	One per façade facing road or parking	10% of the wall area of the individual tenants on which sign is mounted	Permitted	Parapet of bldg.
	Freestanding (Multi-tenant)	One (1) per street frontage <sup>1,2</sup>	64 sq. ft. ground sign		Freestanding Sign: 10
All Other Permitted Uses	Building	No limit on frontages facing road or parking	10% of the wall area on which sign is mounted	Not Permitted	Parapet of bldg.
	Freestanding	One (1) per street frontage <sup>1</sup>	64 sq. ft.		Freestanding Sign: 10
CENTRAL BUSINESS DISTRICT (CBD)					
Use	Sign Type	# Signs Permitted <sup>4</sup>	Max. Sign Area	Illumination	Max. Height (ft)
All Permitted Uses <sup>2</sup>	Building	No limit for uses on Ground Floor	Two (2) sq. ft. of for each linear foot of building facing a public street or parking area (Ground Floor uses)	Permitted	Parapet of bldg.
		One (1) per premises per façade for Upper Floors	One (1) sign with a max area of 9 sq. ft. (Upper Floors uses)		
NOTES					
<sup>1</sup> One (1) sign per street front provided that the business has access from both frontages and that the two signs shall be located at least two hundred (200) feet apart as measured using the shortest straight-line distance between the two (2) signs.					
<sup>2</sup> A shopping center, multi-tenant building, or mixed-use development containing two (2) or more non-residential uses in a unified building or group of buildings may have one (1) freestanding sign giving the name of the development and/or the name of the businesses and other uses occupying the development.					
<sup>3</sup> Maximum sign height be increase to twenty-five (25) feet for freestanding signs if it is a pole sign along a major arterial.					
<sup>4</sup> Where there is no limit on the number of signs, the <b>total area of all proposed signs</b> on any one facade may not exceed the maximum sign area permitted.					

**B. Any Exempt Sign Not Meeting the Exemption Criteria:**

Any exempt sign contained in Section 9.8 which does not meet the specific standards shall require a sign permit and meet the requirements otherwise outlined in this Ordinance.

**9.10 SPECIFICATIONS FOR SIGNS REQUIRING A PERMIT**

The following are general specifications applicable to the various permitted signs. Additional specifications regarding size, number, location, and permitted types of signs are set forth in the individual zoning districts.

**A. Building Signs**

1. The maximum permitted aggregate area of wall signs per premises may be increased beyond that which is normally allowed using either (but not both) of the following methods:
  - a. If a free-standing sign is not used on the premises, the aggregate area of wall signs may be increased by a maximum of fifty (50) percent per premises.
  - b. The aggregate area of all wall signs per premises may be increased based on the distance the principal building is set back from the required front setback line. Said increase shall be in accordance with the following Table:

Principal Building Distance Setback From the Required Front Setback	Allowed Aggregate Wall Sign Area Increase Permitted
0 - 49 Feet	0 Percent
50 - 99 Feet	25 Percent
100 - 149 Feet	50 Percent
150 - 199 Feet	75 Percent
200 - 249 Feet	100 Percent
250 - 299 Feet	125 Percent
300 - 349 Feet	150 Percent
350 - 399 Feet	175 Percent
400 Feet or More	200 Percent

2. No wall sign shall project more than twelve (12) inches from the building wall. Further, no wall sign or its supporting structure shall cover any window or part of a window.
3. Canopy and awning signs. In no instance shall a canopy or awning sign extend into a street right-of-way, except in the CBD district. Such signs may extend into the street right-of-way in the CBD district with prior approval of the Town Engineer.
4. A projecting sign shall not project more than six (6) feet from a building. In no instance shall a projecting sign extend into a street right-of-way, except in the CBD District. Such signs may extend into the street right-of-way in the CBD district with prior approval of the Town Engineer.
5. Clearance on all signs extending more than six (6) inches from the building, shall be eight (8) feet.
6. Marquee signs shall only be permitted in Business Districts.

**B. Freestanding Signs**



1. Except as otherwise permitted, all freestanding signs shall be located behind the street right-of-way. Any such sign greater than three (3) feet in height as measured from the grade of the road upon which it fronts shall be located outside the required sight distance triangle as provided in [Section 6.12](#) of this Ordinance.
2. No portion of any free-standing sign shall be located closer than ten (10) feet to any adjacent side lot line. A twenty (20) foot side yard setback shall be required if the side lot line abuts a lot in a Residential (R) District.
3. The clearance of any pole sign shall be less than two feet (2') or greater than eight feet (8').
4. **Menu Boards.** An accessory sign providing items and price associated with a drive-thru window or walk-up window. Changeable menu boards shall be allowed if they meet the conditions below:
  - a. Such signs shall not exceed thirty-two (32) square feet in area, except as provided in subsection c. below, and six (6) feet in height.
  - b. Except as provided in subsection c. below, two (2) signs shall be permitted per drive-through lane not to exceed sixty-four (64) combined square feet. The two (2) menu boards shall be no closer than eight (8) feet at any point.
  - c. One (1) menu board sign up to forty (40) square feet in area and six (6) feet in height shall be allowed, as opposed to two (2) menu board signs as referenced in subsections a. and b. above.
  - d. Menu boards shall not face a public right-of-way or residential use or residentially zoned property and where such signs are visible from a public right-of-way or adjacent residentially used or zoned property, they shall be screened with landscaping as required in [Chapter 8](#).
  - e. Such signs may be internally and externally illuminated per Section [9.3 Sign Illumination](#).

### C. Digital Signs

1. Signs with LED or digital electronic messages shall be allowed under the following conditions:
  - a. Electronic Message boards signs shall only be permitted as part of a monument or ground sign;
  - b. The message area shall constitute no greater than fifty (50) percent of the sign area face;
  - c. Each message shall remain static for a minimum period of eight (8) seconds;
2. **Transition**
  - a. There shall be a transition time period of no greater than two (2) seconds between sign messages;
  - b. Fading, flashing, scrolling, spinning, or other animated effects may not be used as part of the transition;

3. No moving graphics or animation permitted in the message area, only static images, graphics, and/or text permitted;
4. **Brightness:**
  - a. The LED or digital message area should not exceed five thousand (5,000) nits during daylight hours and shall not exceed five hundred (500) nits between dusk and dawn measured from the sign face.
  - b. Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed five thousand (5,000) nits.
  - c. Electronic message boards must be equipped with automatic dimming technology that automatically adjusts the display's brightness based on ambient light conditions.
5. No ground or monument sign with an electronic message area shall be placed within one thousand (1,000) feet of another sign with electronic message area on the same side of the roadway;
6. Ground or monument signs with an electronic message area that are adjacent to a residential use, or residentially zoned property, shall be turned off during the hours of 10:00 PM to 6:00 AM. Automatic timers are required.

#### **9.11 TEMPORARY SIGNS**

Temporary signs are allowed as follows provided that no temporary signs are placed within Town rights-of-way or abutting Town-owned property with the exception of government and political signs. All completed applications for a temporary signs shall be submitted to the Town for the issuance of a temporary sign permit.

- A. Temporary real estate signs advertising a specific property for sale, lease, rent or development shall be located as follows:
  1. One sign per street frontage advertising real estate not greater than ten (10) square feet in area in a Residential (R) District and sixty-four (64) square feet in area in nonresidential districts may be located on the property being advertised so long as said sign is located behind the street right-of-way line. If the property so advertised lies on a corner lot or double frontage lot, then a second sign may be permitted along the second street so long as the two (2) signs are at least one hundred (100) feet apart as measured by the shortest straight line.
  2. In addition to the on-site real estate sign(s), a maximum of three (3) directional signs, each not exceeding four (4) square feet in area, shall be permitted off the subject premises. The message of said signs shall be limited to the name of the property or development being advertised, a directional arrow, mileage to the subject property, etc. All these signs shall be located off the street right-of-way.
  3. All such temporary signs shall be removed within seven (7) days after the property has been sold, rented, leased, etc.
  4. No sign allowed under this subsection shall be lit.
- B. Temporary construction signs provided that:

1. Signs in conjunction with any residential use shall not exceed ten (10) square feet each.
2. Signs in conjunction with all other uses shall have a maximum area of fifty (50) square feet each.
3. Only one (1) such sign per street front per premises shall be erected. Any two (2) such signs located on the same premises shall be located at least one hundred (100) feet apart by using the straight short line.
4. Such signs shall not be illuminated.
5. Such signs shall only appear at the construction site.
6. Such signs shall be removed within seven (7) days after a certificate of occupancy for any portion of the project has been issued.

C. Temporary farm product signs provided that:

1. One (1) freestanding on-premises sign may be used. Said sign shall be located off the street right-of-way and at least ten (10) feet away from any side lot line. Such a sign shall have a maximum area of six (6) square feet and may not be illuminated.
2. A maximum of two (2) off-premises signs shall be permitted. Said off-premises signs may be no greater than four (4) square feet apiece and shall not be illuminated. No such sign shall be allowed in the street right-of-way.

D. Temporary event signs provided that:

1. Signs shall be erected no sooner than fourteen (14) days and removed no later than seven (7) days after the event.
2. No such sign shall exceed six (6) square feet.
3. No such sign shall be illuminated.
4. All such signs shall be located off the street right-of-way.
5. Off-premises signs shall only be allowed with the express permission of the property owner.

E. Nonresidential uses located in commercial district may have one (1) temporary banner or staked flag /banner, provided that the signs shall not be installed for a continuous period not to exceed fourteen (14) days, and are not located in a street right-of-way. Within any calendar year, any non-residential use may be allowed temporary signs of this nature for no greater than three (3) fourteen (14) day periods.

## 9.12 ENFORCEMENT

A. **Discontinuance of Use.**

Whenever the use of a building or premises is discontinued by a business for reasons other than a normal seasonal shutdown for a period of thirty (30) days, any signs and nonconforming support structure pertaining to that business shall be removed within thirty (30) days of the discontinuance of use. The Zoning Administrator shall notify the property owner at the last known address that said

signs are in violation of this Article and must be removed within thirty (30) days; any signs not removed within that period may be removed by the Town at the owner's expense.

**B. Signs Located Within a Public Right-of-Way.**

Any sign found located within a public right-of-way may be removed immediately by the Town where such sign constitutes a public safety hazard. All signs within the right-of-way that do not constitute an immediate hazard shall be removed by either the owner or the Town, at the owner's expense, within twenty-four (24) hours of notification by the Zoning Administrator. Temporary signs shall be removed by the Town upon discovery.

**C. Signs Erected Without a Permit.**

The owner of any sign erected after the effective date of this Article without a permit shall obtain a permit for the sign and otherwise ensure that it complies with these regulations. Signs that do not comply with this process shall be removed by either the owner or the Town at the owner's expense within twenty-four (24) hours of notification by the Zoning Administrator.

**D. Nonconforming Signs.**

Please refer to Section [3.28](#) for nonconforming signs.

**E. Enforcement.**

Signs not meeting the requirements of this Chapter are subject to the enforcement procedures contained in Section 3. Signs shall be either brought into conformance or removed by the owner within thirty (30) days of written notice thereof, except where noted or said sign constitutes a public safety hazard, such as signs located in the public right-of-way which may be confiscated by the Town immediately. If the ownership of a sign cannot be reasonably established, a notice shall be attached to the sign by the Zoning Administrator stating the need to bring the sign into compliance or to remove it within thirty (30) days from the date of posting said notice, after which, the Town may remove the sign at the owner's expense.

## Chapter 10. Definitions

For the purpose of interpreting this Ordinance, certain words or terms are herein defined. Except as defined herein, all other words used in this Ordinance shall have their everyday dictionary definition.

### 10.1 INTERPRETATION OF TERMS AND WORDS

- A. Words used in the present tense include the future tense.
- B. Words used in the singular number include the plural, and words used in the plural number include the singular.
- C. The word "person" or "applicant" includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.
- D. The word "structure" includes the word "building".
- E. The word "lot" includes the word "plot", "parcel" or "tract".
- F. The word "shall" or "must" is always mandatory and not merely directory.
- G. The words "used", as applied to any land or building, shall be construed to include the words "intended", "arranged", or "designed to be used".
- H. The word "zoning map", or Cramerton Zoning Map", or "Official Zoning Map" shall mean the Official Zoning Map of Cramerton, North Carolina.
- I. The term "Town Board" shall mean the "Town Board of Commissioners of Cramerton, North Carolina".
- J. The term "Planning Board" shall mean the "Planning Board of Cramerton, North Carolina".
- K. The term "Board of Adjustment" shall mean the "Board of Adjustment of Cramerton, North Carolina".
- L. The term "Administrator" shall mean the Zoning Administrator, Planning Director or their designee, as appointed by the Town Board of Commissioners of the Town of Cramerton, North Carolina.
- M. The words "day" or "days" shall refer to calendar days and shall be computed by excluding the first day and including the last day, unless the last day is a Saturday or Sunday or a holiday declared by the United States Congress or the State of North Carolina, in which event it shall also be excluded.
- N. Any term not herein defined shall be as defined elsewhere in the Town Code of Ordinances or, if not defined elsewhere in the Town Code of Ordinances, as defined in Webster's New International Dictionary, most recent edition.
- O. In case of any difference of meaning or implication between the text of this chapter and any caption, illustration or table, the text shall control.

### 10.2 ABBREVIATIONS

- A. BMP: Best Management Practices.
- B. BOA: Board of Adjustment.
- C. BOC: Town Board of Commissioners
- D. dbh. Diameter at Breast Height.
- E. GFA. Gross Floor Area.
- F. FAA: Federal Aviation Administration.
- G. FCC: Federal Communications Commission.
- H. NCDOT: North Carolina Department of Transportation.
- I. NIER: Non-Ionizing Electromagnetic Radiation.
- J. PB: Planning Board.

### 10.3 GENERAL TERMS

-A-

#### **Abandon**

To cease, either intentionally or unintentionally, from actively using land, structures, or any premises for the intended or previous use, but excluding temporary periods of inactivity due to remodeling, maintaining, or otherwise improving a facility. Abandonment is often referenced to a specified time period. This definition includes “abandonment” and any other tense or version of the word “abandon.”

#### **Accessory Building, Structure, or Use**

A detached building, structure, or use on the same lot with, or of a nature customarily incidental or subordinate to, and of a character related to the principal use or structure.

#### **Administrator**

The Town Manager or any other person designated by the Town Manager to perform the function and exercise the responsibilities assigned by this Ordinance.

#### **Alley**

A public or private way which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

#### **Alteration**

A change in the size, configuration, or location of a structure proposed by the property owner and/or Applicant, or a change in the use of a structure or lot from a previously approved or legally existing size, configuration, location, or use.

#### **Awning**

A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not to include a canopy.

-B-

#### **Banner**

A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind, excluding flags and emblems of political, professional, religious, educational, or corporate organizations.

#### **Best Management Practices (BMP)**

For the purposes of this Ordinance, a structural or nonstructural management-based practice used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.

**Billboard.** An off-premises, freestanding sign that advertises an establishment, service, commodity, goods, or entertainment.

**Blockface**

In a developed area on a street frontage with existing structures, the contextual area extending three hundred (300) feet in either direction of the subject parcel or lot, within the same block and zoning district, used to set dimensional standards for infill development.

**Buffer**

A buffer is a specified land area, located parallel to and within the outer perimeter of a lot and extending to the lot line, together with the planting and landscaping required on the land. A buffer may also contain, or be required to contain, a barrier such as a berm or wall where such additional screening is necessary to achieve the desired level of buffering between various land use activities. A buffer is not intended to be commensurate with the term "yard" or "setback."

**Buffer, Parking**

A vegetated landscape strip installed around the perimeter of a parking area or other vehicular use area to serve as a visual screen from the adjacent roadway or property, containing either a berm, a continuous landscaped hedge, a decorative masonry wall or any combination thereof.

**Buffer, Perimeter**

A specified land area, located along the perimeter of a lot and extending a specific width to the lot line, generally containing existing or newly planted vegetation to act as a screen.

**Buffer, Street**

A vegetated planting strip installed along a road frontage to filter the view, enhance the streetscape, and lessen the overall impacts of the new development of the subject lot.

**Building**

Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

**Building Footprint**

The outline of the total area of a lot or site that is surrounded by the exterior walls of a building or portion of a building, exclusive of courtyards. In the absence of surrounding exterior walls, the building footprint shall be the area under the horizontal projection of the roof.

**Building Coverage**

The maximum area of the lot that is permitted to be covered by buildings, including both principal structures and accessory buildings. Building coverage does not include paved areas such as driveways, uncovered porches or patios, decks, swimming pools or pool cages, or roof overhangs of less than three feet.

**Building, Principal**

A building in which is conducted the principal use on the lot on which said building is situated. In any residential zoning district, any structure containing a dwelling unit shall be deemed to be the principal building on the lot where it is located.

**Building Height**

The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridges for gable, hip, and gambrel roofs.

#### **Building Separation**

The required separation between any two (2) buildings located on the same lot or parcel of land.

#### **Building Width**

Building width shall be measured by the distance along the front plane of any building (as determined by the location of an entrance fronting on a street).

#### **Bulletin Board**

A sign used to announce meetings or programs to be held on the premises of a church, school, auditorium, library, museum, community recreation center, or similar noncommercial places of public assembly.

-C-

#### **Caliper**

The diameter of plant material, measured at six (6) inches above grade for calipers of up to four (4) inches, and twelve (12) inches above grade for larger calipers.

#### **Campsite**

Any plot of ground within a campground intended for the exclusive occupancy by a cabin, recreation vehicle, or tent.

#### **Canopy**

A permanent structure other than an awning made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.

#### **Canopy Tree**

A tree which, at the time of planting, has a caliper of at least one and three-fourths (1-3/4) inches and a height of at least ten (10) feet and of a species which, at maturity, can be expected to reach a height of at least forty (40) feet under normal growing conditions in the local climate.

