



Town of Pilot Mountain

Town Hall 124 West Main Street Pilot Mountain, NC 27041

Thursday, March 18, 2021, 6:00 PM

This meeting will be held via Zoom and will be available on Facebook Live.

BOARD OF COMMISSIONERS SPECIAL MEETING AGENDA

Call To Order

Adoption of Agenda

Old Business

- [1.](#) UDO Text Amendments
- [2.](#) Road Project Interim Financing
- [3.](#) Brush Collection Options

New Business

- [4.](#) American Rescue Plan
- [5.](#) Parklet/Pedlet Discussion
- [6.](#) Skatepark Discussion

Other Business

Adjournment



TOWN OF PILOT MOUNTAIN
BOARD OF COMMISSIONERS MEETING

UDO Text Amendments	
<u>Background Information:</u>	
<p>These text amendments are required because of the adoption of NCGS 160D. This state statute combines all of the planning, zoning, and land development regulations into once chapter of the NCGS. These text amendments also make changes to the UDO required by the combination of the Planning Board and the ZBA into the Planning and Zoning Board. Finally these amendments would add language that would allow those that violate the UDO to be fined in the same way that those who violate other ordinances in Town are fined.</p> <p>I have attached Andy's staff report to your packet and it provides more information about the changes that the specific steps that the Board will need to approve these amendments.</p>	
<u>Staff Recommendation:</u>	Approve UDO text amendments as written.
<u>Possible Board of Commissioner Actions</u>	
<ul style="list-style-type: none">• Approve UDO text amendments as written.• Make minor changes to UDO text amendments and approve.• Send back to the Planning and Zoning Board for further review• Deny approval of text amendments• Take no action	
<u>Attachments</u>	
<ul style="list-style-type: none">• Planning Staff report• Proposed text amendments	



TOWN OF PILOT MOUNTAIN, NC

124 WEST MAIN STREET - PILOT MOUNTAIN, NC 27041

Board of Commissioners Meeting

Virtual (Via Zoom)

Monday, March 8, 2021

7:00PM

To: Mayor Cockerham & Board of Commissioners
From: Andy Goodall Jr. - Town Planner
Date: March 1, 2021
Subject: **2020-UDO-03** (*NCGS160D, Planning & Zoning Board Merger*)

A. ACTION REQUESTED BY THE BOARD OF COMMISSIONERS

Motion to approve the proposed amendments to the *Town of Pilot Mountain Unified Development Ordinance* and that the proposed amendments are consistent with NCGS Chapter 160D and previously approved Town Policy.

B. REQUIRED VOTES TO PASS REQUESTED ACTION

A majority vote is required to pass the requested action.

C. BACKGROUND

In 2019, the North Carolina General Assembly adopted the long-debated complete reorganization of the state's planning and development regulation statutes. The new Chapter 160D consolidates the previous county enabling statutes (Article 18 of Chapter 153A) and the city enabling statutes (Article 19 of Chapter 160A) into a single, unified chapter. Related statutes on city and county development regulation previously scattered throughout the General Statutes are also relocated to Chapter 160D. The intent of this consolidation is to have a uniform set of statutes applicable to cities and counties and common to all development regulations. Chapter 160D also places the development regulation statutes into a more logical, coherent organization. While the new law does not make major policy changes or shifts in scope of authority granted to local governments, it does provide

many clarifying amendments and consensus reforms that will need to be incorporated into local development regulations.

Chapter 160D is effective now, but local governments have until July 1, 2021 for the development, consideration and adoption of necessary amendments to conform local ordinances to this new law. All city and county unified development ordinances, including zoning, subdivision and other development regulations, will need to be updated by that date to conform to the new law.

In addition, on October 12, 2020, the Town Board approved the merger of the Board of Adjustment and the Planning & Zoning Board into one (1) board beginning on November 1, 2020. The new board is called the Planning & Zoning Board and all references in the Unified Development Ordinance (UDO) have been updated.

Staff has also included language about civil penalties in Section 1.9 for violations of the UDO. This is language that should have been included in the original Ordinance.

Updates to the UDO are located at: <https://www.pilotmountainnc.org/pz>

Additions to the UDO are highlighted in **Green**. Deletions are highlighted in **Red**.

D. PLANNING & ZONING BOARD REVIEW

The Planning & Zoning Board reviewed the proposed amendments on February 23, 2021 and voted (3-0) to recommend approval.

TOWN OF PILOT MOUNTAIN UNIFIED DEVELOPMENT ORDINANCE

October 8, 2018

Amended May 13, 2019

Amended June 10, 2019

Amended August 10, 2020

Amended October 12, 2020

DRAFT

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ARTICLE 1 INTRODUCTORY PROVISIONS

1.1 Title

The official title of this document is the Unified Development Ordinance of the Town of Pilot Mountain, North Carolina, and may be referred to as the “UDO” or “the Ordinance”.

1.2 Adoption and Effective Date

The UDO was adopted on 8 October 2018 and became effective on 8 October 2018.

1.3 Applicability

1.3.1 General

The UDO applies to all land, buildings, structures and uses located within the corporate limits and extraterritorial jurisdiction of the Town of Pilot Mountain, North Carolina.

1.3.2 Applicability to Governmental Entities

To the extent allowed by law, the provisions of the UDO apply to all land, buildings, structures and uses owned, leased or otherwise controlled by any other municipal, district, county, state, federal or other governmental agencies within the territorial jurisdiction of this Ordinance.

1.4 Relationship to Land Use Plan

The Land Use Plan serves as the basic policy guide for land use and development under the UDO. The policies and action items of the Land Use Plan may be amended from time to time to meet the changing requirements of the Town in response to changes in circumstance and conditions as deemed necessary by the Board of Commissioners.

1.5 Minimum Requirements

The requirements of this Ordinance shall be considered the minimum requirements necessary for the promotion of the public health, safety and general welfare.

1.6 Conflicting Provisions

1.6.1 Conflicts with Other Laws

If any provisions of this Ordinance are inconsistent with similar provisions of State or Federal law, the more restrictive provision shall control, to the extent permitted by law.

1.6.2 Conflicts between Ordinance Provisions

Conflicts and duplications among portions of this Ordinance shall be resolved in favor of the more restrictive regulation, condition or requirement.

1.7 General Rules of Interpretation

1.7.1 Literal Interpretation

The language of this Ordinance must be read and interpreted literally. Regulations contained within this Ordinance are no more or less strict than stated.

1.7.2 Rules of Language and Construction

For the purposes of interpreting the general language and sentence construction of this Ordinance, the following rules of construction apply unless the context clearly indicates otherwise.

1.7.3 Meaning of Words

Words listed in Appendix A, Definitions, have the specific meaning assigned, unless the context expressly indicates another meaning. Words that are not defined are given their common meaning.

1.7.4 Tense

Words used in the present tense include the future tense. The reverse shall also apply.

1.7.5 Singular and Plural

Words used in the singular include the plural. The reverse shall also apply.

1.7.6 Mandatory Terms

The words “shall”, “will”, “must” and “may not” are mandatory or compulsory in nature, implying an obligation or duty to comply with the particular provision.

1.7.7 Gender

Words used in the male gender include the female gender. The reverse shall also apply.

1.7.8 Days

Any reference to “days” means calendar days unless otherwise specified.

1.7.9 Reference

Any reference to an Article, Section or Subsection means an Article, Section or Subsection of this Ordinance, unless otherwise specified.

1.7.10 Figures and Illustrations

In case of any conflict, or perception of conflict, between the text of the Ordinance and any figure or illustration contained herein, the text of the Ordinance shall govern.

1.7.11 Current Versions and Citations

All references to other Town, County, State or Federal ordinances, laws or regulations in this Ordinance are intended to be references to the most current versions and citations unless otherwise expressly indicated. When referenced regulations have been repealed and not replaced by other regulations, requirements for compliance are no longer in effect.