#### **Certificate of Occupancy**

A document issued by Gaston County allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all applicable building code requirements.

#### **Collocation**

The use of a tower or structure to support antennae for the provision of wireless services without increasing the height of the tower or structure.

#### **Common Open Space**

Land and/or water areas within the site designated for development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development but not including any lands occupied by streets, street rights-of-way, or off-street parking.

#### **Common Open Space, Improved**



Common open space which has been improved with recreational areas and amenities such as, but not limited to, ballfields, tennis courts, swimming pools, nature trails, clubhouses, etc.

**Complex**

A singular residential or non-residential development that contains more than one principal building on a single lot, operating under one entity, containing uses from only one primary use category, and contains common design elements. Examples include apartments and shopping centers.

**Conditional Zoning or Rezoning**

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

**Construction Trailer**

A structure standing on wheels towed or hauled by another vehicle and used for neither overnight nor year-round occupancy at the construction site on a temporary basis for office purposes.

**Contiguous**

Next to, abutting, or touching and having a boundary, or portion thereof, which is contiguous including properties traversed or separated by a road, stream, right-of-way or similar man-made or natural configuration. The term "contiguous" shall also mean "abutting" or "adjacent".

**Crosswalk**

A public pedestrian right-of-way which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

**Cul-de-sac**

Any street, or portion thereof, having only one (1) outlet for vehicular traffic.

-D-

**Dead-End Street.** Refer to **Street, Dead End**

**Dedication**

The transfer without payment of ownership or other interest in real property from a private entity to a public agency.

**Density, Gross**

A ratio expressed as the number of dwelling units per gross acre. The ratio is derived by dividing the total number of dwelling units by the total land area (in acres) of the lot or lots used or proposed to be used for such residential purposes.

**Determination**

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

**Developer**

A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

**Development**

Any of the following:

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

**Development, Existing**

Those developments as of the effective date of this subchapter that are built, or those developments having an outstanding valid building permit or a site-specific development plan as authorized by G. S. §160D-102 or having an approved site-specific or phased development plan in compliance with G.S. §160D-102 and having expended substantial resources (time, labor, money), or meeting the court-created common law or constitutional standards of a substantial expenditure of resources (time, labor, or money) based on a good faith reliance upon having received a valid local government approval to proceed with the project.

**District, General Use**

A standardized area or zone established by this ordinance that contains uniform regulations and requirements for the use of land.

**District, Overlay**

An area where additional requirements are superimposed upon the underlying general use district, generally due to special land use circumstances or environmental features.

**Driveway**

A private roadway located on a parcel or lot used for vehicle access.

**Dwelling**

Any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that for purposes of Article 12 of GS 160D, it does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

**Dwelling Unit**

A room or combination of rooms designed for year-round habitation, containing self- sufficient bathroom and kitchen facilities, connected to all required utilities, and designed for or used as a residence by one family.

-E-

**Easement**

A grant by the property owner to the public, a corporation, or person(s), of the right to use a specified portion of a tract or tracts of land for a specified purpose and recorded in the Gaston County Register of Deeds Office.

**Engineer, Town**

As designated by the Town Manager, a staff engineer (or designee) or a consultant or consulting firm so engaged to provide engineering services to the Town treatment plants, radio and television transmission towers, or similar facilities.

**Evidentiary Hearing**

A legal court proceeding that involves eyewitness testimony, given under oath, that is relevant to the case.

**Extraterritorial Jurisdiction (ETJ)**

That portion of the Town's planning area located outside the corporate boundaries of the Town.

-F-

**Family**

An individual, or two (2) or more persons related by blood, marriage or adoption living together as a single housekeeping unit, exclusive of household servants; or a group of not more than five (5) persons who need not be related by blood, marriage, or adoption living together as a single housekeeping unit.

**Flag**

A piece of durable fabric of distinctive design attached to a permanent pole that is used as a symbol or decorative feature.

**Fence**

Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

**Flood Fringe Area**

That area of the floodplain lying outside the floodway but still lying within the area of special flood hazard, that is, within the 100-year floodplain.

**Floodplain**

Any normally dry land area that is susceptible to being inundated by waters of the one (1) percent annual chance flood, that is the 100-year flood.

**Floodway**

The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the velocity waters of the regulatory flood.

**Floor Area Ratio**

The gross floor area of all buildings on a lot divided by the lot area. When computing this figure, the gross floor area of all enclosed parking deck buildings shall be excluded.

**Freeway**

A major thoroughfare providing for high-speed mobility and having no at-grade crossings.

**Frontage**

The length along the street right-of-way line of a single property tract or roadside development area between the edges of the property lines. Property at a street intersection (i.e., corner lot) has a separate frontage along each street.

-G-

**Grade of Street**

The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel adjacent to the side of the street at which grade is being measured.

**Gross Floor Area**

The sum of the gross horizontal areas of each floor of the principal building, measured from the exterior walls or from the centerline of the party walls, including the floor area of accessory structures. The term does not include any area used exclusively for the parking of motor vehicles or for building or equipment access such as

stairs, elevator shafts and maintenance crawlspaces or unused attics. This term also excludes pedestrian walkway and common areas within enclosed shopping areas.

**Ground Covers**

Any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.

**Group Development**

A group of two (2) or more office, industrial, commercial, multifamily and/or other principal structures on an unsubdivided parcel, intended to be occupied by separate businesses, families, enterprises, or divisions, operating under one name or presenting other elements of a unified image or identity to the public. Examples include apartment complexes, shopping centers, school or hospital campuses, business parks, etc.

-H-

**Highway, Corridor**

A highway, or portion thereof, along which is designated by the Cramerton Town Board of Commissioners for the placement of a CH Corridor Highway Overlay District.

**Household**

One (1) or more people occupy a single dwelling unit.

-I-

**Impervious Surface**

Areas developed and/or whose surface is treated or covered by impenetrable materials to prevent or limit the infiltration of rainwater. Examples of development and surface treatments that render a surface impervious include:

- Buildings (green roofs shall not count as impervious surfaces)
- Asphalt, BST, and other pavement materials
- Concrete and cement
- Stone, brick, concrete block, and similar materials
- Grave
- Compacted soil

**Impervious Surface Ratio**

The gross area of all impervious surfaces on a lot divided by the lot area.

**Improvement**

Any building, structure, bridge, area, parking facility, public facility, utility, fence, gate, wall, landscaping, paving, or other object constituting a physical addition to real property, or any part of such addition.

**Improvement, Nonconforming**

A legally established improvement, building, or structure that fails to meet current Code standards for setback, height, or similar factors.

-J-

**Junk**

Dilapidated scrap or abandoned metal, paper, building materials and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles, or parts thereof.

-L-

**Land Disturbing Activity**

Any use of land in residential, industrial, educational, institutional, or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, or ice from the site of its origin, and is deposited elsewhere.

**Landscape Plan**

A plan submitted in conjunction with a site plan that is prepared by a registered architect, and which shows landscaping, buffer, and other vegetative details as required by this ordinance.

**Landscaping**

Any live plant material such as trees, shrubs, ground cover, and grass used in spaces void of any impervious material or building structures, areas left in their natural state or areas where mulch is used as a ground cover.

**Legislative Hearing**

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

**Livestock**

All animals kept or raised on a farm, except however, that necessary working animals and pets are not included.

**Loading And Unloading Area**

A completely off-street space on the same lot for the loading or unloading of freight carriers with ingress and egress to a street or alley.

**Loading Space, Off-Street**

An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

**Lot**

A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

**Lot Area**

The total area circumscribed by the boundaries of a lot, except that: (i) when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or (ii) if the right-of-way line cannot be determined, a line running parallel to and thirty feet from the center of the traveled portion of the street.

**Lot, Corner**

A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of more than forty-five (45) degrees and less than one hundred and thirty-five (135) degrees with each other. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case the owner shall be required to specify which is the front when requesting a zoning permit.

**Lot, Interior**

A lot other than a corner lot.

**Lot Line**

A line of record bounding a lot which separates one lot from another lot or separates that lot from a public or private street or any other public space.

**Lot Line, Front**

The lot line separating a lot from a street right-of-way.

**Lot Line, House**

A single-family detached dwelling unit which is placed against one (1) of the side lot lines. Such dwelling unit has a front and rear yard but only one (1) side yard.

**Lot Line, Interior**

A lot line which does not have street frontage.

**Lot Line, Rear**

The lot line opposite and most distant from the front lot line.

**Lot Line, Side**

Any lot line abutting another lot and which is not a front or rear lot line.

**Lot of Record**

A lot or combination of contiguous lots described pursuant to the most current plat or metes and bounds description or descriptions recorded in the Office of Gaston County Register of Deeds.

**Lot, Through**

A lot which fronts upon two parallel streets, or which fronts upon two (2) streets which do not intersect at the boundaries of the lot.

**Lot Width**

The distance between side lot lines measured at the building setback line.

**-M-**

**Memorial Sign or Plaque**

A sign designating names of buildings and/or date of erection and other items such as architect, contractor, or others involved in a building's creation, cut into or attached to a building surface.

**-N-**

**Net Acreage**

A measure of the area of a piece of land area which excludes the land area of certain elements from its calculation, such as area occupied by streets, rights-of-way, and easements. Also referred to as **Net Land Area** or **Net Square Footage of Land Area**.

**Nonconformity**

A lawful preexisting use, structure, or lot that does not meet the requirements of this this ordinance.

**Noncommercial Copy**

A sign message through pictures, illustrations, symbols and/or words, or any combination thereof, which does not contain any reference to a business or product but displays a substantive message, statement or expression that is protected by the First Amendment to the Constitution of the United States.

**Nonconforming Lot**

Any lot of record which does not meet the minimum yard or area requirements established in these regulations at the time of this Ordinance's adoption or any amendment thereto.

**Nonconforming Sign**

A sign that, on the effective date of this Ordinance or the date of any subsequent amendment thereto, does not conform to one or more of the regulations set forth in this Ordinance.

**Nonconforming Structure**

Any structure lawfully existing on the effective date of these regulations, or any amendment to it rendering such structure nonconforming, which does not comply with all of the standards and regulations of these regulations or any amendment thereto.

**Nonconforming Use**

A use or activity which does not conform to the use regulations of this Ordinance for the district in which it is located either at the effective date of this Ordinance or as a result of subsequent amendments which are incorporated into this Ordinance at some future date.

-O-

**Outparcel**

Individual retail sites in a retail center that, when combined, are less than the square footage of the attached retail spaces which form the majority of the square footage of the center.

**Owner**

Any person having charge of any real property according to the records held by the Register of Deeds.

-P-

**Parapet**

That portion of a building wall or false front that extends above the roof line.

**Parcel**

A continuous quantity of land in the possession of or owned by or recorded as property of the same person or persons. A parcel may contain multiple buildings or uses.

**Parcel Area**

Parcel area shall be that area required for each individual building in a multi-building project. A parcel may include multiple lots.

**Parking Area**

An area not within a building, where motor vehicles may be stored for the purpose of temporary, daily, or overnight off-street parking.

**Parking Bay**

A parking module consisting of one or more sets of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave.

**Parking Space, Off-Street**

An area located outside of any street right-of-way which is designed to accommodate the parking of vehicles.

**Permit, Building**

Written permission issued by Gaston County for the construction, repair, alteration or addition to a structure.

**Pervious Surface**

Ground treatments which will allow the infiltration of water, air, and nutrients to root systems of adjacent plant material which lie directly under the ground treatment.

**Planning Jurisdiction**

All areas within the corporate limits of the Town of Cramerton and the Town's extraterritorial jurisdiction as depicted on the Town's Official Zoning Map.

**Plat**

A map or plan of a parcel of land which is to be or has been subdivided showing such subdivision. A plat for a subdivision occurring after the effective date of this Ordinance shall be recorded with the Register Of Deeds and shall contain all information herein required.

**Plat, Final**

The final map of all or a portion of a subdivision or site plan that is presented for final approval and recorded with the County.

**Plat, Preliminary**

A map of a subdivision with associated information required for major subdivision development.

**Premises**

A parcel of real property with a separate and distinct number or designation shown on a recorded plat, record of survey, parcel map or subdivision map. When a lot is used together with one (1) or more contiguous lots for a single use or planned development, all of the lots so used, including any lots used for off-street parking, shall be considered a single premises for purposes of these regulations.

**Principal Building, Use, Or Structure.**

The main use of a lot, or the building or structure in or on which the main use of the lot takes place.

**Protected Area**

The area adjoining and upstream of the critical area in which protection measures are required. The boundaries of the protected area are defined as extending ten (10) miles upstream and draining to water supply or to the ridge line of the watershed, whichever comes first.

**Public Street**

A dedicated and accepted public right-of-way for vehicular traffic.

**Public Sewer**

Any sewerage system serving ten or more customers.

**Public Water Supply**

Any water supply furnishing potable water to ten or more customers.

-R-

**Resource Conservation Area**

A portion of a site that is required to be preserved as a natural resource, including but not limited to bodies of water, streams, floodplains, wetlands, riparian buffers, and steep slopes.



**Right-Of-Way**

An area or strip of land, either public or private, on which an irrevocable right-of- passage has been recorded for the use of vehicles or pedestrians or both.

**Road**

A public right-of-way not less than thirty (30) feet in width set aside for public travel and either which has been accepted for maintenance by the State of North Carolina, has been established as a public road prior to the date of adoption of this Ordinance, or which has been dedicated to the State of North Carolina for public travel by the recording of a plat of a subdivision with the Gaston County Register of Deeds Office.

**Roof Line**

The top edge of the roof or the top edge of the parapet, whichever forms the top line of the building silhouette, but not including equipment structures.

-S-

**Satellite Dish**

An apparatus capable of receiving a communications signal from a transmitter relay located in planetary orbit.

**Screening**

The method by which a view of one site from another abutting site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

**Setback**

A distance measured inward from a property line which shall remain unoccupied and unobstructed upward except as may be permitted elsewhere in this Ordinance. Where a property line extends to the middle of the roadway, the setback shall be measured from the edge of pavement.

**Setback line**

A designated line on a given lot, parallel and/or concentric with the street right-of-way line, measured at a distance equal to the minimum setback or yard and extending the entire width of the lot.

**Setback Corner**

That portion of the side yard on a corner lot facing the secondary street which shall remain unoccupied and unobstructed from the ground upward except as permitted elsewhere in this Ordinance.

**Setback, Front**

That portion of the front yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.

**Setback, Rear**

That portion of the rear yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.

**Setback, Side**

That portion of the side yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted in this Ordinance.

**Shrub**

An ornamental plant that is at least two (2) feet tall above the highest root at the time of planting.

**Sign**

Any object, display or structure, or part thereof, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. The term "sign" does not include the flag or emblem of any nation, organization of nations, state, political subdivision thereof, or any fraternal, religious or civic organization; works of art which in no way identify a product or business; scoreboards located on athletic fields; or religious symbols.

#### **Sign, Advertising**

A sign, other than a directional sign or poster sign, which directs attention to or communicates information about a business, commodity, service, or event that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located. Any advertising sign allowed under this Ordinance may display either a commercial or noncommercial copy.

#### **Sign, Awning**

A building sign integrated into traditional storefront awnings that project over a sidewalk from the building façade

#### **Sign, Building**

Building signs are those on-premises signs mounted or affixed directly to a building or building window, or to a structural addition of a building, such as a parapet or awning, directly related to the use within the subject building.

#### **Sign, Business Identification**

A sign that directs attention to a business, profession, or industry located upon the premises where the sign is displayed; to the type of products sold, manufactured or assembled; and/or to services or entertainment offered on said premises, but not a sign pertaining to the preceding if such activity is only minor and incidental to the principal use of the premises.

#### **Campaign or Election Sign**

A sign, other than a billboard or off-premises advertising sign, that advertises a candidate or issue to be voted upon on a definite election day.

#### **Signs, Canopy**

A sign attached to or painted or printed onto a canopy.

#### **Sign, Construction**

A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project.

#### **Sign, Directional**

An on-premises freestanding sign incidental to the use of the lot on which it is located that provides necessary information to guide traffic, whether vehicular or otherwise, within the site.

#### **Sign, Directory**

A sign on which the names and locations of occupants or the use of a building or property is identified.

#### **Sign, Flashing**

A sign that uses an intermittent, scrolled or flashing light or message to attract attention or is otherwise designed or constructed to have intermittent, flashing or scrolled light emitted from it.

#### **Sign, Free-Standing**

Freestanding signs are on-premises signs that are supported by structures that are independent of a building, yet relate to uses on the same subject site..

**Sign, Government**

Any sign for the control of traffic or for identification purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger or construction, which are erected by or at the order of a public officer, employee or agent thereof, in the discharge of official duties.

**Sign, Ground**

A free-standing sign that is permanently affixed to the ground, and not mounted on a pole or attached to any part of a building. **Also referred to as a Monument Sign.**

**Sign, Hanging**

A sign which is hanging from an awning, canopy, or recessed building entrance.

**Sign, Identification**

A sign which displays only the name, address, crest, insignia, trademark occupation or profession of an occupant or the name of any building on the premises.

**Sign, Illuminated**

A sign either internally or externally illuminated.

**Sign, Incidental**

A sign that displays general site information, instructions, directives, or restrictions that are primarily oriented to pedestrians and motor vehicle operators who have entered a property from a public street. These signs shall not contain any commercial advertising. These shall include, but not be limited to and signs on automatic teller machines, gas pumps, vending machines, or newspaper boxes. This does not include menu boards which require a sign permit.

**Sign, Instructional**

An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "Parking", "One-Way", or similar directional instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

**Sign, Lighted**

A sign illuminated only by light cast upon the sign from an external light source.