1.7.12 Lists and Examples

Unless otherwise expressly indicated, lists of items or examples that use “including,” “such as” or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

1.7.13 Delegation of Authority

Whenever a provision appears requiring a specific officer or employee of the Town to perform an act or duty, that provision will be construed as authorizing the officer or employee to delegate that responsibility to others over whom he has authority. Delegation of authority is not allowed when the provisions of this Ordinance or other laws or regulations expressly prohibit such delegation.

1.7.14 Calculations and Rounding

Unless otherwise specified within this Ordinance, all calculations that result in a part or fraction of a whole number must be rounded up to the next highest whole number.

1.8 Official Zoning Map

1.8.1 Establishment

The location and boundaries of zoning districts established by this Ordinance are shown and maintained as part of the Town’s Geographic Information System (GIS) under the direction and supervision of the Ordinance Administrator. The current version of the Zoning District GIS layer constitutes the Town of Pilot Mountain’s Official Zoning Map and is part of this Ordinance. All notations, references and other information shown shall have the same force and effect as if fully set forth or described in the UDO.

1.8.2 Maintenance and Alteration

At the direction of the Board of Commissioners, as evidenced by the adoption of an ordinance amending the Official Zoning Map, the Ordinance Administrator is authorized to revise the Official Zoning Map. No unauthorized person may alter or modify the Official Zoning Map.

1.8.3 Versions

A hard copy of the current version of the Official Zoning Map shall be filed with Town Clerk following the adoption of an ordinance amending the map. The Ordinance Administrator shall certify each successive version of the Official Zoning Map by his signature.

1.8.4 Administrative Changes

The Ordinance Administrator is authorized to make administrative alterations of the Official Zoning Map in those cases where the base data used to determine the location and extent of a zoning district is updated and such update results in discrepancies between the base data and the Official Zoning Map. In making such alterations, the Ordinance Administrator shall follow the rules of Interpretation of District Boundaries as established in this Article.

1.8.5 Interpretation of District Boundaries

In the event that any uncertainty exists with respect to the intended boundaries as shown on Official Zoning Map, the Ordinance Administrator is authorized to interpret the boundaries in accordance with the standards of this Section:

- (A)** Where a boundary line is shown as coinciding with, binding along or superimposed upon a property line, such property line shall be deemed to be a boundary line.
- (B)** Where a boundary line is shown as coinciding with, binding along or superimposed upon a street, alley, watercourse or right-of-way, the boundary line is deemed to be in the center of the street, alley, watercourse or right-of-way except in such case where the edge of the street, alley, waterway or right-of-way is specifically designated as the boundary line.

1.9 Enforcement

1.9.1 Compliance Required

Compliance with all of the procedures, standards and requirements of this Ordinance is required by all persons owning, developing, managing, using or occupying land or structures within the jurisdiction of the Ordinance.

1.9.2 Violations

Any failure to comply with a standard, requirement, prohibition, or limitation imposed by this Ordinance, or the terms or conditions of any permit or other development approval or authorization granted in accordance with this Ordinance shall constitute a violation of this Ordinance.

1.9.3 Responsibility for Enforcement

The Ordinance Administrator shall be responsible for enforcing the provisions of this Ordinance in accordance with the authority granted by NCGS ~~160A-175 and 160A-193~~ 160D-404.

1.9.4 Remedies and Penalties

The Town may enforce this Ordinance by the following:

(A) Stop Work Order

Whenever a building or structure is being constructed, demolished, renovated, altered or repaired in violation of any applicable provision of this Ordinance, the Ordinance Administrator may order the revocation of the Zoning Permit for such work (if one was issued) and request a Stop Work Order be issued by the Surry County Building Inspections Department. The stop work order shall be in writing, directed to the person doing the work and shall state the specific work to be stopped, the specific reasons for cessation and the action(s) necessary to lawfully resume work.

(B) Revocation of Zoning Permit

The Ordinance Administrator may revoke any Zoning Permit, by written notification to the permit holder, when violations of this Ordinance have occurred. Permits may be revoked when false statements or misrepresentations were made in securing the permit, work is being done, or has been done, in substantial departure from the approved application or plan, there has been a failure to comply with the requirements of this Ordinance or a permit has been mistakenly issued in violation of this Ordinance.

(C) Withholding of Permits

The Ordinance Administrator shall withhold permits for the use or development of land that is subject to an unresolved violation.

(D) Civil Penalties

Any person who violates any provision of this Ordinance shall be subject to the assessment of a civil penalty under the procedures provided in Section 1-14 of the Town of Pilot Mountain Code of Ordinances.

1.10 Transitional Provisions

1.10.1 Effect on Valid Building Permits and Vested Rights

Unless the property owner consents, this Ordinance shall not apply to situations where:

- (A) A Building Permit has been issued pursuant to NCGS ~~160A-417~~ 160D-403 prior to (October 8, 2018) so long as the permit remains valid and unexpired pursuant to NCGS ~~160A-418~~ 160D-403(c) and unrevoked pursuant to NCGS ~~160A-422~~ 160D-403(f);
- (B) A Vested Right has been established pursuant to NCGS ~~160A-385.1~~ 160D-108 and such right remains valid and unexpired pursuant to NCGS ~~160A-385.1~~ 160D-108; or
- (C) A Vested Right has been established pursuant to common law.

1.10.2 Other Approvals Granted Prior to the Effective Date

Permits and similar approvals for the use or development of land or structures that were granted prior to the effective date of this Ordinance shall remain valid and in effect until their expiration. If such use or development activity as allowed by the permit or approval does not commence prior to the expiration of the permit or approval, all of the provisions of this Ordinance shall apply to any subsequent land use or development activity on the property.

1.10.3 Applications in Process Prior to Effective Date

Applications for zoning permits, variances, ~~Special Conditional~~ Use Permits, subdivision plats, site plan approvals and similar development approvals that were submitted in complete form and are pending approval on October 7, 2018 shall be reviewed wholly under the terms of the Ordinance in effect on October 7, 2018.

1.10.4 Violations Continue

The adoption of this Ordinance does not affect or prevent any pending or future action to abate violations of previous Ordinances.

1.11 Severability

It is expressly declared that each Section, Subsection, Sentence and Phrase contained in this Ordinance would have been adopted regardless of whether one or more other portions of the Ordinance are declared invalid or unconstitutional. If one or more provisions of this Ordinance are declared to be invalid, the remainder of the Ordinance shall remain intact and in force.

ARTICLE 2 REVIEW AND APPROVAL AUTHORITY

2.1 Introduction

This Article establishes the authority and responsibility for the review and approval of the various amendments, plans, permits and similar processes established for the administration of this Ordinance. As established in this Article, such responsibility is retained by the Board of Commissioners, Planning and Zoning Board, ~~Board of Adjustment~~, Ordinance Administrator or delegated to the Technical Review Committee.

2.2 Board of Commissioners

In administering the provisions of this Ordinance, the Board of Commissioners shall have final approval authority for the following:

- 2.2.1 Amendments to the text of the Unified Development Ordinance
- 2.2.2 Amendments to the Official Zoning Map
- 2.2.3 Establishment of Vested Rights

2.3 Planning and Zoning Board (Advisory)

In administering the provisions of this Ordinance, the Planning and Zoning Board shall have the responsibility to review and provide recommendations to the Board of Commissioners on the following:

- 2.3.1 Amendments to the text of the Unified Development Ordinance
- 2.3.2 Amendments to the Official Zoning Map

2.4 Planning and Zoning Board ~~of Adjustment~~ (Quasi-Judicial)

In administering the provisions of this Ordinance, the ~~Planning and Zoning Board of Adjustment~~ shall have the responsibility to hold hearings and decide on the following:

- 2.4.1 ~~Special Conditional~~ Use Permits
- 2.4.2 Variances
- 2.4.3 Appeals of Administrative Decisions

2.5 Ordinance Administrator

The Town Manager shall appoint an Ordinance Administrator who shall be vested with the authority and responsibility for the administration and enforcement of all provisions of the UDO, with the exception of actions that are reserved for the Board of Commissioners ~~or the Planning and Zoning Board or Board of Adjustment~~.