**Sign, Luminous**

A sign lighted by or exposed to artificial lighting either by lights on or in the sign.

**Sign, Marquee**

A building sign attached to a marquee for the purpose of identifying a use or product. Typically attached to a theater, performing arts center, or similar use, and may advertise films or productions.

**Sign, Multi-Tenant**

A free-standing sign used to advertise businesses that occupy a shopping center or complex of two (2) or more tenants.

**Sign, Off-Premises**

A sign that draws attention to or communicates information about a business, service, commodity, that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located.

**Sign, On-Premises**

A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained or provided on the premises where the sign is located.

**Sign, Personal Expression**

An on-premises sign that expresses an opinion, interest, position, or other non-commercial message.

**Sign, Pole**

A freestanding sign that is permanently supported by a structure of one or more poles, posts, uprights, or braces from the ground..

**Sign, Portable**

Any sign that is not permanently affixed to the ground and can freely and easily be removed from one location to another. A sign is permanently affixed to the ground if its supporting elements are set in such a manner as to manifestly indicate that the sign is intended to remain in one location for an indefinite period. Without limiting the generality of the foregoing, portable signs shall include any sign mounted on a trailer or on wheels as well as "V-Shaped" or "Sandwich" signs that can with little difficulty be moved from place to place.

**Sign, Projecting**

A sign that is attached to an exterior building wall that extends more than twelve (12) inches. A Projecting Sign intersects the building on which it is located at a right angle.

**Sign, Public Interest**

A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as "Warning" and "No Trespassing" signs.

**Sign, Real Estate**

A sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.

**Sign, Roof**

A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

**Sign, Sidewalk**

A freestanding upright "A-frame" structure used for displaying promotional information to the public. May also be referred to as a **Sandwich Board**.

**Sign, Temporary**

Any sign, banner, flag, or other advertisement intended to be displayed for a limited amount of time.

**Sign, Vehicular**

Signs on parked vehicles visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property. For the purposes of this Ordinance vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other business purposes.

**Sign, Wall**

Any sign directly attached to an exterior wall of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which the sign is affixed and projects no more than twelve (12) inches from said building wall. Signs directly painted on walls shall be considered wall signs.

**Sign, Window**

An on-premises sign attached flat but parallel to the inside of a window, does not include wall/fascia signs.

**Site**

A continuous quantity of land to be developed as a single project. A site may contain multiple parcel or lots

**Site Area**

Site area shall be the total land area of the proposed development. A site may include multiple parcels or lots.

**Site Area, Net**

Net site area shall mean the total gross area of the parcel, minus any resource conservation areas located on the site.

**Site Plan**

A plan prepared to scale, showing accurately and with complete dimensions, the boundaries of the site and the location of all buildings, streets, uses, and principal site development features proposed for a specific parcel of land.

**Site Plan, Major**

A site plan for the following type of development:

- A. Any development requiring site plan review not considered a minor site plan
- B. Any multi-family residential development, not otherwise considered a subdivision
- C. Any project, not considered a subdivision, requiring a Traffic Impact Analysis
- D. Any project, not considered a subdivision, requiring a Special Use Permit.

**Site Plan, Minor**

A site plan for the following type of development:

- A. Parking lot expansions where there is no increase in excess of five percent (5%) of floor area of the principal structure;
- B. Accessory uses in commercial districts involving structures less than five hundred (500) square feet;
- C. Amenity facilities, park and open area uses in approved subdivisions;
- D. Developments of less than (20,000) square feet of building for nonresidential uses (provided they do not require a TIA)
- E. Expansion of an existing conforming structure or expansion of a previously approved site plan by five percent (5%) or less in floor area or number of units (provided they do not require a TIA).

**Site Specific Development Plan**

A plan of land development submitted to the Town for purpose of obtaining one of the following zoning or land use permits or approvals: subdivision plat, site plan, special use permit, conditional zoning, or variance; provided, notwithstanding the foregoing that neither a variance, a plat nor any other document that fails to describe with reasonable certainty that type and intensity of use for a specified parcel or parcels of property shall constitute a site specific development plan.

**Slope**

The extent to which a landform deviates from the perfectly horizontal as expressed in percent, degree, or ratio. To ensure consistent conversion between these separate methods of expressing the extent of the slope, the following explanatory table is provided as part of this definition.

**Special Use Permit**

A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards.

**Stream, Intermittent**

A watercourse that collects surface runoff and is shown as a dashed blue line on the most recent United States Geologic Survey (USGS) 7½-minute quadrangle topographic maps, is shown as an intermittent stream on the most recent US Department of Agriculture (USDA) Soil Survey, or is shown as an intermittent stream on the Natural Resource Conservation Service (NRCS) maps;

**Stream, Perennial**

A watercourse that collects surface runoff and is shown as a solid blue line on the most recent USGS 7½-minute quadrangle topographic maps, is shown as a perennial stream on maps in the most recent US Department of Agriculture (USDA) Soil Survey, or is shown as a perennial stream on the Natural Resource Conservation Service (NRCS) maps.

**Street**

A dedicated public right-of-way for vehicular traffic (or a private street as specified in this Ordinance. The word "street" includes, but is not limited to, "road, roadway, freeway, highway, expressway, drive, avenue, court, way, place, circle, lane, boulevard, and thoroughfare."

**Street, Collector**

A roadway, while providing access to abutting land parcels, enables moderate volumes of traffic to move efficiently between local or residential streets and the major street network.

**Street, Dead End.**

These are more than 2,500 feet in length, open at one end only without special provisions for turning around, and have collector road/street characteristics.

**Street, Half.**

A partial dedicated public right-of-way.

**Street, Major Thoroughfare.**

A street which is connected to a network of continuous routes that serve statewide or interstate traffic as shown on the most recently adopted version of the thoroughfare plan of the metropolitan planning organization of the Gaston Urban Area.

**Street, Marginal Access**

A street which is parallel to and adjacent to a freeway or a major thoroughfare and which purpose provides access to abutting properties and protection from through traffic.

**Street, Minor Thoroughfare**

A street leading to, or connecting major thoroughfare streets and carrying predominantly through traffic as shown on the most recently adopted version of the thoroughfare plan of the metropolitan planning organization of the Gaston Urban Area

**Street, Residential**

A street predominantly used to provide access to abutting residential properties.

**Street Property Line**

The line that separates a lot or parcel of land from a street right-of-way created by dedication resulting from the recording of the lot.

**Street Right-of-Way**

A right-of-way used, occupied or intended to be occupied by a street or roadway.

**Structure**

A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

**Structure, Accessory**

A structure separate and subordinate to the principal structure on the same lot as the principal structure, except as provided in Section 5.11.6, used for purposes customarily incidental to the principal structure. An accessory structure may also be referred to as an "accessory building".

**Structure, Principal**

A structure containing the principal use which takes place on the lot. A principal structure may also be referred to as a "principal building".

**Subdivider**

Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined. See also, **Developer**.

**Subdivision**

All divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development, and all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to these regulations:

- A. 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 contained herein;
- B. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication nor street improvements are involved;
- C. The public acquisition of strips of land for the widening or opening of streets;
- D. The division of a tract in single ownership whose entire area is no greater than two (2) acres and into not more than three (3) lots where neither street right-of-way dedication nor street improvements are involved and where the resultant lots are equal to or exceed the standards of the Town of Cramerton, as shown in its subdivision regulations, and
- E. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

**Subdivision, Expedited**

A subdivision of land meeting the following requirements:

- A. The tract or parcel to be divided is not exempted by the division of land into parcels greater than 10 acres with no street right-of-way dedication.
- B. No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division
- C. The entire area of the tract or parcel to be divided is greater than 5 acres.
- D. After division, no more than three lots result from the division.
- E. After division, all resultant lots comply with all of the following:
  - 1. All lot dimension size requirements of the applicable land-use regulations
  - 2. The use of the lots is in conformity with the applicable zoning requirements
  - 3. A permanent means of ingress and egress is recorded for each lot.

**Subdivision, Major**

A subdivision where:

- A. New streets/roads are proposed or new right-of-way dedications are required; or,
- B. New or existing street/road improvements are needed to serve the subdivision; or,
- C. Contains five (5) or greater lots,\,
- D. Utility extensions are needed to serve the subdivision, or
- E. It does not otherwise meet the parameters of a minor, expedited, or exempt subdivision

**Subdivision, Minor**

A subdivision where:

- A. No new streets or roads are proposed and no new right-of-way dedications are required; and
- B. No existing street or road improvements are required;
- C. No utility extensions are needed; and
- D. No additional lots are created that front a major or minor thoroughfare; and
- E. The subdivision contains fewer than five (5) lots.

-T-

**Technical Review Committee (TRC)**

A committee consisting of a member of the Planning Board, as appointed by the Planning Board, and all Town of Cramerton Department Heads. A quorum of the Committee shall consist of at least five (5) persons.

**Thoroughfare**

A road so designated on the most recently adopted version of the thoroughfare plan of the Gaston Metropolitan Planning Organization (MPO).

**Thoroughfare Plan**

The most recently adopted version of the thoroughfare plan of the metropolitan planning organization of the Gaston Urban Area.

-U-

**Understory Tree**

A tree which, at the time of planting has a caliper of at least one and one-half (1-1/2) inches and a height of at least five (5) feet and of a species which at maturity, can be expected to reach a height of at least twenty (20) feet under normal growing conditions in the local climate.

-V-

**Variance**

A relaxation of the strict terms of a specific provision of this Ordinance by the Board of Adjustment in accordance with the provisions of Chapter 11 of this Ordinance.

-W-

**Wall, Building**

The entire surface area, including windows and doors, of an exterior wall of a building. For the purposes of this Ordinance, the area of a wall will be calculated for a maximum of fifty (50) feet in height of a building.

**Warehouse**



A building or group of buildings for the storage of goods or wares belonging either to the owner of the facility or to one (1) or more lessees of space in the facility or both, with access to contents only through management personnel.

-Y-

**Yard, Corner**

The space on a corner lot extending from the lot line adjacent to the secondary frontage street to the side of the building. The required side street yard is equal to the minimum side street setback.

**Yard, Front**

An area measured between the edge of the property line or public street right-of-way line, and the front of a building, projected to the side lot lines. Where a property extends to the middle of the roadway, the front yard shall be measured from the edge of pavement.

On through or double-frontage lots, the front yard shall be considered the yard which is adjacent to the primary road frontage or architectural front of the building.

**Yard, Rear**

A yard extending the full width of the lot on which a principal building is located and situated between the rear lot line and a line parallel thereto and passing through the point of the principal building nearest the rear lot line.

**Yard, Side**

A space extending from the front yard to the rear yard between the principal building and the side lot line as measured perpendicular from the side lot line to the closest point of the principal building.

**Yard Sale**

An outdoor sale of merchandise conducted entirely upon a residentially or institutionally developed lot by one or more households or civic groups, goods sold shall be limited primarily to used merchandise donated by the yard sale participants.

-Z-

**Zero Lot Line**

A design option for single-family, detached units where only a single side yard shall be provided at a width equivalent of two (2) minimum side yards of a conventional detached unit in the zoning district in which the unit is located.

**Zoning Vested Right**

A right pursuant to G.S. §160D-102 to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development.

**10.4 USE DEFINITIONS**

-A-

**ABC Store**

A retail establishment at which liquors are sold to the general public and which is run under the auspices of the local Alcohol and Beverage Control (ABC) Board.

**Accessory Building, Structure, or Use**

A detached building, structure, or use on the same lot with, or of a nature customarily incidental or subordinate to, and of a character related to the principal use or structure.

### **Accessory Dwelling Unit (ADU)**

#### ***Formerly referred to as Private Residential Quarters***

A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling, whether a part of a principal dwelling or on the same lot as the principal dwelling.

### **Adult Care Home**

An assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision. Shall be considered the same as a FAMILY CARE HOME, with the exception of the number of residents.

### **Adult-Oriented Business**

Any place defined as an “**Adult Establishment**” as defined by G.S. § 14-202.10, as such statute may be amended from time to time, including adult cabarets, and except the definition of “massage business” shall not include any establishment or business where massage is practiced that is a health club, exercise studio, hospital, physical therapy business or other similar health-related business. Adult-Oriented Business specifically includes, however, any massage business where massages are rendered by any person exhibiting “specified anatomical areas” and/or where massages are performed on any client’s “specified anatomical areas.” “Specified anatomical areas” are those defined by G.S. § 14-202.10. as such statute may be amended from time to time.

### **Agriculture**

Characterized by uses that create or preserve areas intended primarily for the raising of animals and crops, conservation, and the secondary industries associated with agricultural production. For purposes of this Ordinance:

**Agriculture, Level 1:** The production, principally for use or consumption of the property owner or community members, of plants, animals, or their products and for sale to others where such sales are incidental, including but not limited to: gardening, fruit production, beekeeping, and poultry and livestock products for household use only.

**Agriculture, Level 2:** Animal raising including horses, hogs, cows, sheep, goats, and swine, poultry, rabbits, and other small animals; apiculture; aquaculture; dairying; personal or commercial animal breeding and development; floriculture; horticulture; pasturage; row and field crops; viticulture; tree or sod farm; silviculture; outdoor animal boarding; livestock auction; milk processing plant; packing house for fruits or vegetables; plant nursery; plant nursery with landscape supply; retail or wholesale sales of agriculturally-related supplies and equipment; stable; or any similar use. It also includes the current employment of land for the primary purpose of obtaining a profit by stabling or training equines including, but not limited to, providing riding lessons, training clinics and schooling shows. This definition does not include the following: fat rendering, bone distillation, meat processing, sawmills, etc.

### **Accommodations**

A use which permits a structure, building, or group of buildings to be utilized for temporary living quarters. Includes such uses as hotels, motels, bed and breakfasts, inns, short-term rentals, and campgrounds.

### **Airport**

A place where aircraft can land and take off and equipped with hangers, facilities refueling facilities or repair facilities.

**Airstrip**

An area of land or water that is designed or used on a recurring basis for the landing and take-off of aircraft, ultra lights or other flying apparatus (excluding hot air balloons) which does not contain hangers, refueling facilities or repair facilities.

**Apartment**

A room or suite of rooms, with toilet and culinary accommodations, used or designed as an independent, self-contained dwelling unit and is located within a building that contains two (2) or more such rooms or suites.

**Amusement Arcade**

A commercial facility providing recreational activities that typically includes coin-operated amusement machines such as pinball machines, electronic video games and skee-ball machines. A facility shall be deemed an amusement arcade if it has eight (8) or more of such machines. This definition does not include electronic games, fishing games, or devices used for gambling.

**Animal Hospital**

A place where animals are given medical or surgical treatment and the boarding of animals is incidental to the hospital use. All facilities associated with an animal hospital shall be located indoors.

**Animal Kennel**

A commercial enterprise where more than six (6) dogs or other domesticated animals are groomed, bred, boarded, trained, or sold.

**Animal Shelter**

A public, non-profit or facility at which dogs, cats, and other domesticated animals are kept (primarily outdoors) for purposes of distribution to the general public.

**Animal Supply Store**

A retail establishment whose business is limited to the sale of supplies (e.g., feeds and pharmaceuticals) and equipment (e.g., bridles, barbed wire, etc.) related to the keeping of horses and farm animals.

**Assembly Hall**

An establishment, for rent by an individual or group, for which the sole purpose is the accommodation of private functions for meetings, events, celebrations, or entertainment. Such facilities may include a kitchen for the preparation or catering of food and beverages, outdoor facilities such as gardens, gazebos, and other accessory facilities for use by patrons of the facility only, and meeting rooms.

**Assisted Living Residence**

Any group housing and services program for two (2) or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one (1) meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one or more licensed home care or hospice agencies.

**Auction House**

A facility which is used for the purpose of having auctions on a regularly established basis.

**Auto Body Shop**

Any building, premises and land in which or upon which a business is conducted that primarily involves the painting of vehicles or external repairing of damaged vehicles.

**Automatic Car Wash**

A structure containing facilities for washing automobiles using a chain conveyor or other method of moving the cars along, or moving an automatic washing device along, and automatic application of cleaner, brushes, rinse-water and heat for drying. The retail sale of fuels may also be provided in an accessory capacity.

**Automobile Parts Supply Store**

An establishment which sells new and/or rebuilt automobile parts and accessories but does not include junk yards, used auto parts sales, or the installation of such parts.

**Automobile Repair Shop**

An establishment engaged in furnishing automotive repair services (except auto body services) to the general public.

**Automobile Service Station**

A use where vehicular fuels are sold at the retail level and where the installation of such automotive items as lubricants, tubes, batteries and similar accessories takes place and where minor automobile repair and maintenance work is conducted.

-B-

**Bakery (Retail)**

The use of a structure or building for the production of bakery products including, but not limited to, breads, cakes, pastries, and doughnuts. When identified in this Ordinance as a retail use, the bakery products produced are for the direct sale to the consumer with no wholesale production or sales. Wholesale bakeries, for the purpose of this Ordinance, are considered a "manufacturing" use.

**Bar**

An establishment that is primarily engaged in the business of selling alcoholic beverages for consumption on the premises. A bar shall not include a brewery, winery, or distillery.

**Bed and Breakfast Inn**

An owner-occupied accommodation use that takes place in a building previously used as a residence, for the temporary overnight lodging of guests and the provision of breakfast.

**Bona Fide Farm**

Farm uses including the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106-581.1. For purposes of determining whether a property is being used for bona fide farm purposes, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

- A farm sales tax exemption certificate issued by the Department of Revenue.
- A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S. 105-277.3.
- A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
- A forest management plan.

**Brewery**

A facility for the production and packaging of beer and other malt beverages for distribution, retail, or wholesale, on or off premise, exceeding 15,000 barrels per year. Areas for demonstration, education, retail sale, or tasting are included in this definition as incidental to the primary use of producing beverages.

**Business Park**

A development on a tract of land which contains two (2) or more separate office buildings, constructed and managed in an integrated and coordinated basis. A business park may also be cited as an "**Office Park**".

-C-

### **Campground**

An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters of any kind with two or more camping unit sites, accessible by vehicular traffic where sites may be developed and amenities such as utility hook-ups, tables, refuse containers, toilets / bathing facilities, and water are provided.

### **Cemetery**

Property used for the interment of the dead, which use may include the commercial sale and location of burial lots, crypts, or vaults for use exclusively on the subject property. A cemetery shall not be used for the preparation or embalming of bodies or the cremation of bodies. Setback for cemeteries shall be measured from the nearest structure or gravesite.

### **Church/Place of Worship**

A building or structure, or group of buildings or structures, which by design and construction are primarily intended for conducting organized religious services whose site may include an accessory area for the interment of the dead. Day care centers and/or schools operated by the church on days and times outside typical religious services in facilities other than the church shall be considered separate principal uses.

### **Child Care Home**

A childcare arrangement located in a residence where, at any one (1) time, more than two (2) children, but less than nine (9) children, receive care. Also referred to as **Home Day Care Center**.

### **Child Care Center**

A childcare arrangement where, at any one (1) time, there are three (3) or more preschool-age children or nine (9) or more school-age children receiving care in a singular, non-residential facility. Also referred to as **Day Care Center**.

### **Commercial**

A use involving or structure used for any activity conducted with the intent of realizing a profit from the sale of goods or services to others

### **Commercial Vehicle Storage and/or Operations**

A facility specifically designated for routine storing and/or servicing of six (6) or more commercial vehicles operated by the same entity.

### **Community Center**

A building used for recreational, social, educational and cultural activities, usually owned and operated by a public or non-profit group or agency.

### **Continuing Care Facility**

A residential complex which contains a variety of living facilities which may include independent living units (i.e., apartments, condominiums, cottages), assisted living (domiciliary care) facilities and/or nursing home beds. Residents of such a facility may either pay rent or purchase their living quarters. If the unit is occupant-owned, the unit normally reverts to the development owner upon the death of the resident or to a surviving spouse.

### **Contractor's Office**

A facility for a building, heating, plumbing, electrical, landscape, janitorial or similar contractor. May include overnight storage of fleet vehicles in some districts.

**Convenience Store**

A one story, retail store containing less than 5,000 square feet of gross floor area that is designed and stocked to sell primarily fuel, food, , beverages, and household supplies Fuel stations and automatic car washes may be provided. This does not include automotive service stations or vehicle repair shops.

**Correctional Facility, Class 1**

A facility operated by Gaston County (or a private contractor thereof) used for the temporary incarceration of persons after arrest or pending hearing or trial or for the incarceration and or housing of persons serving sentences. Such sentences are generally shorter than those assigned to State institutions and may involve work release or other types of overnight and/or weekend only incarceration in the facility.

**Correctional Facility, Class 2**

A facility operated by the State of North Carolina (or a private contractor thereof) used primarily for the incarceration or housing of persons serving criminal sentences.

**Country Club**

A land area and buildings containing recreational facilities, clubhouses and usual accessory uses, open to members and their guests.

**Customary Home Occupation**

A nonresidential use conducted within a dwelling unit by the resident occupants which is clearly incidental and subordinate to the residential use and, when observed from beyond the lot on which it is located, does not give visual, audible, sensory, or physical evidence that the property is used for any nonresidential purpose.

-D-

**Day Care**

A program or arrangement where three or more children less than thirteen (13) years old, persons with disabilities, or senior citizens, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four (4) hours but less than twenty-four (24) hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption. **Also referred to as Child Care.**

**Day Care Center**

A place where daytime care is provided at any one (1) time, for three (3) or more preschool-age children or nine (9) or more school-age children, , persons with disabilities or senior citizens unrelated by blood or marriage to, and not the legal wards or foster children of the attendant adult, within in a singular, non-residential center. Persons who are related by blood or marriage to the attendant adult shall not be counted as patrons of the day care center. See also **Child Care Center**.

**Day Care Center, Accessory**

A day care center facility located on the premises or adjacent to the premises of an office use, institutional use, commercial use, industrial use or group development for the primary purpose of care for the dependents of employees of such commercial, office, institutional or industrial use. At least sixty-six (66) percent of the clients enrolled shall be dependents of employees of the establishment or group development sponsoring such facility.

**Day Care Center, Small Group or Home**

A place where daytime care is provided to more than two (2) but not more than nine (9) children, handicapped persons or senior citizens unrelated by blood or marriage to, and not the legal wards or foster children of the

attendant adult, within an occupied residence. Persons who are related by blood or marriage to the attendant adult shall not be counted as patrons of the small group day care center. Persons who do not reside in said residence may not be employed in the operation.

**Development, Multi-family**

A dwelling or group of dwelling units on one lot, containing separate living units for three or more families, having separate or joint entrances, and including apartments, row houses, condominiums, etc.

**Drinking Establishment**

A use or facility engaged primarily in the preparation and retail sale of alcoholic beverages (with food sales an allowed accessory use) for consumption on the premises. This use is also known as tavern, bar, nightclub, or similar use other than restaurant or alcohol sales for off-premises consumption.

**Dry Cleaning Services**

An establishment engaged in providing laundry, dry cleaning, and other related services to individual customers.

**Duplex**

See “**Dwelling, Two-Family.**”

**Dwelling**

Any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that for purposes of Article 12 of GS 160D, it does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

**Dwelling, Multi-Family**

A building or portion thereof designed for occupancy by three (3) or more families living independently in which they may or may not share common entrances or other spaces. Individual dwelling units may be detached buildings used as dwelling units located on a lot that is in single ownership having yards, courts or facilities in common. **See also Multi-family Development, Triplex, or Quadplex.**

**Dwelling, Single-Family, Attached**

A building consisting of no more than six (6) dwelling units attached by common vertical walls and joined along a common lot line. Each attached unit shall have its own lot and building entrance. Each dwelling shall be occupied by one (1) family.

**Dwelling, Single-Family Detached**

A dwelling unit designed and used by one (1) family that is developed with open yards on all sides, containing no common walls with other dwelling units, exclusive of an accessory dwelling unit.

**Dwelling, Single-Family**

A dwelling designed for or occupied exclusively by one (1) family.

**Dwelling, Two-Family**

Two dwelling units, including modular homes, attached along and sharing at least one (1) common wall and located on a single lot. See also, **DUPLEX.**

**Drive-Through Facility**

An establishment that dispenses products or services to patrons who remain in vehicles. This can apply to banks, pharmacies, and dry cleaners. Fuel sales nor drive through restaurants are included in this definition.

-E-

### **Education Facility I**

A public, private, charter, or parochial school offering instruction at the elementary, junior, and/or senior high school levels.

### **Education Facility II**

A post-secondary institution for higher learning that grants degrees and may also have research facilities and/or professional schools. This may also include community colleges, technical or trade schools, or other facilities providing learning beyond high school.

### **Electronic Gaming Operations**

Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, whether connected to the internet or not, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds, which have a finite pool of winners. Electronic gaming operations including, but not limited to, internet cafes, internet sweepstakes, business centers, electronic gaming machines/operations, video sweepstakes, cybercafes, or by whatever other terminology such establishment might be known. This does not include any lottery approved by the State of North Carolina

### **Essential Services**

Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam, or water; the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provisions of public services. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not essential services, provided no transmitter or antenna tower exceeds one hundred (100) feet in height. Essential Services are divided into the following three classes:

#### **A. Class 1**

Transmission lines (whether, subterranean or overhead) including electrical, natural gas, and water distribution lines; sewer gravity lines and pressure mains; underground septic tanks and drain fields, cable television and telephone transmission lines; or similar utility lines; pump stations; telephone switching stations under one-hundred (100) square feet in area.

#### **B. Class2**

Booster stations, package treatment plants, telephone switching facilities (one- hundred square feet or more in area), substations, lift stations, or other similarly required facilities in connection with telephone, electric steam, water, sewer, or other similar utilities; water storage tanks.

#### **C. Class3**

Generation, production, or treatment facilities such as power plants, sewage treatment plants, radio and television transmission towers, or similar facilities.

-F-

### **Family Care Home**

An assisted living residence for two to six residents in which the housing management provides 24-hour scheduled and unscheduled personal care services to residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision.

### **Farmer's Market**



An outdoor market open seasonally at which locally grown fruits and vegetables are sold on a retail basis.

#### **Feed and Flour Mills**

An establishment at which feed and grain are milled and stored.

#### **Financial Institution**

A commercial bank, a mortgage bank, a savings bank, a saving and loan association, or a credit union any of which are licensed, insured or chartered by the United States of America or the State of North Carolina.

#### **Flea Market**

A market held on pre-established dates in an open area or structure where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables and other eatable items. The individual sellers at the flea market need not be the same each time the market is in operation.

#### **Flex Space**

A facility designed to serve both as an "office" and as a "warehouse". Warehouse space shall be limited to those goods and wares directly associated with the business occupying the office. Storage of goods from other businesses or from the general public shall be prohibited. In no case shall the gross floor area devoted to "warehouses" space exceed fifty (50) percent of the total gross floor area.

#### **Food Catering Facility**

A facility at which a pre-arranged amount and type of food is prepared for consumption off-premises or in a meeting room on-premises. A food catering facility differs from a restaurant in that food is not offered for sale to the general public on a retail basis. May also be referred to as a "**Commercial Kitchen**".

#### **Fraternal and Service Organization Meeting Facility**

A facility operated by an association of persons for activities which include, but are not limited to social, literary, political, educational, fraternal, charitable, or labor activities, but which are not operated for profit or to render a service which is customarily conducted as a business.

#### **Fuel Station**

A fuel dispensing facility designed to accommodate the fueling of no more than two motor vehicles at the same time. If two vehicles can be simultaneously accommodated, the fuel dispensing pumps shall be located on opposite sides of the fuel station.

#### **Funeral Home**

A facility used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

-G-

#### **Garden Supply and Seed Store**

A retail establishment at which animal feed, crop seeds and related products are sold. The milling and grinding of feed or flour at such establishments shall be prohibited as shall the storage of milled products. The sale of agricultural chemicals shall be limited to general retail use (as distinguished from a farm supply store where large quantities of agricultural chemicals are sold).

#### **General Commercial I / II**

Land uses involving an activity conducted with the intent of realizing a profit from the sale of goods or services to others. The classifications are specific to this ordinance and uses falling within these classifications are identified in [Appendix A](#).

**Golf Course**

A tract of land for playing golf, improved with tees, fairways, hazards and which may include clubhouses and shelters.

**Government Services I / II**

Land uses which contain services and facilities operated by any level of government. The classifications are specific to this ordinance and uses falling within these classifications are identified in [Appendix A](#).

**Greenhouse**

A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale.

**Greenhouse, Commercial**

An establishment whose primary business is the growing of plants through the use of one or more on-premises greenhouses.

**Grocery**

An establishment which may sell a wide variety of fresh produce, canned and packaged food items, small household goods and similar items which are consumed and used off premises. In addition, the store may contain a delicatessen section in which prepared foods are sold and may be consumed on premises in a specially designed sit-down area. Sales of grocery items are highly dependent on comparison shopping.

-H-

**Hazardous Material**

Any substance listed as such in: SARA Section 302, "Extremely Hazardous Substances", CERCLA "Hazardous Substances", or Section 311 of CWA (oil and hazardous substances).

**Home Occupation**

A commercial use contained within a residential dwelling that conducts limited commercial activities, provided such activities do not impact or detract from the residential character of the neighborhood.

**Hospital**

An institution providing physical and mental health services primarily for human in-patient medical or surgical care for the sick or injured, including related facilities such as laboratories, out-patient services, training facilities, central service facilities, emergency services, and staff offices.

**Hotel**

An establishment providing, for a fee, sleeping accommodations in individual rooms or suite accessible by interior hallways with customary lodging services, including custodial service, the furnishing and upkeep of furniture and bed linens, and internet and desk service. Related ancillary uses may include but shall not be limited to conference and meeting rooms, restaurants, bars, and recreational facilities.

-I-

**Independent Living Facility**

Congregate living facilities, such as homes for the aged, designed for older persons or disabled persons who do not require health and support services.

**Industrial, Heavy**

Manufacturing or other enterprises with significant external effects and nuisances, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.

#### **Industrial, Light**

Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment, or fabrication of materials and products, from processed or previously manufactured materials. Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc.

#### **Industrial Park**

A development containing two (1) or more separate industrial buildings that is planned, designed, managed, and constructed on an integrated and coordinated basis for industrial uses.

#### **Infrastructure**

The basic facilities such as roads, schools, power plants, transmission lines, transportation, and communication systems on which the continuance and growth of a community depends.

#### **Institutional and Civic**

Public or semi-public buildings and/or uses, such as a religious institution, library, public, or private school, hospital, or government owned or government-operated structure or land used for public purpose.

-J-

#### **Junk Yard**

The use of more than six-hundred (600) square feet of the area of any lot for the outdoor storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles, vehicles or machinery or parts thereof.

-M-

#### **Manufactured Home**

A residential dwelling unit that: (i) is not constructed in accordance with the standards set forth in the North Carolina State Building Code, and (ii) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and (iii) exceeds forty feet in length and eight feet in width. A manufactured home may also be referred to as a "mobile home".

#### **Manufactured Home (Mobile Home), Class A**

A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

- A. The minimum width (the width being the narrower of the two overall dimensions) of the main body of the manufactured home as assembled on the site shall be at least twenty-two (22) feet for a distance extending along the length (the length being the longer of the two overall dimensions) of at least twenty (20) feet.
- B. The pitch of the roof of the manufactured home has a minimum vertical rise of two and two-tenths feet for each twelve feet of horizontal run; the roof is finished with a type of shingle that is commonly used in standard residential construction and which does not exceed the reflectivity of gloss white

paint; the roof has an overhang (eave) extending at least ten (10) inches from each vertical exterior wall. A site-installed gutter may be counted in the width of the eave.

- C. The exterior siding consists of wood, hardboard, vinyl, brick or aluminum and shall be comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction, and which does not exceed the reflectivity of gloss white paint.
- D. A continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, shall be installed upon a poured concrete footer after placement on the lot, and before occupancy.
- E. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.
- F. The manufactured home is set up on the site in accordance with the standards set by the N.C. Department of Insurance.
- G. Stairs, porches, entrance platforms and other means of entrance and exit to the manufactured home shall be installed and constructed in accordance with the standards set by the N.C. Department of Insurance.
- H. The manufactured home is oriented on the site in such a manner that the side having the main entrance, and by design intended to be the front of the manufactured home, is generally parallel to a public street abutting the site.

**Manufactured Home (Mobile Home), Class B**

A manufactured home that meets all of the criteria of a Class A Manufactured Home, except criteria (a).

**Manufactured Home, Class C**

A manufactured home that meets all of the requirements of a Class A Manufactured Home, except criteria (a), (b), (c), (d), (e), and (h).

**Manufactured Home, Class D**

A manufactured home that does not meet the requirements of a Class A, Class B or Class C Manufactured Home.

**Manufactured Home Park (Mobile Home Park)**

Any premises where two or more manufactured homes are parked for living and sleeping purposes, or any premises used for or set apart for the purpose of supplying to the public parking space for two or more manufactured homes for living and sleeping purposes.

**Manufactured Home Space**

Any premises within a manufactured home park used or intended to be used or occupied by one manufactured home, together with automobile parking space, utility structures, and other required facilities incidental thereto.

**Marina, Accessory**

A facility which is accessory to a residential development and which provides boat slips for use by the residents of such a development and their guests.

**Marina, Commercial**

A commercial facility containing moorings and boat slips available for use by the general public and which may also offer supply and repair services.

**Medical Office**

An office facility containing space for patient waiting rooms and laboratory space for medical doctors (M.D.'s), osteopaths, chiropractors, dentists, podiatrists, acupuncturists, or psychologists, licensed nurse/midwife, licensed physical therapist or optometrist.

**Medical Supply Shop**

A facility which sells (on a retail or wholesale level) medical supplies including (but not limited to) prosthetics, wheelchairs, crutches, etc. A "medical supply shop" differs from a pharmacy in that prescribed and over-the-counter medicines and health care products (e.g., hair care products, fragrances, dental hygiene products, etc.) are not the primary goods sold.

**Mini-Mart, Express Fuel**

A one-story retail store containing less than twenty-four hundred (2,400) square feet gross floor area that is designed and stocked to sell primarily fuel, food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "food store"). A mini-mart is different from a convenience store in that greater than seven fuel stations are provided.

**Miniature Golf Course**

A commercial enterprise consisting of a golf course open to the general public where each hole is enclosed in a contained area.

**Mixed Use Building**

A building which contains one or more residential dwellings located above the ground floor of an institutional, civic, office, commercial, or retail use. Mixed-use buildings are a common feature of traditional town centers and are sometimes referred to as "live-work units." Where a mixed-use dwelling is permitted by this ordinance within a particular district, the ground-floor retail uses are also permitted.

**Mobile Home**

See "Manufactured Home"

**Modular Home**

A dwelling unit constructed in accordance with the standards set forth in the North Carolina Building Code (Uniform Residential Code for one and two-family dwellings) and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home shall be deemed to be a single-family dwelling as defined in this Ordinance.

**Motel**

An establishment providing transient accommodations containing six (6) or more rooms all of which contain private bath facilities with at least twenty-five (25%) percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

**Multi-Family Development**

A tract of land under individual, corporate, firm, partnership or association ownership, or under common control evidenced by duly recorded contracts or agreements; planned and developed as an integral unit in a single development operation or in a definitely programmed series of development operations. Such development shall consist of two or more duplex buildings, or three (3) or more dwelling units sharing one (1) or more common walls. The development shall have a unified or coordinated design of buildings and a coordinated organization of service areas and common open space area.