2.5.1 Specific Review Responsibility:

The Ordinance Administrator shall have the responsibility to review the following applications prior to their consideration by the respective appointed and elected bodies charged with their further review and / or approval:

- (A) Amendments to the text of the Unified Development Ordinance
- (B) Amendments to the Official Zoning Map
- (C) Establishment of Vested Rights
- (D) Special ~~Conditional~~ Use Permits
- (E) Variances

2.5.2 Specific Approval Authority:

In administering the provisions of this Ordinance, the Ordinance Administrator shall have final approval authority for the following:

- (A) Zoning Permits
- (B) Concept Plans
- (C) Site Plans
- (D) Architectural Design Plans
- (E) Preliminary Subdivision Plats (Major)
- (F) Final Subdivision Plats (Major)
- (G) Family and Minor Subdivision Plats

2.6 Technical Review Committee

2.6.1 Establishment

A Technical Review Committee (TRC) is established to assist the Ordinance Administrator in the review of development proposals that require a higher degree technical review due to the type, scale or intensity of the proposed development.

2.6.2 Composition

The TRC shall consist of the Town Manager, Ordinance Administrator, Public Works Director, Fire Marshall, Police Chief, and Town Engineer. Representatives of outside agencies having subject matter expertise or responsibility with regard to utilities, infrastructure or services not directly provided by the Town or the MSD may be invited to join TRC meetings in an advisory capacity as deemed necessary by the Ordinance Administrator.

2.6.3 Review Responsibility

Development proposals required to be reviewed by the TRC include the following:

- (A)** Concept Plans
- (B)** Site Plans
- (C)** Preliminary Subdivision Plats (Major)
- (D)** Final Subdivision Plats (Major)

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ARTICLE 3 REVIEW AND APPROVAL PROCEDURES

3.1 Common Procedures

The following requirements are common to the procedures established in the UDO and apply to applications submitted under this Article. Additional procedural details may be included for each specific procedure.

3.1.1 Application Content

The Ordinance Administrator shall establish the requirements for the general form and content of applications required by this Ordinance. These shall be in addition to any specific application content requirements established by the Ordinance. All application forms and content requirements shall be submitted to and approved by the Town Manager before becoming effective.

3.1.2 Fees

The Board of Commissioners shall establish, and may modify from time to time, a schedule of fees for applications. This schedule of fees shall be kept on file in the office of the Town Clerk.

3.1.3 Application Submission Schedule

The Ordinance Administrator shall establish a submission schedule for applications for the processes established in the UDO.

3.1.4 Application Submission

All applications shall be submitted to the Ordinance Administrator on such forms and in such numbers as have been established for that type of application. Applications which do not meet the requirements of Section 3.1.5, Determination of Completeness, shall be considered incomplete and their review shall be deferred until such time that all requirements of that Section have been fulfilled.

3.1.5 Determination of Completeness

(A) Review for Completeness

Upon the receipt of an application, the Ordinance Administrator shall review the application for completeness. A complete application is one that:

- (1)** Contains all information and materials established by the Ordinance Administrator, or set forth elsewhere in the UDO, for the particular type of development application;
- (2)** The application is in the form established by the Ordinance Administrator for the particular type of development application;

- (3) Includes information in sufficient detail to evaluate the application to determine whether it complies with the appropriate standards of the UDO; and
- (4) Is accompanied by the fee established for the particular type of application.

(B) Incomplete Applications

If the application is determined to be incomplete, the Ordinance Administrator shall notify the applicant of the deficiencies within ten (10) business days following submittal. Following notification, the applicant may correct the deficiencies and amend or resubmit the application for review.

(C) Final Approval by the Ordinance Administrator

When an application that is subject to final approval by the Ordinance Administrator is submitted and determined to be complete, he shall review the application and approve or deny it based on the standards established in the UDO. Following his approval or denial of the application, the Ordinance Administrator shall notify the applicant of his decision within the time period set forth in the Submission and Review Schedule.

(D) Final Approval by Others

(1) Staff Report

When an application which will be considered by a reviewing or decision-making body is submitted and determined to be complete, the Ordinance Administrator shall review the application and prepare a written staff report addressed to the reviewing or decision-making body as appropriate. Except in the case of quasi-judicial processes, the Ordinance Administrator may, at his discretion, include a recommendation for approval or denial of the application in the staff report. Proposed conditions of approval may also be included in the report if the Ordinance Administrator determines that such conditions may be necessary to mitigate any potentially adverse impacts of the proposed development.

(2) Scheduling

Following the preparation of his staff report, the Ordinance Administrator shall place the item on the agenda of the responsible body.

3.1.6 Public Hearings

The Ordinance Administrator shall be responsible for scheduling Public Hearings for all applications for which one is required. The hearing may be scheduled for either a regular meeting or a special called meeting of the decision-making body which is responsible for holding the hearing, subject to any limitations on the timing of hearings as established by statute or the UDO. Hearings shall be scheduled in a manner that will allow sufficient time for public notice to be given in accordance with statutory requirements.

3.1.7 Public Notification

(A) Content

All public notices required under this Ordinance shall comply with *NCGS* ~~160A-364, 160A-384 and 160A-388~~ *160D-601* or other law as applicable. Additionally, all notices, except for posted notices, shall:

- (1) Identify the date, time and location of the hearing.
- (2) Identify the property or properties involved by the street address (if applicable) and Surry County Parcel Identification Number.
- (3) Describe the nature and scope of the proposed action.
- (4) Indicate that interested parties may appear at Public Hearings and speak on the matter.
- (5) Indicate how additional information on the matter can be obtained.

(B) Published Notice

When published notice is required to be given for a Public Hearing or other meeting pursuant to *NCGS* ~~160A-364~~ *160D-601* or other applicable law, the Ordinance Administrator shall publish a notice of the meeting or Public Hearing in conformance with applicable law.

(C) Mailed Notice

When mailed notice is required to be provided pursuant to *NCGS* ~~160A-384 or 160A-388~~ *160D-406, 160D-602* or other applicable law, the Ordinance Administrator shall prepare such notice and deliver the notice in the manner prescribed by applicable law.

- (1) Mailed notices shall be delivered to the following persons:

- i. The applicant;
 - ii. Listed property owner(s) whose property is subject to the proposed action if the applicant is not the owner;
 - iii. Listed owners of immediately adjacent properties, including such properties that are separated from the affected parcel by a public or private right-of-way, watercourse or other intervening feature that is not a separate tax parcel;
 - iv. The listed owners of properties which lie wholly or partially within two-hundred (200') feet of the external boundary of the property or properties subject to the proposed action; and
 - v. Any other person as prescribed by applicable law.
- (2) The Ordinance Administrator shall certify to the body holding the hearing that the required mailed notice procedures have been followed. This certification shall be conclusive evidence that the terms of this Subsection have been met.

(D) Posted Notice

When notice of a Public Hearing or other meeting is required to be posted pursuant to NCGS ~~160A-384, 160A-388~~ 160D-406, 160D-602 or other applicable law, the Ordinance Administrator shall prominently post such notice on the subject property in the manner prescribed by applicable law.

- (1) Notice shall be posted at least ten (10) days, but not more than twenty-five (25) days, prior to the first hearing for which it is required, or as otherwise required by applicable law.
- (2) In computing such period, the day of the posting shall not be counted, but the day of the hearing shall be counted. Posted notices shall remain in place until such time that the approving authority has rendered its final decision on the matter.
- (3) When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the Town shall post sufficient notices to provide reasonable notice to interested persons.
- (4) If no part of the subject property is visible from a public right-of-way, the notice shall be posted along the nearest street in the public right-of-way in such a manner as to ensure consistency with the intent of this Subsection and relevant statutory requirements.

(E) Constructive Notice

- (1)** Minor defects in a notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with the applicable notice requirements. Minor defects in notices may include, but are not limited to, typographical or grammatical errors that do not impede the communication of the notice to affected parties.
- (2)** Unless otherwise directed by applicable law, the failure of an affected party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date and place of a Public Hearing or meeting and the general location of the subject property shall be strictly adhered to.
- (3)** If question arises at the hearing or meeting regarding the adequacy of the notice, the reviewing or decision-making body shall direct the Ordinance Administrator to make a formal report as to whether there was substantial compliance with the notice requirements of this Ordinance, and the report shall be made available to the reviewing or decision-making body prior to further action being taken on the request.