-N-

**Nursery**

A commercial enterprise conducted on land where flowers, shrubs and similar horticultural products are raised and sold to general public. Nurseries may include the use of greenhouses for growing purposes. May also be done in a wholesale capacity.

**Nursing Home**

A facility which serves people who need nursing and supportive domiciliary care. Nursing care is provided for eight (8) or more hours per day.

-O-

**Office**

A room or group of rooms used for the conduct of a business, profession, service, industry or government where retail trade is not conducted.

**Office Building**

A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

**Office Park**

See “Business Park”

**Outdoor Storage**

The storage of goods, bulk materials or discarded items in the open or under a structure containing a roof but no walls.

-P-

**Package Treatment Plant**

A small self-contained sewage treatment facility built to serve developed areas which lie beyond the service area of sanitary sewers.

**Pawn Shop**

A shop where money is lent on the security of personal property pledged. Such property may then later be sold at the shop.

**Private Residential Quarters.** *Refer to Accessory Dwelling Unit.*

**Public Safety Station**

A facility operated by a public agency, a private contractor thereof, or by a private non-profit volunteer organization and used for the base of operations and/or housing of equipment or personnel for the provision of dispatched public safety services including law enforcement, fire protection, rescue services, and/or emergency medical services. Such a facility may contain living quarters for on-duty personnel. It may also contain up to four holding cells for the temporary custody of persons under arrest. Facilities for the maintenance of equipment housed at the operation site are also permitted.

-Q-

**Quadplex**

A single structure, which contains four individual dwelling units, all of which have separate entrances from the exterior of the structure.

-R-

**Racetrack**

A facility where vehicles of any size, model aircraft and similar reduced-scale objects, or animals are raced for speed and/or endurance at which seating space and accessory food stands may be provided.

**Recreation Center**

A health or exercise club, tennis, or racquetball court, swimming pool, YMCA, YWCA, or similar public or private uses that constitute principal uses primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located.

**Recreational Facility**

A facility owned and operated by a private or public entity, designated and used by the general public, paying customers, members, or residents, for active and/or passive recreation, that is conducted inside a structure or outdoors. .

**Recreation and Sports Center, Indoor**

An indoor facility, with or without seating for spectators, and providing accommodations for a variety of individual, organized, or franchised sports, including but not limited to basketball, ice hockey, wrestling, soccer, tennis, volleyball, racquetball, or handball. Such facilities may also provide other regular organized or franchised events, health and fitness club facilities, swimming pool, snack bar, restaurant, retail sales of related sports, health or fitness items, and other support facilities.

**Recreation and Sports Center, Outdoor**

A recreational land use conducted outside of a building, characterized by potentially moderate impacts on traffic, the natural environment, and the surrounding neighborhood, including athletic fields; miniature golf; skateboard park; swimming, bathing, wading and other therapeutic facilities; tennis, pickleball, basketball courts; batting cages, etc. Indoor structures for minimal retail sales, food and drink sales, and rest rooms may be provided.

**Recreation Vehicle**

A vehicular-type portable structure without a permanent foundation, which can be towed, hauled, or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes. A recreation vehicle shall not be considered as being a single-family dwelling.

**Recycling Deposit Station**

A structure at which newspapers, aluminum cans, glass, corrugated paper or backyard waste (i.e., grass cuttings, tree limbs, etc.) are deposited for the purpose of being recycled. All such goods shall be housed at all times within the structure. The outdoor storage of all goods to be recycled shall be prohibited.

**Rental Center**

An establishment where household items and goods (as distinguished from an establishment which deals in goods primarily for use by industrial establishments) are offered for rent (and perhaps for eventual sale) to the general public.

**Residential**

A use or structure, typically referred to as a dwelling unit, regularly used by its occupants as a permanent place of abode, which is made one's home as opposed to one's place of business and which has housekeeping and cooking facilities for its occupants only

**Rest Home**

A licensed facility that provides supportive service to six (6) or more elderly or disabled adults who need assistance in meeting their day-to-day basic needs.

**Restaurant**

A commercial establishment other than a drive-in, drive-through or fast food restaurant where food and drink are prepared, served and consumed primarily within the principal building.

**Restaurant, Drive-In**

An establishment where food products are sold in a form ready for consumption and where consumption is designed to take place on-site outside the confines of a building. At drive-in restaurants, customers may order their food from individual outdoor calling stations rather than at a centrally located drive-in window commonly found at "drive-through" or "fast-food" restaurants.

**Restaurant, Fast Food**

An establishment whose principal business is the sale of prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, on the restaurant premises or off-premises. Orders for food may be placed either within the restaurant building or from a centrally-located outdoor calling station.

**Restaurant, Drive-Through**

An establishment whose principal business is the sale of prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption on the restaurant premises or off-premises. Unlike a fast food restaurant, a drive-through restaurant does not contain any indoor customer dining areas. Unlike a drive-in restaurant, orders are taken from customers from centrally located drive-in windows rather than from individual calling stations.

**Riding Stable**

A commercial facility where horses are sheltered which may also contain grounds for the riding of horses. Horse racing shall not be allowed to take place on the grounds.

**Rooming House**

A single-family dwelling, a portion of which is provided by the resident owner to no more than two (2) lodgers and where separate bathroom and kitchen facilities are not provided for any lodger.

**Recreational Vehicle (RV) Park**

Land used or intended to be used, let, or rented for occupancy by vacationing transient campers traveling by automobile or otherwise, for occupancy by movable or temporary sleeping quarters of any kind, together with automobile parking spaces and incidental utility structures and facilities required and provided in connection with the use. This definition shall not include trailer sales lots where unoccupied trailers are parked for inspection and sale. See also "Campground".

-S-

**School, Public or Private**

A public or private institution offering a curriculum of education authorized by the State of North Carolina giving regular instruction at the primary, secondary level, or a school for the mentally or physically handicapped. Included in this definition are preschool programs integrated into the curriculum of a public or private school or that does not require daycare licensing by the State. However, this definition does not include day care facilities, preschools operating independent of a public or private school, individual instruction, or classes in a specialized subject.

**School, Trade or Business**



An institution offering instruction beyond high school level with a course of study in vocational, technical or other special subject.

**School, Vocational**

A secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a specific trade or vocation upon graduation.

**Self-Storage Facility**

A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

**Shopping Center**

A group of two (2) or more retail establishments constructed and developed in one (1) or more phases with customer and employee parking and merchandise and other loading facilities provided on-site. A shopping center may be located and developed on one (1) or more lots and may include one (1) or more principal buildings.

**Shopping Center, Class A**

A shopping center containing less than fifty thousand (50,000) square feet of gross floor area.

**Shopping Center, Class B**

A shopping center containing 50,000-150,000 square feet of gross floor area.

**Shopping Center, Class C**

A shopping center containing over one hundred-fifty thousand (150,000) square feet of gross floor area.

**Studio, Art or Dance**

A school where classes in the various arts (e.g., dance, painting, sculpting, martial arts, singing) are taught. As differentiated from a "vocational school", such schools are usually attended by persons of all ages where professional placement after graduation is not of significant importance.

-T-

**Telecommunication Tower**

A telecommunications facility consists of the equipment and structure(s) (including any accessory structures required to house transmitting or maintenance equipment) designed to support antennae used for transmitting or receiving communications and data transmissions. Towers, antennas, or similar structures installed in or attached to tops of buildings, water tanks, or similar facilities as "stealth" locations, shall be included in this definition. This definition also includes accessory buildings and related equipment required for the telecommunications facility. This definition does not include ham radio operations, radio-broadcast towers or television broadcast towers. Examples of telecommunications towers include monopoles and lattice construction steel structures.

**Theater, Outdoor Movie**

A facility designed for the outdoor projection of motion pictures onto a permanent screen to be viewed from the patron's automobile.

**Total Care Facility**

See **Continuing Care Facility**

**Townhouse**

A single-family dwelling in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more common walls. See also **Dwelling, Single-Family, Attached**.

### **Transportation**

Any physical facility that moves or assists in the movement of people or goods which may include accessways, bicycle facilities, transit stations, airports, river or seaports, multi-use paths, pedestrian connections, or streets.

### **Triplex**

A building designed exclusively for or occupied exclusively by no more than three (3) families living independently of each other in three separate dwelling units, each provided with its own entrance, on a lot held in single ownership.

### **Truck Stop**

A facility typically offering multiple services to the travelling public which are particularly designed to serve the need of freight trucks and their drivers. Such facilities typically include fuel stations (dispensing fuel for trucks and, perhaps, for automobiles), one or more eating establishments and/or sale of prepared food, sales of convenience and sundry items, and overnight lodging facilities. Not all such facilities are provided at all truck stops. The foregoing definition distinguishes a "truck stop" from (i) a convenience store, (ii) mini-mart, express fuel, (iii) shopping center, and (iv) planned multi-tenant development.

### **Truck Terminal**

A facility where cargo is stored and where trucks load and unload cargo on a regular basis.

-W-

### **Warehouse**

A building or group of buildings for the storage of goods or wares belonging either to the owner of the facility or to one (1) or more lessees of space in the facility or both, with access to contents only through management personnel.

### **Wholesale Sales Operation**

A place of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers. Wholesale clubs and similar membership warehouses, where membership is easily available to the consuming public, and similar businesses shall not be deemed "wholesale sales operations".

## Appendix A Land Use Classifications

### AGRICULTURAL USES

#### Agriculture Level 1

Apiary (Beekeeping)  
Household gardening  
Household fruit production  
Chickens

#### Agriculture Level 2

Livestock Raising  
Livestock Auction  
Animal Breeding/Development  
Dairy  
Vineyard  
Tree Farm  
Stable  
Agritainment

#### Community Garden

Urban Farm

#### Farm Product Sales

Farmers Market / Farm Stand  
Winery  
Nurseries  
Greenhouses

#### Other

Auction House  
Farm Equipment Sales

### RESIDENTIAL USES

Dwelling, Single-Family Attached  
Dwelling, Single-Family Detached  
Dwelling, Two-Family  
Dwelling, Triplex  
Dwelling, Quadplex  
Multi-Family Residential  
Dwelling, Mixed-Use

#### Accessory Uses

Accessory Dwelling Unit  
Home Occupations  
Neighborhood Recreation

#### Family Care Home

Group Home  
Maternity Home  
Half-Way House  
Rooming House

#### Residential Care Facility

Assisted Living Facility  
Continuing Care Facility  
Nursing Home  
Rest Home

### ACCOMMODATIONS

Bed and Breakfast Inn  
Hotel / Motel  
RV/Campground Park  
Short-Term Rental

### INSTITUTIONAL AND CIVIC

#### Cultural / Community Center

Charitable Service Facility  
Community Center  
Food Pantry  
Fraternal and Service Organizations

#### Day Care

Child Day Care  
Adult Day Care Facility

#### Education Facility I

Nursery School  
Elementary School  
Middle School

High School

Education Facility II

Vocational School  
Continuing Education Center  
Community College  
University

Government Service I

City Hall  
Government Offices  
Public Park Facilities  
Post Office  
Library  
Museum

Government Service II

Correctional Facility Class 1  
Correctional Facility Class 2  
Postal and Parcel Processing And Bulk Handling Facility  
Public Works  
Military Reserve Center

Religious Institution

Church  
Synagogue  
Mosque  
Place of Worship

Other

Cemetery

**COMMERCIAL USES**

Adult Establishments

Adult Use/Sexually Oriented Businesses  
Adult Hotel  
Adult Video  
Gaming Establishments

Entertainment

Amusement Arcade  
Auditorium, Assembly Hall

Billard Parlor  
Board and Trading Card Gaming  
Comedy Club  
Concert Venue  
Dance Club  
Live Music Hall  
Movie Theater, Indoor  
Performing Arts Center

Drinking and Eating Establishments

Bakery  
Bars and Taverns (without food)  
Brewery with Tap  
Coffee Shop  
Delicatessen  
Dine-in Restaurant  
Distillery with Tap  
Drive-In Restaurant  
Fast Food Restaurants  
Ice Cream Shops  
Meadery  
Private Clubs  
Restaurant, Within Other Facilities  
Restaurant w/ Drive-thru  
Specialty Market  
Tasting Room  
Tavern with Food Service  
Wine Bar

General Commercial I

Banquet / Meeting Facility  
Catering Hall  
Conference Center  
Farmer's / Flea Market  
Offices, Office Parks, and Office Buildings  
Veterinary Clinic

General Commercial II

Animal Kennel  
Animal Hospital  
Animal Shelter  
Appliance Repair

Automobile Accessories

Commercial Kitchen

Contractors Offices and Storage

Nurseries (sales only)

Movie Theater, Outdoor

Self-Storage Facilities

Medical Office

Blood-Draw Collection and Testing centers

Chiropractor

Dentist Office

Out-Patient Facilities

Physician's Offices

Medical Facilities/Laboratory

Behavioral Health Facility

Hospital

Laboratories

Research facility

Major Auto Services

Automobile Body Shop

Automobile, Truck, Boat, & Motorcycle Sales

Automobile Towing Service

Truck Stop

Truck Terminal

Minor Auto Services

Automobile Repair

Automobile Detail Shop

Car Wash, Automatic

Car Wash, Self-Service

Gas Stations, with or without convenience stores.

Personal and Professional Services

Accounting, Tax, Payroll Services

Architectural, Engineering Services

Bail Bonding

Bank / Credit Union

Barber/Beauty Shop

Check Cashing Establishment

Computer Sales and Repair

Consulting Services

Day Spa

DIY / Artist Studios

Dry Cleaning

Employment Agencies

Exterminator's Office

Financial consulting

Fortune Telling

Funeral Homes / Mortuary

Graphic designers

HVAC Offices & Sales

Hair or Nail Salon

Interior Designers

Insurance Agency

Laundromat

Legal Services

Locksmith

Pet Grooming

Photography Studio

Postal Store and Mailing Establishment

Real Estate Services

Shoe Repair

Tailor or Dress Maker

Tanning Salon

Tattoo or Permanent Make-up

Title Loan Lender

Travel Agencies

Tutoring Services

Weight Loss Centers

Yoga / Dance / Marital Art Studio

Recreation and Sports center, Indoor

Bowling Alley

Swimming Pools

Fitness Centers / Health Club

Parkour Facilities

Indoor Training Facilities

Batting Cages

Recreation and Sports Center, Outdoor

Swimming Pools

Country Club

Golf Course  
Gymnasiums  
Outdoor Training Facility  
Ropes Course  
Park  
Skate Park  
Dog Park

#### Retail

ABC Store  
Animal Supply Store  
Antique Store  
Art Supplies and Hobby Stores  
Bakery  
Beer or Wine Sales / Bottle Shop  
Bicycle Sales/Service  
Blueprint and Drafting Service  
Book Store  
Boutiques  
Cabinet and Woodwork Shop  
Camera and Photo Supply Store  
CBD Dispensary  
Clothing and Shoe Stores  
Consignment Store  
Convenience Store  
Cosmetic and Beauty Supply Stores  
Department Store  
Drug Stores  
Dry Goods / Notions / Variety Store  
Electronics Store  
Florist  
Furniture Store  
Garden Supply and Seed Store  
Glass and Mirror Shop  
Gift Shop  
Grocery Store  
Gun and Ammunition Sales  
Gunsmith  
Hardware  
Hobby, Toy, and Craft Shop  
Home Décor  
Jewelry & Jewelry Repair Store

Key Shop  
Laundromat  
Medical Supply Shop  
Music Store Sales and Service  
Optical or Vision Wear Store  
Paint and Painting Supply Store  
Pawn Shop  
Pharmacy  
Sporting Goods & Equipment Store  
Stationary or Card Store  
Tobacco/Vape Shop

### INDUSTRIAL

#### Industrial, Heavy

Manufacturing, refining, processing, or assembly of the following:

*Pickled fruits and vegetables*

*Flour and other grain mill products, sugar refining*

*Animal feeds and pet foods*

*Fats and oils*

*Non-chocolate Confectionery Manufacturing*

*Rice Milling*

*Tobacco products*

*Dying and finishing textiles, except wool fabrics and knot goods*

*Coated fabrics, rubberized and not rubberized; canvas and related products*

*Sawmills and planing mills, general*

*Wood building and manufactured homes*

*Wood preserving; reconstituted wood products; pulp mills; paper mills; paperboard mills*

*Industrial inorganic chemicals; Plastic materials, synthetic resins and rubber; cellulosic and other man-made fibers, except glass*

*Soaps, detergents and cleaning preparations; perfumes, cosmetics, and other toilet preparations*

*Paints, varnishes, lacquers, enamels and allied products*

*Industrial organic chemicals; agricultural chemicals (fertilizers, pesticides, etc.)*

*Miscellaneous chemical products (e.g., adhesives, sealants, explosives, printing ink, carbon black, and other chemical and chemical preparations)*

*Lubricating oils and greases*

*Products of petroleum and coal*

*Tires and inner tubes*

*Plastic products when resins are made at the same facility*

*Leather tanning and finishing*

*Flat glass; glass and glassware;*

Cement, hydraulic  
 Structural clay products  
 Pottery and related products except handmade pottery and arts and crafts operations involving no more than one-thousand (1,000) cubic feet of kiln space  
 Concrete gypsum and plastic products; cut stone and stone  
 Abrasive products; asbestos products; mineral wool;  
 Minerals and earth, ground or otherwise treated  
 Non-clay refractories  
 Miscellaneous nonmetallic mineral products  
 Steel works, blast furnaces, and rolling and finishing mills; iron and steel foundries; primary and secondary smelting and refining of nonferrous metals; rolling, drawing and extruding of nonferrous metals; nonferrous foundries;  
 Metal heat treating; metal forging-iron, steel and nonferrous; coating and engraving of metals and allied services  
 Manufacture of other primary metal products  
 Manufacture of ordnance (arms, ammunition, etc.) and accessories except vehicles and guided missiles  
 Power, distribution and specialty transformers  
 Electrical industrial carbon and graphic products  
 Storage batteries; primary batteries, dry and wet  
 Motor vehicles; truck, bus and passenger car bodies; truck trailers; motor homes;  
 Aircraft; guided missiles and space vehicles and parts  
 Camping trailers  
 (Military) tanks (and related armored vehicles) but not tank components  
 All photographic supplies but not photographic equipment  
 All inks, paints, oils, enamels, and crayons  
 Carbon paper and inked ribbons  
 Linoleum, asphalt - felt-base, and other hard surface floor covering  
 Meat packing plants and poultry dressing plants  
 Processing and packing of canned, cured, fresh, or frozen fish and seafood  
 Petroleum refining  
 Asphalt paving and roofing materials  
 Mining  
 Crematorium  
 Racetrack  
 Data Mining  
 Building Material and Lumber Sales

Industrial, Light

Anything not classified as Heavy  
 Beer/malt beverages, wines, brandy, distilled and blended liquor; roasted coffee

Distribution Center, Product  
 Moving and Storage Facilities  
 Gun Club  
 Paintball Facility

Outdoor Storage / Sales

Commercial Vehicle/Truck Storage  
 Recreational Vehicle Sales  
 Heavy Equipment Sales / Storage  
 Heavy Machinery Sales / Storage  
 Contractor Yard  
 Construction Materials Yard  
 Junk Yard / Salvage Yard  
 Portable Toilet Service  
 Boat Sales and Storage  
 Manufactured Homes Sales

Wholesale / Warehouse

Warehouses  
 Wholesale  
 Distribution Facilities  
 Cold Storage

**INFRASTRUCTURE/  
 TRANSPORTATION**

Essential Services I

Transmission Lines  
 Facilities related to:  
 Telephone  
 Electric  
 Steam  
 Water  
 Cable  
 Fiber Optics  
 Sewer

Essential Services II

Generation facility  
 Recycling Deposit Station  
 Recycling Processing Facility

Sanitary Landfill  
Septic Tank Disposal  
Solid Waste and Septic Tank  
Vehicle Storage Facility

Transportation Facilities

Airport  
Airstrip  
Truck Terminal

Railroad Terminal

Other

Wireless Telecommunications

**OTHER**

Automobile Parking Lot  
Food Trucks  
Outdoor Display



## Appendix B. Wireless Telecommunication Facilities

### B.1 AUTHORITY

In accordance with the authority granted by N.C.G.S. 160D-932, the Town of Cramerton regulated the siting and modification of wireless support structures and wireless facilities in accordance with land development regulations of this Ordinance and Part 3 of N.C.G.S, Chapter 160D.

### B.2. PURPOSE AND COMPLIANCE

The purpose of this section is to ensure the safe and efficient integration of facilities necessary for the provision of advanced mobile broadband and wireless telecommunications services throughout the community and to ensure the ready availability of reliable wireless service to the public, government agencies, and first responders, with the intention of furthering the public safety and general welfare.

- A. Encourage the location and collocation of wireless facilities on existing structures thereby minimizing new visual, aesthetic, and public safety impacts; effects upon the natural environment and wildlife; and to reduce the need for additional wireless support structures;
- B. Encourage coordination between suppliers of wireless telecommunication services in the Town of Cramerton;
- C. Regulate in accordance with all federal and State law applicable to wireless communication facilities, including NC General Statute Chapter 160D-930 through 938, the Telecommunications Act of 1996 and Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012; and
- D. Protect the unique natural beauty and rural character of the Town while meeting the needs of its citizens to enjoy the benefits of wireless telecommunications services.

### B.3. DEFINITIONS

Due to the unique nature of wireless communication facilities, for the purpose of administrating the standards of this section, all definitions noted below and in N.C. Gen. Stat. § 160D-931, as amended, shall apply.

**ANTENNA.** Communications equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.

**APPLICABLE CODES.** The North Carolina State Building Code and any other uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization together with State or local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons.

**APPLICATION.** A request submitted by an applicant to the local government for a permit to collocate wireless facilities or to approve the installation, modification, or replacement of a utility pole, town utility pole, or a wireless support structure.

**BASE STATION.** A station at a specific site authorized to communicate with mobile stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies, and other associated electronics.

**BUILDING PERMIT.** An official administrative authorization issued by the local government prior to beginning construction consistent with the provisions of G.S. 160D-1110.

**COLLOCATION.** The placement, installation, maintenance, modification, operation, or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles, town utility poles, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes. The term does not include the installation of new utility poles, town utility poles, or wireless support structures.

**COMMUNICATIONS FACILITY.** The set of equipment and network components, including wires and cables and associated facilities used by a communications service provider to provide communications service.

**COMMUNICATIONS SERVICE.** Cable service as defined in 47 U.S.C. § 522(6), information service as defined in 47 U.S.C. § 153(24), telecommunications service as defined in 47 U.S.C. § 153(53), or wireless services.

**COMMUNICATIONS SERVICE PROVIDER.** A cable operator as defined in 47 U.S.C. § 522(5); a provider of information service, as defined in 47 U.S.C. § 153(24); a telecommunications carrier, as defined in 47 U.S.C. § 153(51); or a wireless provider.

**ELIGIBLE FACILITIES REQUEST.** A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.

**EQUIPMENT COMPOUND.** An area surrounding or near the base of a wireless support structure within which a wireless facility is located.

**FALL ZONE.** The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.

**LAND DEVELOPMENT REGULATION.** Any ordinance enacted pursuant to this Chapter.

**MICRO WIRELESS FACILITY.** A small wireless facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

**SEARCH RING.** The area within which a wireless support facility or wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.

**SMALL WIRELESS FACILITY.** A wireless facility that meets the following qualifications:

- A. Each antenna is located inside an enclosure of no more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements, if enclosed, could fit within an enclosure of no more than six (6) cubic feet.
- B. All other wireless equipment associated with the facility has a cumulative volume of no more than twenty-eight (28) cubic feet. For the purposes of this sub-subdivision, the following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.

**SUBSTANTIAL MODIFICATION.** The mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. The burden is on the local government to demonstrate that a mounting that does not meet the listed criteria constitutes a substantial change to the physical dimensions of the wireless support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the following criteria:

- A. Increasing the existing vertical height of the structure by the greater of
  - 1. More than ten percent (10%) or
  - 2. The height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet.
- B. Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of
  - 1. More than twenty (20) feet or
  - 2. More than the width of the wireless support structure at the level of the appurtenance.
- C. Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

**TOWN RIGHT-OF-WAY.** A right-of-way owned, leased, or operated by the Town of Cramerton, including any public street or alley that is not a part of the State highway system.

**TOWN UTILITY POLE.** A pole owned by the Town of Cramerton (i) in the Cramerton right-of-way that provides lighting, traffic control, or a similar function and (ii) as part of a public enterprise owned or operated by the Town of Cramerton pursuant to Article 16 of Chapter 160A of the General Statutes consisting of an electric power generation, transmission, or distribution system.

**UTILITY POLE.** A structure that is designed for and used to carry lines, cables, wires, lighting facilities, or small wireless facilities for telephone, cable television, electricity, lighting, or wireless services.

**WATER TOWER.** A water storage tank, a standpipe, or an elevated tank situated on a support structure originally constructed for use as a reservoir or facility to store or deliver water.

**WIRELESS FACILITY.** Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term does not include any of the following:

- A. The structure or improvements on, under, within, or adjacent to which the equipment is collocated.
- B. Wireline backhaul facilities.
- C. Coaxial or fiber-optic cable that is between wireless structures or utility poles or town utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

**WIRELESS INFRASTRUCTURE PROVIDER.** Any person with a certificate to provide telecommunications service in the State who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures for small wireless facilities but that does not provide wireless services.

**WIRELESS PROVIDER.** A wireless infrastructure provider or a wireless services provider.

**WIRELESS SERVICES.** Any services, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using wireless facilities.

**WIRELESS SERVICES PROVIDER.** A person who provides wireless services.

**WIRELESS SUPPORT STRUCTURE.** A new or existing structure, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities. A utility pole or a town utility pole is not a wireless support structure.

#### **B.4. WIRELESS SUPPORT STRUCTURES**

- A. Consistency.** The submittal, application, and construction of new or substantially modified Wireless Support Structures shall be consistent with N.C. Gen. Stat. § 160D-933.
- B. Permitted Districts.** Wireless Support Structures are permitted only with a special use permit per the Land Use Table in Chapter 5 of the LDC.
- C. Application Requirements.** A completed Special Use Permit application, the contents of which shall include the items listed below, in addition to the typical application requirements of Chapter 3 of this Code and those listed on the application form, shall be submitted. A pre-application meeting is required.
  - 1.** Site plan and narrative report shall include the following:
    - a.** The name, address and phone number of the person preparing the report;
    - b.** The name, address, and phone number of the property owner, operator, and applicant, and to include the legal signature of the applicant;
    - c.** The postal address and tax map parcel number of the property;
    - d.** The zoning district or designation in which the property is situated;
    - e.** Size of the property stated both in square feet (acres) and lot line dimensions, and a diagram showing the location of all lot lines;
    - f.** The location of nearest residential structure;
    - g.** The location, size and height of all structures on the property which is the subject of the application;
    - h.** The location, size and height of all proposed and existing antennae and all appurtenant structures;
    - i.** The type, locations and dimensions of all proposed and existing landscaping, and fencing;

- j. The number, type and design of the tower(s) and antenna(s) proposed and the basis for the calculations of the tower's capacity to accommodate multiple users;
  - k. The make, model and manufacturer of the tower and antenna(s);
  - l. A description of the proposed tower and antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;
  - m. The frequency, modulation and class of service of radio or other transmitting equipment;
  - n. The actual intended transmission and the maximum effective radiated power of the antenna(s);
  - o. Direction of maximum lobes and associated radiation of the antenna(s);
  - p. Certification that the NIER (Non-Ionizing Electromagnetic Radiation) levels at the proposed site are within the threshold levels adopted by the FCC;
  - q. Certification that the proposed antenna(s) will not cause interference with other telecommunications devices;
  - r. A copy of the FCC license applicable for the intended use of the wireless support structure; and,
  - s. Certification that a topographic and geomorphologic study and analysis has been conducted, and that taking into account the subsurface and substrata, and the proposed drainage plan, that the site is adequate to assure the stability of the proposed wireless support structure on the proposed site.
  - t. Elevation of the wireless support structure showing the proposed location and profile of the antennas;
2. The location of the proposed structure to house the equipment cabinet and an elevation showing the profile location of the proposed structure to house the equipment cabinet shall be shown on the site plan;
  3. Evidence that the proposed structure(s) will comply with federal, state and local safety requirements, including, but not limited to, evidence that the wireless support structure is engineered and constructed to, as currently equipped, accommodate the impacts of weight and location of the proposed antennas;
  4. Evidence that the proposed structure(s) will not interfere with the operation of existing antenna (or other support structure), nor interfere with radio or television or similar reception for adjoining properties. In certain instances, the Town may deem it appropriate to have an onsite RF survey done after the construction and activation of the improvement, such to be done under the direction of the Town or its designee, and a copy of the survey results provided, along with all calculations, prior to issuance of a permit;
  5. Evidence that the telecommunication service provider has negotiated in good faith with other providers / owners of wireless support structures and, if applicable, owners of water towers or

electric transmission towers within 3,000 feet to collocate facilities on such structures, necessitating the installation of the subject wireless support structure.

6. So as to be the least visually intrusive reasonably possible given the facts and circumstances involved, and thereby have the least adverse visual effect, all antennas attached to a tower or other structure shall be flush mounted or as near to flush mounted as is possible so as to create the smallest profile reasonably possible under the facts and circumstances, unless it can be proven that such would prohibit or serve to prohibit the provision of service or be technologically impracticable;
  7. Evidence that at least one (1) wireless facility will occupy the wireless support structure and that the proposed wireless support structure is engineered and constructed to accommodate additional wireless facilities. This also includes an affidavit from the owner indicating intent to allow shared use of the wireless support structure and how others will be accommodated.
  8. The applicant must provide evidence that the proposed tower meets Federal Aviation Administration requirements and will be in accordance with all the tower requirements and standards for the Charlotte Douglas International Airport.
  9. **Visual Impact Assessment:** The Applicant shall provide an assessment that includes:
    - a. A “Zone of Visibility Map” which shall be provided to determine locations from which the support structure may be seen.
    - b. Pictorial representations of “before and after” views from key viewpoints both inside and outside of the Town as may be appropriate, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided concerning the appropriate key sites at a pre-application meeting.
    - c. An assessment of the visual impact of the support structure base, guy wires and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.
  10. **Structural Analysis and Report:** The Applicant shall provide a certification by a Professional Engineer licensed in the State, along with documentation in the form of a structural analysis, including calculations and a geotechnical subsurface soils investigation report and foundation design, that prove that the support structure and its foundation as proposed to be utilized are designed and will be constructed to meet all local, town, state, federal and TIA ANSI 222 structural requirements for loads, including wind and ice loads, and the placement of any equipment on the roof a building after the addition of the proposed new equipment; and
  11. Proof of adequate insurance coverage for any potential damage caused by or to the tower prior to the approval of a conditional zoning district or zoning permit.
- D. Construction and Design Standards for Wireless Support Structures.** All wireless support structures shall comply with the following standards and shall provide the required information on the site plan and/or in the associated narrative report.
1. **Principal or Accessory/Secondary Use**

A wireless support structure shall be permitted as either a principal, secondary, or an accessory use.

**2. Lot Requirements:**

- a. New wireless support structures shall be located on a lot no less than two (2) acres in size when utilized as a principal use.
- b. The required lot size for a wireless support structure used as an accessory or secondary use shall be the total combined minimum lot size for both the principal use and the wireless support structure (2 acres). Please refer to Chapter 4 for required minimum lot sizes.
- c. On lots where there is an existing principal use, the tower shall be located in the rear yard only.

**3. Height:**

- a. In no case shall the height of the support structure exceed two hundred fifty (250) feet. However, where a support structure is two hundred (200) feet or greater in height, "stealth" design options shall be employed.
- b. If the tower is located within an Overlay that restricts height for safety or for character, the tower cannot exceed the maximum building height allowed by the more restrictive standard.

**4. Setbacks:**

- a. Wireless support structures shall be located no less than one hundred (100) feet from a principal residential structure.
- b. Wireless support structures shall be setback a minimum of 50' from any public roadway

**5. Screening:**

- a. An opaque screen shall be required along all sides of the perimeter of the wireless support structure site. In addition, a minimum eight-foot (8') high fence is required immediately around the tower and any equipment building(s), with the screening to be located on the outside of the fenced area.
  - (i) It will be the responsibility of the provider to keep all landscaping material free from disease and properly maintained in order to fulfill the purpose for which it was established.
  - (ii) The owners of the property, and any tenant on the property where screening is required, shall be jointly and severally responsible for the maintenance of all screen materials.
  - (iii) Such maintenance shall include all actions necessary to keep the screened area free of litter and debris, to keep plantings healthy, and to keep planting areas neat in appearance.

(iv) Any vegetation that constitutes part of the screening shall be replaced in the event it dies.

b. Buffers are required as per Section 8 of this Code except where the screening required as a portion of subsection a. provides the intended opacity

**6. Lighting:**

a. All lighting of the facility or compound in which the facility is located for maintenance and access shall not exceed fifteen feet (15) in height and shall otherwise meet the requirements for outdoor lighting contained in Chapter 8 in this Code. *This limitation is not intended for safety lighting required for Federal Aviation requirements.*

b. The lighting of the tower cannot exceed the minimum standards of the Federal Aviation Administration for red obstruction lighting system.

**7. Accessory structures / Equipment:**

All accessory structures on the ground which contain switching equipment or other related equipment must be designed to substantially resemble the neighborhood's basic architecture, or the architecture and style of any principal use on the property. If equipment is enclosed in a compound or fenced area, the fencing shall be of a similar color and style to the principal use of the property.

**8. Access:**

An access road or driveway, at least twelve (12) feet wide shall be maintained from a public street to the tower for use by service and emergency vehicles. This accessway shall not be located closer than 10' to the closest property line.

9. If determined by the Town that the proposed tower is situated in a location which will benefit the Town's telecommunication systems, then the tower shall be engineered and constructed to accommodate the additional telecommunication equipment beneficial to the public system.

10. Outdoor storage of equipment or other related items is prohibited at the tower site.

**E. Administration**

1. Within twenty-four (24) months after approval of a site plan and special use permit (SUP) for the wireless support structure, the structure must be installed and operational or the site plan shall be void. No wireless support structure approved prior to January 1, 2024, which is discontinued, unused or unoccupied by any telecommunication user for a continuous period of one (1) year or more shall be restarted, resumed, or reoccupied without the prior approval of a new site plan and a revised SUP complying with the new applicable provisions.

2. For any wireless support structures approved after January 1, 2024, that is discontinued, unused or unoccupied by the telecommunication user for a continuous period of one (1) year or more, the tower shall be removed within thirty (30) days of notification of the property owner by the Planning Director.

3. The Town may request a surety bond from the owner at time of application to ensure the financing is available to remove the wireless support structure.

**F. Substantial Modifications to Tower**



1. Applications for substantial modifications to an approved tower shall require an amendment to the special use permit or conditional zoning, if approved prior to the adoption of this Code.
2. The Applicant may be charged a fees to cover the cost to the Town of application fees and outside consultants needed to review applications associated with Wireless Support Structures. These fees shall be subject to the limitations set forth in N.C. Gen. Stat. § 160D-933.