3.1.8 Conditions of Approval

A decision-making body may, according to the express terms of this Ordinance, approve a development application with conditions. Such conditions may, as appropriate, ensure compliance with the general goals and policies of this Ordinance, or with particular standards of this Ordinance, in order to prevent or minimize adverse effects from the proposed development on surrounding properties. All conditions imposed shall be reduced to writing and set forth in the motion by the decision-making body to approve the development application.

3.1.9 Deferral of Application

(A) Request Prior to Publication of Notice

An applicant may request that a decision-making body's consideration of an application at a hearing or meeting be deferred by submitting a written request for deferral to the Ordinance Administrator prior to the publication of notice for the hearing. The date of the new hearing at which the application will be heard shall be set at the time the deferral is granted by the Ordinance Administrator.

(B) Request Following Publication of Notice

If a request for deferral of consideration of an application by a decision-making body is submitted following the publication of the required notice, the request for deferral shall be placed on the agenda and acted upon by the decision-making body. The date of the new Public Hearing at which the application will be heard shall be set at the time the deferral is granted by the decision-making body. If a deferral is granted, the application shall be subject to additional fees to reimburse the Town for the costs of new notices. Such additional fees shall be paid to the Town prior to the subsequent notices being made.

3.1.10 Changes to Applications

(A) Minor Changes

Minor changes, such as additions, deletions or corrections constituting clerical errors in an application, may be submitted to the Ordinance Administrator or reviewing body, as applicable.

(B) Major Changes

Major changes to an application, such as those related to allowed uses, density or intensity of development, street layout, driveway access, open space configuration or other major element, may not be made following review and recommendation by a body tasked with that responsibility or following notification of a Public Hearing. Such changes require that the original application be withdrawn and a new application be submitted along with all required fees. The resubmitted application must go through the entire review process as if it were a new application in order to ensure the proper review of all changes.

(C) Changes in Proposed Conditions of Approval

Proposed changes in conditions of approval may be considered by the approving body without referral of the application back to the Ordinance Administrator or Planning and Zoning Board, as applicable.

3.1.11 Withdrawal of Application

(A) Submission of Request

Any request for withdrawal of an application subject to a Public Hearing shall be submitted in writing to the Ordinance Administrator, or shall be made through a verbal request at the Public Hearing for which the application has been scheduled.

(B) Prior to Notice of Public Hearing

The Ordinance Administrator shall approve a request for withdrawal of an application if it has been submitted prior to public notification.

(C) Subsequent to Notice of Public Hearing

If the request for withdrawal of an application is submitted subsequent to public notification, the request for withdrawal shall be placed on the agenda of the meeting at which the hearing is scheduled and acted upon by the decision-making body.

(D) Fees

Fees shall not be refunded for applications withdrawn following publication, posting or mailing of a required notice.

3.1.12 Waiting Period

No more than two (2) withdrawals of the same type application for the same property may be filed within any single twelve (12) month period. No similar type of application may be filed for the same property within one (1) year following the second withdrawal by the applicant or denial of the application by the applicable decision-making body.

3.1.13 Expiration of Approval

Expiration of approval shall occur as provided by this Ordinance for the various types of development permits and approvals. If no provision for expiration is given by this Ordinance for a particular type of development permit or approval, and if no expiration period is imposed as part of an approval by the decision-making body, expiration shall occur if development is not commenced or a subsequent permit authorized by that approval is not obtained within two (2) years.

3.1.14 Examination of Application and Supporting Documents

At any time, upon reasonable request and during normal business hours, any person may examine an application, a finalized staff report and materials submitted in support an application. Copies of such materials shall be made available at cost.

3.2 Zoning Map Amendment

3.2.1 Purpose

The purpose of this Section is to provide a uniform method for amending the Official Zoning Map.

3.2.2 Procedures

(A) Preliminary Procedures

The preliminary procedures and requirements for submission and review of an application are established in Section 3.1, Common Review Procedures.

(B) Review by Ordinance Administrator

Prior to the submission of the application to the Planning and Zoning Board, the Ordinance Administrator shall review the application and prepare a written staff report, which shall be presented to the Planning and Zoning Board.

(C) Review and Recommendation by the Planning and Zoning Board

Following review of the application by the Ordinance Administrator, the application shall be forwarded to the Planning and Zoning Board for its review and recommendation. The Planning and Zoning Board shall consider the application, relevant supporting materials and the staff report. Within forty-five (45) days of its initial consideration of an application, the Planning and Zoning Board shall make a written recommendation to the Board of Commissioners. In making its recommendation, the Planning and Zoning Board shall adopt a written statement in accordance with ~~NCGS 160A-383~~ *160D-604*.

(D) Review and Action by Board of Commissioners

Following the receipt of a recommendation from the Planning and Zoning Board, the Board of Commissioners shall hold a Public Hearing to review and consider the application, relevant supporting materials, staff report, recommendation of the Planning and Zoning Board and the comments made during the hearing. Following the close of the Public Hearing, the Board of Commissioners shall take one of the following actions:

- (1) Approve the amendment as requested.
- (2) Approve the amendment with a reduction in the size of the area requested.
- (3) Approve an alternate amendment to a more restrictive base zoning district than proposed.
- (4) Deny the amendment.
- (5) Remand the application to the Planning and Zoning Board for further consideration.

Regardless of the final decision rendered, the Board of Commissioners shall adopt written statements in accordance with ~~NCGS 160A-383~~ *160D-605*.

3.2.3 Additional Procedures for Conditional Zoning District Map Amendments

Where a Zoning Map Amendment has been proposed to rezone property to a Conditional Zoning District, the following additional procedures shall apply.

(A) Qualified Applications

Applications for Conditional Zoning District Map Amendments may only be considered where such application has been signed by each owner of the property subject to the proposed map amendment.

(B) Conditions on Use and Development

The applicant shall submit a Concept Plan and written list of all proposed conditions on the use or development of the property subject to the Conditional Zoning District Map Amendment as part of the application. The Concept Plan shall serve as the basis for future development of the property subject to the approved Conditional Zoning District Ordinance.

(C) Review and Approval of Conditions

(1) Planning and Zoning Board

In its review of the proposed Conditional Zoning District Map Amendment, the Planning and Zoning Board may propose modifications to the Concept Plan and/or list of conditions, as it may find reasonable and in the public interest. Modifications to the submitted Concept Plan and/or list of proposed conditions shall be reduced to writing and forwarded to the Board of Commissioners with the Board's recommendation on the proposed amendment.

(2) Board of Commissioners

The Board of Commissioners shall consider the proposed use and development conditions, the Concept Plan and any proposed additions or modifications forwarded by the Planning and Zoning Board as part of its deliberations following the Public Hearing on the proposed amendment. The Board of Commissioners may propose modifications to the Concept Plan and/or list of conditions as it finds reasonable and in the public interest. All conditions or modifications to the submitted Concept Plan, whether proposed by the applicant or Board of Commissioners, shall be reduced to writing and included as part of the ordinance amending the Official Zoning Map.

(3) Applicability of Conditions

Only those conditions that are mutually agreed to by the Board of Commissioners and the applicant shall become binding on the

applicant and their successors in interest. Any additionally imposed conditions or modifications to the Concept Plan shall be agreed to by the applicant prior to the adoption of the ordinance amending the Official Zoning Map.

(D) Use and Development Following Approval

All use and development of a property subject to an approved Conditional Zoning District shall be in accordance with the approved conditions and Concept Plan, in addition to the other standards of the UDO not modified by the Conditional Zoning District. The approval of a Conditional Zoning District does not abrogate the requirement to obtain all other development approvals as required by this Ordinance, including Site Plan, Subdivision and Zoning Permit approval.

(E) Modification

An approved Conditional Zoning District may only be modified in accordance with the procedures set forth for its original approval.

3.3 Unified Development Ordinance Text Amendment

3.3.1 Purpose

The purpose of this Section is to provide a uniform method for amending the text of the UDO.

3.3.2 Authority

The Board of Commissioners may adopt amendments to the text of the UDO only in accordance with the provisions of this Section.

3.3.3 Procedures

(A) Preliminary Procedures

The procedures and requirements for submission and review of an application are established in Section 3.1, Common Review Procedures.

(B) Review by Ordinance Administrator

Prior to the submission of the application to the Planning and Zoning Board, the Ordinance Administrator shall review the application and prepare a written staff report, which shall be presented to the Planning and Zoning Board.

(C) Review and Recommendation by Planning and Zoning Board

Following review of the application by the Ordinance Administrator, the application shall be forwarded to the Planning and Zoning Board for its review and recommendation. During the meeting the Planning and Zoning Board shall consider the application, relevant supporting materials and the staff report. Within forty-five (45) days of its initial consideration of an application, the Planning and Zoning Board shall make a written recommendation to the Board of Commissioners. In making its recommendation, the Planning and Zoning Board shall adopt a written statement in accordance with *NCGS ~~160A-383~~ 160D-604*.

(D) Review and Action by Board of Commissioners

Following the receipt of a recommendation from the Planning and Zoning Board, the Board of Commissioners shall conduct a Public Hearing to review and consider the application, the relevant supporting materials, staff report, recommendation of the Planning and Zoning Board, and the comments made during the hearing. Following the close of the Public Hearing, the Board of Commissioners, shall take one of the following actions:

- (1) Approve the amendment as proposed.
- (2) Approve a revised amendment that is no more restrictive in scope than proposed in the application.
- (3) Remand the application to the Planning and Zoning Board for further consideration.
- (4) Deny the proposed amendment.

Regardless of the final decision rendered, the Board of Commissioners shall adopt written statements in accordance with *NCGS ~~160A-383~~ 160D-605*.

3.4 Special Conditional Use Permit

3.4.1 Purpose

Special Uses are land uses that due to their particular nature require individual review of their location, design, configuration, density or intensity of use and may require the imposition of conditions to ensure the compatibility of the use with the surrounding area.

3.4.2 Initiation

Application for a Special Conditional Use Permit may only be initiated by the owner(s) of the property for which the Special Conditional Use Permit is designated.

3.4.3 Procedures

(A) Preliminary Procedures

The preliminary procedures and requirements for submission and review of a **Special Conditional** Use Permit application are established in Section 3.1, Common Review Procedures.

(B) Concept Plan Required

A Concept Plan shall be submitted as part of the application for a **Special Conditional** Use Permit. The Concept Plan shall serve as the basis for all subsequent use of the property and development activity taking place on the property.

(C) Action by **Planning and Zoning Board of Adjustment**

Following public notification in accordance with Section 3.1.7 of this Ordinance, the **Planning and Zoning Board of Adjustment** shall hold a hearing on the application. At the hearing, the **Planning and Zoning Board of Adjustment** shall consider the application, the relevant supporting materials, the Concept Plan and all other testimony and evidence presented at the quasi-judicial hearing. After the close of the hearing, the **Planning and Zoning Board of Adjustment** shall, in consideration of the record from the hearing, make findings of fact and either approve, approve with conditions, or deny the application based upon the results of the Board's findings with regard to the requirements of Section 3.4.3(D).

(D) Required Findings

In order to approve a proposed **Special Conditional** Use Permit application, the **Planning and Zoning Board of Adjustment** must make the following affirmative Findings:

- (1) That the proposed development and use will not materially endanger the health, safety or general welfare of persons residing or working in the vicinity.
- (2) That the proposed use and associated development is in compliance with all applicable standards of the Ordinance.
- (3) That the proposed use and associated development is compatible with the character of surrounding property, including but not limited to the scale and intensity of the use, parking requirements, traffic generation and the size and location of buildings.
- (4) That the proposed use and associated development is compatible with

existing land uses and with uses that are permitted within the zoning districts in the general vicinity of the proposed use.

- (5) That the proposed use and associated development is configured in a manner to minimize any potentially adverse impacts on surrounding property.
- (6) That the proposed use and associated development will not have a substantial negative impact on the value of adjacent or nearby property.
- (7) That the proposed use and associated development is in full compliance with all other relevant Town ordinances, State and Federal laws, and regulations.

(E) Conditions of Approval

In approving a **Special Conditional** Use Permit, the **Planning and Zoning Board of Adjustment** may impose additional conditions on the permit approval in accordance with *NCGS 160A-381 160D-406*. Any additional conditions imposed by the Board must be agreed to in writing by the applicant prior to the granting of the **Special Conditional** Use Permit.

(F) Effect of Approval

The issuance of a **Special Conditional** Use Permit shall authorize only the particular Special Use that is approved in the permit. All subsequent development and use of the property must be in accordance with the approved **Special Conditional** Use Permit, associated Concept Plan and conditions (if applicable), and all other relevant standards of the UDO. Nothing in this Subsection shall prevent the establishment of a different permitted use of land, provided such use is established in accordance with the requirements in this Ordinance.

(G) Recordation

When the **Planning and Zoning Board of Adjustment** approves a **Special Conditional** Use Permit, the Town shall, at the applicant's expense, record the **Special Conditional** Use Permit in the office of the Register of Deeds of Surry County within thirty (30) days of its issuance. The permit shall be indexed to the property subject to the **Special Conditional** Use Permit, as shall any subsequent revocation of the permit.

(H) Subsequent Development

Development authorized by the **Special Conditional** Use Permit shall not be carried out until the applicant has secured all other permits required by this

Ordinance and other applicable laws, ordinances and regulations. A **Special Conditional** Use Permit does not ensure that the applicant shall receive subsequent approvals unless the relevant and applicable portions of this Ordinance and other applicable laws, ordinances and regulations are met.

(I) Expiration

(1) General

The **Planning and Zoning Board of Adjustment** may prescribe a time limit within which the use shall be established, development activity shall begin or be completed under the **Special Conditional** Use Permit, or both. Failure to establish the use, to begin or complete such development activity within the time limit specified shall void the **Special Conditional** Use Permit. Unless specified otherwise by the **Planning and Zoning Board of Adjustment**, a **Special Conditional** Use Permit shall automatically expire two (2) years from the date of its issuance if:

- i. The use is not established;
- ii. Development authorized by the permit has not commenced, and no substantial construction, alteration, demolition, excavation or other similar work required by the permit is completed; or
- iii. Development approved by the **Special Conditional** Use Permit is discontinued and not resumed for a period of one year.

(2) Extension

Upon written application submitted at least thirty (30) days prior to the expiration of the permit, and upon a showing of good cause, the **Planning and Zoning Board of Adjustment** may grant one extension, for a period not to exceed six (6) months. Failure to submit an application for an extension within the time limits established by this Section shall result in the expiration of the **Special Conditional** Use Permit.

(J) Minor Deviation

Minor field alterations or minor revisions to approved **Special Conditional** Use Permits may be approved by the Ordinance Administrator if the Special Use still meets the intent of the standards and any conditions established with the original approval. Minor field alterations and revisions include, but are not limited to, small shifts in the location of structures, parking areas, landscaping, utilities, driveways and other site features in order to accommodate the existence of circumstances found during construction

that could not have been anticipated in advance. Any other change shall be considered as an amendment and shall require approval by the **Planning and Zoning Board of Adjustment** in accordance with subsection (K) below.

(K) Amendment

A **Special Conditional** Use Permit may be amended or modified only in accordance with the procedures and standards established for its original approval.

3.5 Variance

3.5.1 Purpose

The purpose of a Variance is to allow the standards of this Ordinance to be varied when unnecessary hardships would result from carrying out the strict letter of the Ordinance upon a showing by the property owner that the findings required by Subsection 3.5.3(C) have been met.

3.5.2 Initiation

Application for a Variance may only be initiated by the owner(s) of the property for which the Variance is designated.

3.5.3 Procedures

(A) Preliminary Procedures

The preliminary procedures and requirements for submission and review of an application are established in Section 3.1, Common Review Procedures.