## **B.5. COLLOCATION**

### **A. Consistency.**

These regulations shall be consistent with N.C. Gen. Stat. § 160D-934,

- B.** The Town of Cramerton may not deny an eligible facilities request for routine maintenance on a wireless support structure or facility, including in-kind replacement of wireless facilities.

### **C. Collocation Standards.**

1. **General Standards.** A completed Zoning Permit Application, the contents of which shall include the following items in addition to that information requested on the face of the Zoning Permit Application:
  - a. Elevation of the tower or other support structure showing the proposed location and profile of the antennas;
  - b. Explanation as to the location of equipment cabinets, unless not housed in an existing structure, then in such event a site plan showing the location of the proposed structure to house the equipment cabinet for the collocation and an elevation showing the profile location of the proposed structure to house the equipment cabinet for the collocation;
  - c. Evidence that the proposed collocation will comply with federal, state and local safety requirements, including, but not limited to, evidence that the Wireless Support Structure (or other support structure) is engineered and constructed to, as currently equipped, accommodate the impacts of weight and location of the proposed antennas;
  - d. Evidence that the proposed collocation will not interfere with the operation of other antenna existing on the telecommunications tower (or other support structure), nor interfere with radio or television or similar reception for adjoining properties. In certain instances the Town may deem it appropriate to have an on-site RF survey done after the construction and activation of the improvement, such to be done under the direction of the Town or its designee, and a copy of the survey results provided, along with all calculations, prior to issuance of a Certificate of Compliance.
  - e. **Structural Analysis and Report:** The Applicant shall provide a certification by a Professional Engineer licensed in the State, along with documentation in the form of a structural analysis, including calculations and a geotechnical sub-surface soils investigation report and foundation design, that prove that the support structure and its foundation as proposed to be utilized are designed and were constructed to meet all local, town, state, federal and TIA ANSI 222 structural requirements for loads, including wind and ice loads, and the placement of any equipment on the roof a building after the addition of the proposed new equipment.

- f. **ANSI Inspection:** A complete, un-redacted TIA ANSI 222 Report regarding the physical condition of the Facility or Complex and its components done within the previous six months. If such a report has not been done within the previous six months, one shall be done and submitted as part of the Application. No Building Permit shall be issued for any Wireless Facility or related equipment where the structure being attached to is in need of remediation to comply with the requirements of this subsection and other adopted standards of the Town, unless and until all remediation work that is deemed needed has been completed or a schedule for the remediation work has been approved by the Planning Director.
- g. **Compliance:** Other than to remediate non-compliant situations related to matters of safety or the conditions of a permit, no permits for work at a Facility or Complex shall be issued for any work related to an Eligible Facility where the Facility and Complex are not in full compliance with all applicable local, State and federal laws, rules, regulations and orders. A Facility and Complex not in full compliance shall be required to be brought into full compliance before a Building Permit will be issued for work related to an Eligible Facility request or application.

**2. Timing Requirements.**

- a. In accordance with NCGS 160D-934, within forty-five (45) days of application submittal, the Planning Director shall either deem the application for an eligible facilities request or a collocation, a Completed Application or notify the applicant in writing of the deficiencies in the application. The administrator may deem an application incomplete if there is insufficient evidence provided to show that the proposed collocation or eligible facilities request will comply with federal, State, and local safety requirements
- b. The Administrator shall issue a written decision approving an eligible facilities request application within 45 days of such application being deemed complete.
- c. Within forty-five (45) days from the date the application is deemed a Completed Application, the Administrator shall issue a written decision on to approve or deny the application for collocation.

**3. Consultant Fees.**

The Applicant may be charged a fee, not to exceed \$1000, to cover the cost to the Town of outside consultants needed to review applications associated with Wireless Support Structure. These fees shall be subject to the limitations set forth in N.C. Gen. Stat. § 160D-934.

**B.6. SMALL WIRELESS FACILITIES**

**A. Standards.** A Small Wireless Facility shall meet all the standards below:

- 1. The placement of small wireless facilities in all cases are subject to the standards of this UDC and N.C. Gen. Stat. § 160D-935 and 936;
- 2. The Small Wireless Facility in the right-of-way shall not extend more than ten (10) feet above the highest point of a structure to which it is located;
- 3. The small wireless facility shall not have any type of lighted signal, lights, or illuminations unless required by an applicable federal, state, or local rule, regulation or law;

4. The small wireless facility shall comply with any applicable FCC emissions standards;
  5. The small wireless facility shall comply with any applicable local building codes in terms of design, construction and installation; and
  6. The small wireless facility shall not contain any commercial advertising.
- B. Town Utility Poles.** Consistent with N.C. Gen. Stat. § 160D-937, if small wireless facilities are installed on town utility poles, the Town shall not enter into an exclusive agreement or arrangement with any person for the right to attach equipment to town utility poles. Any rates or fees for collocations on town utility poles must be nondiscriminatory regardless of the services provided.
- C. Small Wireless Facilities in Public Right-of-Way.** If a small wireless facility is placed within the public right-of-way, in addition to a zoning permit, an additional right-of-way use permit shall be required.
1. Consistent with N.C. Gen. Stat. § 160D-935(d)(5), the Town may deny a right-of-way use permit for a small wireless facility if the proposed facility:
    - a. Fails to meet the standards of town codes;
    - b. Fails to comply with applicable standards of this UDC;
    - c. Interferes with the safe operation of traffic control equipment;
    - d. Interferes with sight visibility lines for transportation or pedestrians;
    - e. Interferes with the historic preservation requirements of N.C. Gen. Stat § 160D-963(i); and/or
    - f. Interferes with compliance of the Americans with Disabilities Act or similar federal or state mandated provisions regarding pedestrian access of movement.
  2. A permit application shall be deemed complete unless the Town provides notice otherwise in writing to the applicant within thirty (30) days of submission. The Town must document the deficiencies in the application which, if cured, would make the application complete.
  3. The Town shall approve or deny the completed application within forty-five (45) days of the date on which the application was resubmitted. The Town shall send basis for a denial documentation, including specific provisions and send the documentation to the applicant on or before the day the Town denies an application. The applicant may cure the deficiencies identified by the Town and resubmit the application within thirty (30) days of the denial without paying an additional application fee. Any subsequent review shall be limited to the deficiencies listed in the prior denial.
- D. Application Review Criteria**
1. Applications for Small Wireless Facilities shall be processed and reviewed within forty-five (45) days from the date the zoning permit application is considered to be complete. The applicant and town may mutually agree to a longer review period.
  2. The Town may deny an application only on the basis that it does not meet any of the following:

- a. The Town's applicable codes or local code provisions; or
  - b. Regulations that concern public safety, objective design standards for decorative utility poles, Town utility poles, or reasonable and nondiscriminatory stealth and concealment requirements, including screening or landscaping for ground-mounted equipment; or
  - c. Public safety and reasonable spacing requirements concerning the location of ground-mounted equipment in a right-of-way, or
  - d. The historic preservation requirements in G.S. 160D-936(i)
3. Construction of any approved Small Wireless Facility shall commence within six (6) months of its approval date. The Small Wireless Facility shall be activated for use within one (1) year from the right-of-way use permit issuance date. Town approval is not required for routine maintenance, replacement of existing small wireless facilities which are substantially similar, or installation or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles.
  4. Outside Consultant Fees. The Applicant may be charged a fee to cover the cost to the Town of outside consultants needed to review applications associated with Small Wireless Facilities. These fees shall be subject to the limitations set forth in N.C. Gen. Stat. § 160D-935.

#### **E. Abandonment**

1. As authorized by N.C. Gen. Stat. § 160D-935(g), whenever a Small Wireless Facility ceases to be in active operation for more than one hundred eighty (180) days, it shall be considered abandoned and removed by the wireless provider.
  - a. For purposes of this subsection, a small wireless facility shall be deemed abandoned at the earlier of the date that the wireless provider indicates that it is abandoning such facility or the date that is one hundred eighty (180) days after the date that such facility ceases to transmit a signal, unless the wireless provider gives the Town reasonable evidence that it is diligently working to place such facility back in service.
  - b. The Board of Commissioners may grant a one-time extension equal to one hundred eighty (180) days whenever it finds that such an extension will not compromise the public health, safety, or welfare and that such extension is not solely for the purpose of delaying the cost of removing the small wireless facilities.
2. The wireless provider shall be responsible for the removal of a Small Wireless Facility.
3. Whenever a Small Wireless Facility is abandoned, the wireless provider shall notify the Town within thirty (30) days following abandonment.
4. Should the wireless provider fail to timely remove the abandoned Small Wireless Facility, the Town may cause such wireless facility to be removed and may recover the actual cost of such removal, including legal fees, if any, from the wireless provider.

#### **B.7. USE OF PUBLIC RIGHT-OF-WAY**

Consistent with N.C. Gen. Stat. § 160D-936, the Town shall not enter into an exclusive arrangement with any person for use of rights-of-way for the construction, operation, marketing, or maintenance of wireless facilities or wireless support structures or the collocation of small wireless facilities. Additional standards are required for the use of public right-of-way for small wireless facilities.

**Appendix C. Recommended Planting Tables**

Canopy Trees					
Scientific Name	Common Name	Mature Height	Mature Spread	Native	Use
<i>Acer rubrum</i>	Red Maple	60' - 90'	30' - 50'	Native	BF   VUA
<i>Acer saccharum</i>	Sugar Maple	40' - 120'	30' - 60'	Native	BF   VUA
<i>Betula nigra</i>	River Birch	40' - 90'	40' - 60'	Native	VUA
<i>Cedrus deodara</i>	Deodar Cedar	30' - 50'	30' - 40'	Adaptive	BF   SC
<i>Celtis occidentalis</i>	Hackberry	40' - 100'	40' - 60'	Native	BF
<i>Cryptomeria japonica</i>	Japanese Cryptomeria	50' - 70'	20' - 30'	Adaptive	BF   SC
<i>Fagus grandiflora</i>	American Beech	60' - 80'	40' - 80'	Native	BF   SC
<i>Fraxinus Americana</i>	White Ash	60' - 80'	40' - 60'	Native	BF   VUA   SC
<i>Fraxinus pennsylvanica</i>	Green Ash	50' - 70'	35' - 50'	Native	BF   SC
<i>Ginkgo biloba</i>	Ginkgo (Male Only)	50' - 80'	30' - 40'	Native	VUA   ST
<i>Gymnocladus dioicus</i>	Kentucky Coffeetree	60' - 80'	40' - 55'	Native	BF   SC
<i>Ilex x attenuata 'fosterii'</i>	Foster Holly	20' - 30'	10' - 15'	Native	BF   SC
<i>Ilex cornuta burfordii</i>	Burford Holly	10' - 25'	8' - 15'	Adaptive	BF   SC
<i>Ilex opaca</i>	American Holly	40' - 60'	10' - 20'	Native	BF   SC
<i>Juniperus virginiana</i>	Eastern Redcedar	30' - 40'	10' - 20'	Native	BF   SC
<i>Liquidambar styraciflua</i>	Sweetgum	60' - 75'	20' - 40'	Native	BF   SC
<i>Liriodendron tulipifera</i>	Tulip Poplar	70' - 130'	30' - 60'	Native	BF   VUA
<i>Magnolia grandiflora</i>	Southern Magnolia	60' - 80'	30' - 50'	Native	BF   SC
<i>Nyssa sylvatica</i>	Blackgum	30' - 100'	20' - 35'	Native	BF   SC   ST
<i>Pinus Taeda</i>	Loblolly Pine	60' - 90'	20' - 40'	Native	BF
<i>Pinus virginiana</i>	Virginia Pine	40' - 80'	10' - 30'	Native	BF
<i>Quercus alba</i>	White Oak	50' - 135'	50' - 80'	Native	VUA   ST
<i>Quercus bicolor</i>	Swamp White Oak	50' - 90'	30' - 100'	Native	VUA   ST
<i>Quercus falcata</i>	Southern Red Oak	50' - 100'	50' - 60'	Native	VUA   ST
<i>Quercus laurifolia</i>	Laurel Oak	40' - 70'	40' - 60'	Native	BF   SC
<i>Quercus lyrata</i>	Overcup Oak	35' - 60'	35' - 60'	Native	VUA   ST

Canopy Trees					
Scientific Name	Common Name	Mature Height	Mature Spread	Native	Use
Quercus nuttalli	Nuttall Oak	40' - 80'	30' - 60'	Native	VUA   ST
Quercus phellos	Willow Oak	50' - 80'	20' - 40'	Native	BF   VUA   ST
Quercus shumardii	Shumard Oak	40' - 60'	30' - 40'	Native	VUA   ST
Quercus virginiana	Live Oak	40' - 80'	30' - 100'	Native	BF   VUA   ST
Taxodium distichum	Bald Cypress	50' - 100'	20' - 40'	Native	BF   VUA   ST
Tilia cordata	Little Leaf Linden	50' - 60'	40' - 50'	Adaptive	BF   SC   OR
Tsuga canadensis	Eastern Hemlock	40' - 70'	25' - 35'	Native	BF   SC
Ulmus americana	American Elm	50' - 70'	30' - 50'	Native	VUA   ST
Ulmus parvifolia	Lacebark Elm	40' - 60'	50' - 60'	Adaptive	VUA   ST

**Planting Legend:** BF = Buffer, VC = Vehicular Use Area/Parking Area, SC = Screening, ST = Street, OR, Ornamental, UP, Under Powerlines, FP = Foundation Planting

UNDERSTORY TREES					
Scientific Name	Common Name	Mature Height	Mature Spread	Native	Use
<i>Acer buergeranum</i>	Trident Maple	25' - 35'	20' - 30'	Adaptive	ST   OR
<i>Acer campestre</i>	Hedge Maple	25' - 35'	20' - 30'	Adaptive	SC   ST   UP
<i>Acer griseum</i>	Paperbark Maple	20' - 30'	15' - 25'	Adaptive	SC   OR
<i>Acer palmatum</i>	Japanese Maple	15' - 25'	10' - 25'	Adaptive	OR   UP
<i>Acer truncatum</i>	Shantung Maple	20' - 25'	15' - 20'	Adaptive	ST   UP
<i>Amalanchier arborea</i>	Serviceberry	20' - 25'	25' - 35'	Native	OR   UP
<i>Amalanchier x grandiflora</i>	Autumn Brilliance Serviceberry	15' - 25'	15' - 25'	Adaptive	OR   UP
<i>Camellia sasanqua</i>	Camellia Sasanqua	6' - 15'	5' - 7'	Adaptive	BF   SC   UP
<i>Carpinus caroliniana</i>	American Hornbeam	20' - 30'	20' - 35'	Native	BF   OR
<i>Cercis canadensis</i>	Eastern Redbud	50' - 80'	20' - 40'	Native	ST   OR   UP
<i>Chionanthus retusus</i>	Chinese Fringetree	10' - 30'	10' - 30'	Adaptive	OR   UP
<i>Chionanthus virginiana</i>	Fringe Tree	12' - 30'	10' - 20'	Native	ST   OR   UP
<i>Cladrastis kentukea</i>	Yellowwood	30' - 45'	40' - 45'	Native	BF   OR
<i>Cornus florida</i>	Flowering Dogwood	15' - 25'	15' - 30'	Native	BF   OR   UP
<i>Cornus kousa</i>	Kousa Dogwood	20' - 30'	15' - 20'	Adaptive	BF   ST   OR   UP
<i>Crataegus phaenopyrum</i>	Washington Hawthorne	25' - 30'	20' - 25'	Native	BF   SC   ST
<i>Halesia Carolina</i>	Carolina Silverbell	10' - 40'	25' - 35'	Native	BF   OR
<i>Ilex x 'Nellie R Stevens'</i>	Nellie Stevens Holly	15' - 30'	8' - 25'	Adaptive	BF   SC   UP
<i>Ilex vomitoria</i>	Yaupon Holly	10' - 20'	8' - 12'	Native	BF   SC   UP
<i>Lagerstroemia spp.</i>	Crape Myrtle	6' - 30'	6' - 30'	Adaptive	ST   OR
<i>Loropetalum chinense</i>	Chinese Fringe Flower	6' - 8'	6' - 8'	Adaptive	BF   SC   OR   UP
<i>Magnolia grandiflora 'little gem'</i>	Little Gem Magnolia	15' - 20'	8' - 10'	Native	BF   SC   UP
<i>Magnolia liliflora</i>	Lily Flowered Magnolia	8' - 12'	8' - 12'	Adaptive	OR   UP
<i>Magnolia stellate</i>	Star Magnolia	15' - 25'	10' - 15'	Adaptive	BF   OR   UP
<i>Magnolia x soulangiana</i>	Saucer Magnolia	20' - 25'	20' - 25'	Adaptive	BF   OR   UP
<i>Osmanthus fragrans</i>	Tea Olive	10' - 20'	10' - 15'	Adaptive	BF   SC   UP
<i>Oxydendrum arboretum</i>	Sourwood	20' - 30'	10' - 15'	Native	BF   OR



UNDERSTORY TREES					
Scientific Name	Common Name	Mature Height	Mature Spread	Native	Use
<i>Pistachia chinensis</i>	Chinese Pistcache	25' - 40'	20' - 35'	Adaptive	ST
<i>Podocarpus macrophyllus</i> 'Maki'	Podocarpus	8' - 25'	3' - 15'	Adaptive	BF   SC   UP
<i>Prunus caroliniana</i>	Carolina Cherrylaurel	15' - 35'	15' - 20'	Native	BF   SC   OR   UP
<i>Prunus cerasifera</i>	Purpleleaf Plum	15' - 30'	15' - 25'	Adaptive	OR   UP
<i>Prunus</i> spp.	Cherry Tree	15' - 30'	15' - 25'	Adaptive	OR