(B) Action by **Planning and Zoning Board of Adjustment**

Following public notification as required by Section 3.1.7 of the UDO, the **Planning and Zoning Board of Adjustment** shall hold a quasi-judicial hearing on the application. At the hearing, the **Planning and Zoning Board of Adjustment** shall consider the application, the relevant supporting materials and the evidence and sworn testimony given at the hearing. Following the close of the hearing, the **Planning and Zoning Board of Adjustment** shall approve, approve with conditions, or deny the application based on the standards in Subsection 3.5.3(C), Required Findings.

(C) Required Findings

The **Planning and Zoning Board of Adjustment** may only grant a Variance after having first made all of the following affirmative findings in accordance with *NCGS ~~160A-388(d)~~ 160D-705(d)*:

- (1) Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of a Variance, no reasonable use can be made of the property; and
- (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; and
- (3) The hardship did not result from actions taken by the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and
- (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.

(D) Conditions of Approval

In approving a Variance, the Planning and Zoning Board of Adjustment may impose additional conditions on the Variance, provided that the conditions are reasonably related to the Variance.

(E) Recordation

When the Planning and Zoning Board of Adjustment grants a Variance, the Town shall, at the applicant's expense, record the written decision on the Variance in the office of the Register of Deeds of Surry County within thirty (30) days of its issuance.

(F) Subsequent Development

Development authorized by the Variance shall not be carried out until the applicant has secured all other permits and approvals as required by this Ordinance and other applicable laws, ordinances and regulations. A Variance does not ensure that the use shall receive subsequent permit approvals unless the relevant and applicable requirements of this Ordinance and other applicable laws, ordinances and regulations are met.

3.6 Concept Plan

3.6.1 Purpose

The purpose of this Section is to establish a procedure for the review of a Concept Plan by the Ordinance Administrator prior to the submittal of an application for the approval of certain amendments and technical plans as set forth in Subsection 3.6.2. The intent of the Concept Plan procedure is to allow the Town to consider the general design and configuration of a proposed development for general compliance with the requirements of this Ordinance prior to the preparation of detailed plans.

3.6.2 Applicability

Submittal of a Concept Plan shall be required prior to the consideration of a Zoning Map Amendment to a Conditional Zoning District, Site Plan, Architectural Design Plan, Preliminary Subdivision Plat or ~~Special Conditional~~ Use Permit.

3.6.3 Procedures

(A) Preliminary Procedures

The preliminary procedures for submission and review of a Concept Plan are established in Section 3.1, Common Review Procedures.

(B) Concept Plan – Site Plan or Subdivision Preliminary Plat

In the case of a Concept Plan submitted for review in association with a Site Plan or Preliminary Subdivision Plat, the Ordinance Administrator, with assistance from the TRC, shall review the Concept Plan for compliance with the applicable standards of the Ordinance. Following his review, he shall submit his comments in writing to the applicant, who may then begin the preparation of the Site Plan or Preliminary Subdivision Plat.

(C) Concept Plan – Architectural Design Plan

In the case of a Concept Plan submitted for review in association with an Architectural Design Plan, the Ordinance Administrator shall review the Concept Plan for compliance with the applicable standards set forth in the Ordinance. Following his review, he shall submit his comments in writing to the applicant, who may then begin the preparation of the Architectural Design Plan.

(D) Concept Plan – Conditional Zoning District

In the case of a Concept Plan submitted for a Zoning Map Amendment to a Conditional Zoning District, the Ordinance Administrator, with assistance from the TRC, shall review the Concept Plan for compliance with the

applicable standards set forth in this Ordinance along with any conditions proposed by the applicant. Following his review, the Ordinance Administrator shall submit his comments to the applicant who shall have the opportunity to revise the plan prior to its submission for formal review by the Planning and Zoning Board and consideration by the Board of Commissioners.

(E) Concept Plan – ~~Special Conditional~~ Use Permit

In the case of a Concept Plan submitted in association with an application for a ~~Special Conditional~~ Use Permit, the Ordinance Administrator, with assistance from the TRC, shall review the Concept Plan for compliance with the applicable standards of the Ordinance and submit his findings during the hearing before the ~~Planning and Zoning Board of Adjustment~~ for consideration of the ~~Special Conditional~~ Use Permit.

3.7 Site Plan

3.7.1 Purpose

The purpose of this Section is to establish the procedures and standards for the review and approval of a Site Plan that depicts site and building related details and engineered drawings.

3.7.2 Applicability

All development, unless exempted in accordance with Section 3.7.3, Exemptions, shall be required to have a Site Plan approved in accordance with this Section prior to the issuance of a Zoning Permit.

3.7.3 Exemptions

The following development activity shall be exempted from the requirements of this Section:

- (A)** Internal construction that does not increase gross floor area, building height, the density or intensity of use, or affect parking requirements;
- (B)** The construction of a single-family dwelling or two-family dwelling on an individual lot;
- (C)** The construction or placement of an accessory structure associated with a single-family or two-family dwelling; and
- (D)** Changes in use where there is no associated change in landscaping, buffering, off street parking requirements, lot coverage or other external site

characteristics.

3.7.4 Procedures

(A) Preliminary Procedures

The preliminary procedures and requirements for submission and review of a Site Plan are established in Section 3.1, Common Review Procedures.

(B) Review of Concept Plan

The review of a Concept Plan, in accordance with Section 3.6, shall be required prior to the consideration of a Site Plan.

(C) Review and Approval by Ordinance Administrator

Following the review of a required Concept Plan, the applicant shall prepare a Site Plan. The Ordinance Administrator, with the assistance of the TRC, shall review the Site Plan for conformance with the standards set forth in Section 3.7.4(D). If the Site Plan is found to be in compliance with Section 3.7.4(D), the Ordinance Administrator shall approve the plan. If the plan is found to not be in compliance with Section 3.7.4(D), the Ordinance Administrator shall deny approval of the Site Plan and submit such reasons for denial to the applicant, who shall be given the opportunity to resubmit the Site Plan for a second review. If the Site Plan remains out of compliance following the second review, the Ordinance Administrator shall deny approval of the Site Plan and submit such reasons for denial to the applicant in writing. Subsequent submissions of a Site Plan for review following the second submittal and denial shall require the payment of the fee as prescribed for the initial review of a Site Plan prior to consideration by the Ordinance Administrator.

(D) Site Plan Standards

A Site Plan shall be approved only upon a finding that it adequately depicts the precise design, location and profile of all structures, site features and public facilities proposed for development, and that said improvements comply with all relevant standards established by this Ordinance, as well as all other applicable rules, regulations and ordinances of any local, state or federal agency having jurisdiction over an aspect of the proposed development.

(E) Effect of Approval

The approval of a Site Plan allows the applicant to apply for a Zoning Permit to initiate land development activities in accordance with the approved Site Plan.

(F) Expiration

Site Plan approval shall automatically expire at the end of two (2) years following initial approval if a Building Permit has not been issued and construction pursuant to that permit has not commenced for at least one (1) structure in the proposed development. A change in ownership shall not affect this time limit.

(G) Amendments

A Site Plan may be amended or modified only in accordance with the procedures and standards established for its original approval.

3.8 Architectural Design Plan

3.8.1 Purpose

An Architectural Design Plan is required in order to ensure that all proposed development activity subject to architectural design standards established in this Ordinance complies with said standards prior to the initiation of development activity.

3.8.2 Applicability

The requirement for the approval of an Architectural Design Plan shall apply to the construction, reconstruction, expansion or exterior alteration of any building or structure that is subject to architectural design standards as established in Section 9.1 of the UDO.

3.8.3 Procedures

(A) Preliminary Procedures

The preliminary procedures and requirements for submission and review of a Site Plan are established in Section 3.1, Common Review Procedures.

(B) Simultaneous Review

Architectural Design Plans shall be reviewed simultaneously with Site Plans in those circumstances where both are required.

(C) Review of Concept Plan

The review of a Concept Plan, in accordance with Section 3.6, shall be required prior to the consideration of an Architectural Design Plan.