**Planting Legend:** BF = Buffer, VC = Vehicular Use Area/Parking Area, SC = Screening, ST = Street, OR, Ornamental, UP, Under Powerlines, FP = Foundation Planting

SHRUBS						
Scientific Name	Common Name	Mature Height	Mature Spread	Native	Use	Leaf Type
Abelia x grandiflora	Glossy Abelia	3' - 8'	3' - 6'	Adaptive	BF   SC	Evergreen
Aronia arbutifolia	Red Chokeberry	6' - 10'	3' - 5'	Native	BF   FP	Deciduous
Aucuba japonica	Japanese Aucuba	6' - 10'	4' - 6'	Adaptive	SC	Evergreen
Buxus microphylla	Littleleaf Boxwood	3' - 4'	3' - 4'	Adaptive	BF   FP	Evergreen
Callicarpa japonica	Japanese Beautyberry	4' - 6'	4' - 6'	Adaptive	BF   SC	Deciduous
Callicarpa americana	American Beautyberry	3' - 8'	3' - 6'	Native	BF   SC	Deciduous
Calycanthus floridus	Sweet Shrub	6' - 12'	6' - 12'	Native	BF	Deciduous
Camellia japonica	Japanese Camellia	10' - 15'	5' - 10'	Adaptive	BF	Evergreen
Camellia sasanqua	Sasanqua Camellia	6' - 14'	5' - 7'	Adaptive	BF   SC	Evergreen
Cephalotexas harringtonia	Plum Yew	3' - 4'	4' - 6'	Adaptive	BF   FP	Evergreen
Chamaecyparis obtusa 'Nana'	Dwarf Hinoki Cypress	1' - 3'	3' - 4'	Adaptive	FP	Evergreen
Chamaecyparis pisifera 'Aurea'	Japanese falsecypress	8' - 15'	13' - 18'	Adaptive	BF   SC	Evergreen
Chamaecyparis pisifera 'Boulevard'	Boulevard False Cypress	5' - 20'	2' - 15'	Adaptive	BF   SC	Evergreen
Chionanthus retusus	Chinese Fringetree	18' - 35'	10' - 25'	Adaptive	BF   SC	Deciduous
Chionanthus virginicus	American Fringetree	12' - 30'	12' - 20'	Native	BF   SC	Deciduous
Clethra alnifolia	Sweet Paperbush	3' - 4'	4' - 6'	Native	BF   FP	Deciduous
Cornus sericea 'Cardinal'	Red Twig Dogwood	6' - 9'	8' - 12'	Native	BF	Deciduous
Cryptomeria japonica 'Globosa Nana'	Dwarf Cryptomeria	2' - 4'	3' - 4'	Adaptive	FP	Evergreen
Distylium myricoides	Distylium	2' - 10'	3' - 8'	Adaptive	BF   FP	Evergreen
Edgeworthia chrysantha	Paperbush	4' - 6'	4' - 6'	Adaptive	BF	Deciduous
Fatsia japonica	Japanese aralia	6' - 20'	4' - 6'	Adaptive	BF	Evergreen
Forsythia x intermedia	Forsythia	8' - 10'	10' - 12'	Adaptive	BF	Deciduous
Fothergilla latifolia	Large Fothergilla	6' - 12'	6' - 10'	Native	BF	Deciduous
Fothergilla gardenii	Dwarf Fothergilla	3' - 6'	2' - 3'	Native	BF	Deciduous
Gardenia jasminoides	Gardenia	4' - 8'	4' - 8'	Adaptive	BF   SC	Evergreen
Gardenia jasminoides 'Radicans'	Creeping Gardenia	2' - 3'	2' - 4'	Adaptive	FP	Evergreen

SHRUBS						
Scientific Name	Common Name	Mature Height	Mature Spread	Native	Use	Leaf Type
Hibiscus coccineus	Red Hibiscus	6' - 8'	2' - 3'	Native	BF	Deciduous
Hydrangea arborescens	Wild Hydrangea	3' - 5'	3' - 5'	Native	BF	Deciduous
Hydrangea macrophylla	Bigleaf Hydrangea	3' - 6'	3' - 6'	Adaptive	BF	Deciduous
Hydrangea paniculata	Panicle Hydrangea	8' - 15'	6' - 12'	Native	BF   SC	Deciduous
Hydrangea serrata	Mountain Hydrangea	2' - 4'	2' - 4'	Adaptive	BF   FP	Deciduous
Ilex cornuta 'Carissa'	Carissa Holly	3' - 4'	4' - 6'	Adaptive	BF   SC	Evergreen
Ilex glabra	Inkberry	5' - 10'	5' - 8'	Native	BF   SC	Evergreen
Ilex glabra 'Shamrock'	Shamrock Inkberry	3' - 4'	3' - 4'	Adaptive	BF   FP	Evergreen
Ilex verticillata	Winterberry	3' - 15'	3' - 12'	Native	BF   SC	Evergreen
Ilex vomitoria	Yaupon Holly	10' - 20'	8' - 12'	Native	BF   SC	Evergreen
Ilex vomitoria 'Nana'	Dwarf Yaupon Holly	3' - 5'	3' - 6'	Native	BF   SC   FP	Evergreen
Ilex x 'Conaf'	Oakleaf Red Holly	15' - 20'	8' - 15'	Adaptive	BF   SC	Evergreen
Ilex x 'Emerald Colonnade'	Emerald Colonnade Holly	10' - 12'	6' - 8'	Adaptive	BF   SC	Evergreen
Illicium parviflorum	Yellow Anise Tree	8' - 15'	6' - 10'	Native	BF   SC	Evergreen
Itea virginica	Virginia Sweetspire	3' - 4'	3' - 4'	Native	BF   SC	Deciduous
Juniperus chinensis 'Blue Point'	Blue Point Juniper	10' - 12'	6' - 8'	Adaptive	BF   SC	Evergreen
Juniperus virginiana 'Grey Owl'	Grey Owl Juniper	2' - 3'	4' - 6'	Native	BF   FP	Evergreen
Loropetalum chinensis	Fringe Flower	6' - 10'	6' - 10'	Adaptive	BF   SC	Evergreen
Myrica cerifera	Southern Waxmyrtle	20' - 25'	8' - 10'	Native	BF   SC	Evergreen
Osmanthus heterophyllus 'Goshiki'	Goshiki Osmanthus	8' - 10'	6' - 8'	Adaptive	BF   SC	Evergreen
Osmanthus x fortunei	Fortune's Tea Olive	20' - 25'	15' - 20'	Adaptive	BF   SC	Evergreen
Physocarpus opulifolius	Common Ninebark	5' - 8'	6' - 10'	Native	BF   SC	Deciduous
Rhododendron indicum	Southern Azalea	2' - 3'	2' - 3'	Adaptive	FP	Evergreen
Rhododendron atlanticum	Dwarf Azalea	3' - 6'	3' - 4'	Native	BF   FP	Evergreen
Sarcococca hookeriana var. humilis	Sweetbox	1' - 2'	2' - 4'	Adaptive	BF   FP	Evergreen
Spiraea x bumalda 'Anthony Waterer'	Anthony Waterer Spiraea	3' - 4'	3' - 4'	Adaptive	BF	Deciduous
Vaccinium sp	Blueberries	1' - 12'	1' - 12'	Native	BF	Deciduous

SHRUBS						
Scientific Name	Common Name	Mature Height	Mature Spread	Native	Use	Leaf Type
Viburnum awabuki 'Chindo'	Chindo Sweet Viburnum	10' - 12'	6' - 8'	Adaptive	BF   SC	Evergreen
Viburnum dentatum	Arrowwood Viburnum	5' - 10'	6' - 10'	Native	BF   SC	Deciduous
Viburnum obovatum 'Raulston Hardy'	Dwarf Viburnum	3' - 4'	3' - 4'	Native	BF   FP	Evergreen
Weigela florida	Weigela	6' - 10'	6' - 12'	Adaptive	BF   SC	Deciduous

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PROHIBITED SPECIES	
Scientific Name	Common Name
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Akebia quinata</i>	Chocolate-Vine
<i>Albizia julibrissan</i>	Mimosa
<i>Alliaria petiolata</i>	Hedge Garlic
<i>Allium vineale</i>	Field Garlic
<i>Alternanthera philoxeroides</i>	Alligator-weed
<i>Ampelopsis glandulosa</i>	Porcelain Berry
<i>Arthraxon hispidus</i>	Basket Grass
<i>Arum italicum</i>	Italian Arum
<i>Arundo donax</i>	Giant Reed
<i>Berberis bealei</i>	Leatherleaf Mahonia
<i>Berberis thunbergii</i>	Japanese Barberry
<i>Broussonetia papyrifera</i>	Paper Mulberry
<i>Buddleja davidii</i>	Orange-Eye Butterfly-Bush
<i>Carayatia japonica</i>	Sorrel Vine
<i>Celastrus orbiculatus</i>	Oriental Bittersweet
<i>Centaurea stoebe ssp. micranthos</i>	Bushy Knapweed
<i>Cirsium arvense</i>	Canada Thistle
<i>Clematis terniflora</i>	Sweet Autumn Clematis
<i>Corydalis incisa</i>	Purple Keman
<i>Cyperus entrerianus</i>	Deep-Rooted Sedge
<i>Cytisus scoparius</i>	Scotch Broom
<i>Dioscorea bulbifera</i>	Air Potato
<i>Dioscorea polystachya</i>	Chinese Yam
<i>Egeria densa</i>	Brazilian Elodea
<i>Eleagnus spp.</i>	Russian Autumn/Thorny Olive
<i>Euonymus alata</i>	Burning Bush

PROHIBITED SPECIES	
Scientific Name	Common Name
<i>Euonymus fortunei</i>	Wintercreeper
<i>Ficaria verna</i>	Lesser Celandine
<i>Glechoma hederacea</i>	Ground-Ivy
<i>Hedera helix</i>	English Ivy
<i>Heracleum mantegazzianum</i>	Giant Hogweed
<i>Humulus scandens</i>	Japanese Hops
<i>Hydrilla verticillata</i>	Hydrilla
<i>Imperata cylindrica + varieties</i>	Cogongrass
<i>Iris pseudacorus</i>	Yellow Flag
<i>Lespedeza bicolor</i>	Bicolor Lespedeza
<i>Lespedeza cuneata</i>	Chinese Lespedeza
<i>Ligustrum spp</i>	Japanese/Chinese/Common Privet
<i>Lonicera fragrantissima</i>	Fragrant Honeysuckle
<i>Lonicera japonica</i>	Japanese Honeysuckle
<i>Lonicera maackii</i>	Amur Honeysuckle
<i>Lonicera morrowii</i>	Morrow's Honeysuckle
<i>Lonicera standishii</i>	Standish's Honeysuckle
<i>Lonicera x bella</i>	Pretty Honeysuckle
<i>Lygodium japonicum</i>	Japanese Climbing Fern
<i>Lygodium microphyllum</i>	Old World Climbing Fern
<i>Lysimachia nummularia</i>	Creeping Jenny
<i>Lythrum salicaria</i>	Purple Loosestrife
<i>Melia azedarach</i>	Chinaberry
<i>Microstegium vimineum</i>	Japanese Stilt-Grass
<i>Miscanthus sinensis</i>	Chinese Silver Grass
<i>Morus alba</i>	White Mulberry
<i>Murdannia keisak</i>	Marsh Dewflower

PROHIBITED SPECIES	
Scientific Name	Common Name
<i>Myriophyllum aquaticum</i>	Parrot-Flower
<i>Myriophyllum spicatum</i>	Eurasian Water-Milfoil
<i>Nandina domestica</i>	Nandina
<i>Nymphoides cristata</i>	Crested Floating Heart
<i>Opilismenus hirtellus</i> ssp. <i>Undulatifolius</i>	Wavyleaf Basketgrass
<i>Oshuna crassipes</i>	Water Hyacinth
<i>Paulownia tomentosa</i>	Princess Tree
<i>Perilla frutescens</i>	Perilla
<i>Persicaria longisetia</i>	Longbristle Smartweed
<i>Persicaria maculosa</i>	Lady's-Thumb
<i>Persicaria montana</i>	Kudzu
<i>Persicaria perfoliata</i>	Mile-a-Minute Vine
<i>Phalaris arundinacea</i>	Reed Canarygrass
<i>Phragmites australis</i>	Common Reed
<i>Phyllostachys aurea</i>	Golden Bamboo
<i>Ponicirus trifoliata</i>	Trifoliolate Orange
<i>Pyrus calleryana</i>	Bradford Pear
<i>Reynoutria japonica</i>	Japanaese Knotweed
<i>Reynoutria sachalinensis</i>	Giant Knotweed
<i>Reynoutria x bohémica</i>	Bohemian Knotweed
<i>Rosa lucieae</i>	Memorial Rose

PROHIBITED SPECIES	
Scientific Name	Common Name
<i>Rosa multiflora</i>	Multiflora Rose
<i>Rubus phoenicolasius</i>	Wineberry
<i>Salvinia molesta</i>	Giant Salvinia
<i>Solanum viarum</i>	Tropical Soda Apple
<i>Sorghum halepense</i>	Johnson Grass
<i>Spiraea japonica</i>	Japanese spirea
<i>Stellaria media</i>	Common Chickweed
<i>Tamarix ramosissima</i>	Salt Cedar
<i>Triadica sebifera</i>	Chinese Tallow-Tree
<i>Tribulus terrestris</i>	Puncturevine
<i>Tussilago farfara</i>	Coltsfoot
<i>Ulmus parviflora</i>	Chinese Elm
<i>Verbascum phlomoides</i>	Orange Mullein
<i>Viburnum dilatatum</i>	Linden Arrow-wood
<i>Vinca major</i>	Greater Periwinkle
<i>Vinca minor</i>	Common Periwinkle
<i>Vitex rotundifolia</i>	Beach Vitex
<i>Wisteria floribunda</i>	Japanese Wisteria
<i>Wisteria sinensis</i>	Chinese Wisteria
<i>Wisteria x formosa</i>	Hybrid Asian Wisteria
<i>Youngia japonica</i>	Asiatic Hawk's Beard

## Appendix D. Certifications

### CERTIFICATE OF SURVEY

I, XXXX, certify that this map/plat was (drawn by me)/(drawn under my supervision) from (an actual survey made by me)/(an actual survey under my supervision), deed description recorded in Book XXXX, Page XXXX, Book XXXX, Page XXXX, etc. (other); that the ratio of precision as calculated is 1: XXXX; that the boundaries not surveyed are shown as broken lines plotted from information found in Book XXXX, Page XXXX; that this map/plat was prepared in accordance with G.S. 47- 30 as amended. Witness my original signature, registration number, and seal this XX day of XXXX, A. D., (year).

*Surveyor*  
*License or Registration Number*  
*Official Seal (Required)*

### CERTIFICATE OF OWNERSHIP

I hereby certify that I am the owner of the property shown and described herein, which is located in the planning jurisdiction of the Town of Cramerton, and that I hereby adopt this (plat of subdivision / site plan) with my free consent, establish minimum building setback lines, dedicate all streets, alleys, sidewalks, parks, and other sites and easements, to public or private uses as noted. Furthermore, I hereby dedicate all sanitary sewer, storm sewer, and water lines as noted.

*Owner(s) Name Printed*  
*Owner's Signature*  
*Date*

### NCDOT CERTIFICATION

#### When no new roadways are to be dedicated:

I hereby certify that the right-of-way dedication along the existing state-maintained roadways shown on this plat is approved and accepted as public right-of-way by the North Carolina Department of Transportation, Division of Highways. Only North Carolina Department of Transportation approved structures are to be constructed on public right-of-way.

*District Engineer Signature*  
*Date*

#### When new roadways are to be dedicated:

I hereby certify that the streets on this plat designed as public are or will be in accordance with the minimum right of way and construction standards established by the Board of Transportation for acceptance on the state highway system. Only North Carolina Department of Transportation approved structures are to be constructed on public right-of-way.

*District Engineer Signature*  
*Date*

## FLOOD HAZARD CERTIFICATION

This is to certify that the subject property **is/is not** located in a special flood hazard area as shown on maps prepared by the Federal Emergency Management Agency, Federal Insurance & Management Administration, dated **X/XX/XXXX** (FIRM # **XXXXXXXXXX**)

## ENGINEERING CERTIFICATION OF COMPLIANCE

*Subdivision / Development Name*  
*Names of Streets*  
*Applicant / Developer*

I hereby, to the best of my knowledge, ability and belief; certify that all street, storm drainage, water and sewer work to be performed on this subdivision has been checked by me or my authorized representative and will conform with lines, grades, cross-sections, dimensions, and material requirements which are shown on and indicated in the plans which have been reviewed and approved by the Cramerton Town Engineer or the North Carolina Department of Transportation.

I also acknowledge that falsification of the above certifications may subject me to civil suit and or criminal prosecution under G.S. 14-100 and G.S. 136-102.6.

*Registered Professional Engineer (for the applicant)*  
*Registration Number*  
*Date*

## CERTIFICATION OF APPROVAL FOR RECORDING

I hereby certify that the **(site plan / subdivision plat)** shown hereon has been found to comply with the Land Development Code for the Town of Cramerton North Carolina, and that this **(plan/plat)** has been approved by the Town of Cramerton for recording in the Office of the Register of Deeds of Gaston County.

*Administrator, Town of Cramerton Signature*  
*Date*

## REVIEW OFFICER CERTIFICATION

State of North Carolina, County of Gaston I, **XXXX**, Review Officer of Gaston County, certify that the map or plat to which this certification is affixed meets all the statutory requirements for recording.

*Review Officer Signature*  
*Date*