(D) Review and Approval by Ordinance Administrator

Following the review of a required Concept Plan, the applicant shall prepare an Architectural Design Plan. The Ordinance Administrator shall review the

plan for conformance with the standards set forth in Section 3.8.3(E). In conducting his review, the Ordinance Administrator may engage the services of a licensed architect or other professional having requisite training or experience in the preparation or review of architectural plans. If the Architectural Design Plan is found to be in compliance with Section 3.8.3(E), the Ordinance Administrator shall approve the plan. If the plan is found to not be in compliance with Section 3.8.3(E), the Ordinance Administrator shall deny approval of the Architectural Design Plan and submit such reasons for denial to the applicant, who shall be given the opportunity to resubmit the Architectural Design Plan for a second review. If the Site Plan remains out of compliance following the second review, the Ordinance Administrator shall deny approval of the Site Plan and submit such reasons for denial to the applicant in writing. Subsequent submissions of an Architectural Design Plan for review following the second submittal and denial shall require the payment of the fee as prescribed for the initial review of an Architectural Design Plan prior to its consideration by the Ordinance Administrator.

(E) Architectural Design Plan Standards

An Architectural Design Plan shall only be approved if it is found to be in compliance with the applicable Design Guidelines as established in this Ordinance.

(F) Effect of Approval

The approval of an Architectural Design Plan allows the applicant to apply for a Zoning Permit to initiate land development activities in accordance with the approved Architectural Design Plan.

(G) Expiration

The approval of an Architectural Design Plan shall expire two (2) years following its approval if a Building Permit has not been issued for at least one structure in the proposed development and construction has not begun within one (1) year of the issuance of a Building Permit.

(H) Amendments

An Architectural Design Plan may be amended or modified only in accordance with the procedures and standards established for its original approval. Minor field alterations may be approved at the discretion of the Ordinance Administrator where such minor modifications will not affect the overall appearance of the structure.

3.9 Subdivisions

3.9.1 Purpose

The purpose of this Section is to establish uniform standards for the subdivision of land within the jurisdiction of the Town of Pilot Mountain.

3.9.2 Applicability

Unless exempted in accordance with Section 3.9.3, Exemptions, all divisions of land or other actions that result in the establishment or relocation of property or right-of-way lines shall be subject to these regulations.

3.9.3 Exemptions

The following shall be exempt from the requirements of this Section (~~NCGS 160A-396~~ 160D-802):

- (A) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and where the resultant lots are equal to or exceed the standards established in this Ordinance.
- (B) The public acquisition or purchase of strips of land for the widening or opening of streets, public transportation system corridors, placement of utilities or establishment of parkland or greenway trails.
- (C) The division of land into parcels greater than ten (10) acres in size where no street right-of-way dedication is involved.
- (D) The division of a tract in single ownership whose entire area is not greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards established in this Ordinance.
- (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.

Plats for subdivisions which are exempt from the requirements of this Section shall be submitted to the Ordinance Administrator who shall sign a Certificate of Exemption on the plat. This certificate must be signed prior to recordation of the exempt subdivision plat with the Surry County Register of Deeds.

3.9.4 Classification of Subdivisions

In order to provide for the expedited review of certain non-exempt subdivisions, there shall be three (3) classes of Subdivisions with separate review and approval procedures for each class.

(A) Major Subdivisions

A Subdivision shall be classified as a Major Subdivision whenever any of the following apply:

- (1)** More than five (5) lots will be created as a result of the Subdivision;
- (2)** The creation of public street right-of-way is required;
- (3)** The alteration of an existing street right-of-way is required;
- (4)** The extension of public water or sewer utilities is required to serve the proposed subdivision and such line extensions require that utility lines be extended a distance of greater than one-hundred (100') feet, or a pump station is required to be installed to provide sewer service.

(B) Minor Subdivisions

All proposed Subdivisions that are not classified as a Major Subdivision shall be classified as a Minor Subdivision, with the exception of those which qualify as a Family Subdivision.

(C) Family Subdivisions

The Family Subdivision provision may be utilized where a subdivision that creates five (5) or fewer lots for conveyance to members of the owner's family (parent, child, sibling, grandparent, grandchild, aunt, uncle, niece or nephew as certified in a notarized document attesting to familial relationship) is proposed. The procedure and standards for Family Subdivisions shall otherwise be the same as a Minor Subdivision, with the exception of the following:

- (1)** The resultant lots may not be transferred to a person other than a qualifying family member for a period of 5 years following their creation.
- (2)** The resultant lots may be accessed from a private street with a minimum right-of-way width of 45 feet that provides direct connection to a public street.

3.9.5 Major Subdivision Review and Approval Procedures

(A) Preliminary Procedures

The preliminary procedures and requirements for submission and review of a Major Subdivision are established in Section 3.1, Common Review Procedures.

(B) Preliminary Subdivision Plat

(1) General

A Preliminary Plat establishes the layout and design of a proposed Subdivision. Upon the approval of a Preliminary Plat, applicants may prepare Construction Plans for review and approval. Following Construction Plan approval, the developer may install streets, public utilities and other required infrastructure. Following the installation and approval of all required infrastructure, applicants may submit an application for a Final Subdivision Plat. Building Permits for newly created lots may not be issued prior to the approval and recordation of a Final Subdivision Plat.

(2) Review of Concept Plan

The review of a Concept Plan, in accordance with Section 3.6, shall be required prior to the consideration of Preliminary Subdivision Plat.

(3) Preliminary Plat Content Standards

The required contents of a Preliminary Subdivision Plat are established in Appendix D.

(4) Review and Approval by Ordinance Administrator

Following the review of a Concept Plan, the applicant shall prepare a Preliminary Subdivision Plat that reflects the configuration depicted in the finalized Concept Plan along with any other required information. Once the complete application and Preliminary Plat are submitted, the Ordinance Administrator, with the assistance of the TRC, shall review the submitted Preliminary Plat for compliance with the Standards for Approval established in Section 3.9.5(B)(5). Appeals of the decision of the Ordinance Administrator shall be subject to the standards of *NCGS 160A-377(b) 160D-1403*.

(5) Standards for Approval

A Preliminary Subdivision Plat shall only be approved upon finding that the application complies with the standards in Article 7, Subdivision Regulations, all other relevant standards and regulations established by this Ordinance, and all other applicable laws, ordinances and regulations.

(6) Effect of Approval

Approval of a Preliminary Plat shall constitute approval of the development with the general lot shapes and alignments of streets as depicted on the approved Preliminary Plat. Approval of a Preliminary Plat allows the developer to proceed with the preparation of Construction Plans for the installation of the required infrastructure and utilities. Approval of a Preliminary Plat does not constitute or guarantee approval of a Final Plat. The approval of a Preliminary Plat is not a personal right, but one that runs with the land, and, therefore, changes in ownership of the subject property shall not alter the effect of the approval.

(7) Amendment

A Preliminary Subdivision Plat may be amended or modified only in accordance with the procedures and standards established for its original approval.

(8) Expiration of Approval

i. General

Preliminary Subdivision Plat approval shall expire if a Final Subdivision Plat has not been approved within twenty-four (24) months following its approval.

ii. Phased Subdivisions

Preliminary Subdivision Plats may depict a phasing plan that allows for the incremental development of smaller portions of the overall Subdivision. Where phasing is depicted on the approved Preliminary Subdivision Plat, expiration shall occur if Final Subdivision Plat approval is not received for the initial phase of the Subdivision within twenty-four (24) months of Preliminary Subdivision Plat approval, provided that the initial phase of the subdivision contains at least twenty percent (20%) of the number of approved lots in the Subdivision. Subsequent phases, each containing at least twenty percent (20%) of the overall number of approved lots in the Subdivision, shall be required to receive Final Subdivision Plat approval at intervals not to exceed twenty-four (24) months; otherwise expiration of the Preliminary Subdivision Plat will occur.

iii. Resubmittal

Preliminary Subdivision Plats which have expired are required to be resubmitted in accordance with the provisions of this Section.

(9) Construction and Inspection of Required Improvements

i. Approval of Construction Plans

Construction Plans shall be reviewed and approved by the Town Engineer prior to the initiation of development activity or the installation of any required improvements. Construction Plans shall depict the specific improvements to be constructed in sufficient detail as to allow the Town Engineer to verify their compliance with the standard specifications for Town infrastructure. In the case of infrastructure that is required for installation, but which is under the jurisdiction of another entity, the Town Engineer shall certify that plans for such improvements have been approved by the respective entities having jurisdiction over them.

ii. Inspection of Improvements

Following the construction of all required improvements, or the posting of a Performance Guarantee for required improvements that are not installed or completed, the developer shall submit a written request for inspection of those improvements. When all required public improvements have been inspected and approved by the Town and/or Performance Guarantees posted in accordance with subsection (C) (Performance Guarantees) below, the developer may apply for Final Subdivision Plat approval.

iii. As-Built Plans Required

The subdivider shall provide as-built plans of all infrastructure to the Town of Pilot Mountain or other agency receiving the installed infrastructure. Plans shall be submitted in both reproducible hard-copy format and ArcGIS compatible shapefile format.

(10) Warranty of Installed Public Improvements and Infrastructure

All public improvements and infrastructure installed in the development of a subdivision shall be guaranteed to be free of defects following the acceptance and approval of such improvements by the town. The developer shall exonerate, save harmless, protect and indemnify the town for a period of three (3) years, beginning on the

date of dedication and/or acceptance of the improvements by the Town, against any defects in the equipment and materials used or defects in construction in any and all public improvements or infrastructure. To ensure that sufficient funds are available to correct any defect or deficiency in public improvements or infrastructure, the developer shall post a performance guarantee in the same manner as outlined in subsection (C), Performance Guarantees, below. The required amount of the guarantee shall be determined by the Town Engineer based on the cost of construction of the installed public improvements and infrastructure and the likely cost of repairing or replacing any defects that may be found during the period of warranty.

(C) Performance Guarantees

In lieu of meeting the requirement for the completion, installation, and dedication of any and all public infrastructure improvements prior to Final Subdivision Plat approval, the Town may accept a Performance Guarantee in accordance with the standards in this Subsection.

(1) Form of Performance Guarantee

Where required, the developer shall furnish a performance guarantee in any one of the following forms. Performance guarantees may be either of the following:

i. Surety Performance Bond(s)

The developer shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina, and approved by the Board of Commissioners. Only bonds issued by companies listed on the most recent US Department of the Treasury's Listing of Approved Sureties (Circular 570) may be accepted by the Town. The bond shall be payable to the Town of Pilot Mountain and shall be in an amount equal to 125% of the entire cost, as estimated by a licensed design professional and verified by the Town Engineer, of installing all required improvements that have not been constructed or approved. The duration of the bond(s) shall be until such time as the improvements are accepted by the Town. Any expenses associated with the verification of the cost of improvements by the Town shall be paid entirely by the developer.

ii. Cash or Equivalent Security

The developer shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the Town (or its authorized agent) or in escrow with a financial institution designated as an official depository of the Town. The amount of deposit shall be equal to 125% of the cost, as estimated by a licensed design professional and verified by the Town Engineer, of installing all required improvements. Such security shall be held by the Town until such time that the guaranteed improvements are accepted by the Town. Any expenses associated with the verification of the cost of improvements by the Town shall be paid entirely by the developer.

(2) Escrow Guarantee

If cash or other instrument is deposited in escrow with a financial institution, then the developer shall file with the Town of Pilot Mountain an agreement with the financial institution guaranteeing the following:

i. Immediate Release of Funds

That in case of a failure on the part of the developer to complete the guaranteed improvements, the financial institution shall, upon notification by the Town of an estimate of the amount needed to complete the improvements, immediately pay to the Town such funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the Town any other instruments fully endorsed or otherwise made payable in full to the Town; and

ii. Exclusivity of Funds

That the escrow amount will be held in trust until released by the Town and may not be used or pledged by the developer in any other transaction during the term of the escrow.

(3) Default

Upon failure on the part of the developer to complete the required improvements in the time required by this Ordinance or as spelled out in the performance bond or escrow agreement, the surety, or financial institution holding the escrow account, shall, if required by the Town, pay all or any portion of the bond or escrow fund to the Town of Pilot Mountain up to the amount required to complete the improvements

as estimated by the Town Engineer. Upon payment, the Town shall expend such portion of these funds as it deems necessary to complete the remaining required improvements. The Town shall return any funds not expended in completing the improvements to the developer.

(4) Release of Security Guarantee

The Town may release a portion of any security posted after improvements are completed and recommended for approval by the Town Engineer. The Board of Commissioners shall approve or disapprove the improvements within thirty (30) days upon receiving the Ordinance Administrator's recommendation. When the Board of Commissioners approves the improvements, it shall immediately release the portion of the security posted which covers the cost of the improvements that were approved, as shown in the detailed cost estimate prepared by the Town Engineer.

(D) Final Subdivision Plat

(1) General

The Final Subdivision Plat approval process is used to finalize the approval of subdivisions for which a Preliminary Subdivision Plat was required.

(2) Required Contents of Final Plat

The required contents of a Final Subdivision Plat are established in Appendix D.

(3) Review and Approval Procedures

i. Preliminary Procedures

The preliminary procedures and requirements for submission and review of a Final Subdivision Plat are established in Section 3.1, Common Review Procedures.

ii. Review and Approval by Ordinance Administrator

Following the submission of a complete application for Final Subdivision Plat Approval, the Ordinance Administrator, with assistance from the TRC, shall review the application. If the Final Subdivision Plat application is found to comply with the standards set forth in Section 3.9.5(D)(4), the Ordinance Administrator shall approve the Final Subdivision Plat. Appeals of the decision of the Ordinance Administrator shall be subject to the standards of *NCGS 160A-377(b) 160D-1403*.

(4) Standards for Approval

A Final Subdivision Plat shall only be approved if the Ordinance Administrator finds the following:

- i. The Final Subdivision Plat complies fully with the standards in Article 7, Subdivision Regulations;
- ii. The Final Subdivision Plat is in substantial conformance with the approved Preliminary Subdivision Plat;
- iii. The Final Subdivision Plat indicates the installation and acceptance of all required improvements, or a performance guarantee has been posted with the Town for the installation of such improvements; and
- iv. The Final Subdivision Plat contains all required certificates, signed by the appropriate entities.

(5) Certification

No Final Subdivision Plat may be approved or recorded unless all relevant certificates, as identified in Appendix D, have been signed by the appropriate officials.

(6) Recordation

Following approval, the developer shall file the Final Subdivision Plat with the Surry County Register of Deeds, and shall provide proof of recordation to the Ordinance Administrator within thirty (30) days of the date of approval.

3.9.6 Minor Subdivision Review and Approval Procedures

(A) Preliminary Procedures

The preliminary procedures and requirements for submission and review of a Minor Subdivision Plat are established in Section 3.1, Common Review Procedures.

(B) Review and Approval by Ordinance Administrator

Following the submission of a complete application for Minor Subdivision approval (including the required information for a Final Plat as shown in Appendix D), the Ordinance Administrator shall review the application. If the Minor Subdivision application is found to comply with the standards set forth in Section 3.9.6(C), the Ordinance Administrator shall approve the Minor Subdivision Plat. Appeals of the decision of the Ordinance Administrator shall be subject to the standards of *NCGS 160A-377(b) 160D-*

1403.

(C) Standards for Approval

A Minor Subdivision Plat shall only be approved if the Ordinance Administrator finds the following:

- (1)** The Minor Subdivision Plat complies fully with the standards in Article 7, Subdivision Regulations; and
- (2)** The Minor Subdivision Plat contains all required certificates, signed by the appropriate entities.

(D) Certification

No Minor Subdivision Plat may be approved or recorded unless all relevant certificates, as identified in Appendix D, have been signed by the appropriate officials.

(E) Recordation

Following approval, the developer shall file the Minor Subdivision Plat with the Surry County Register of Deeds, and shall provide proof of recordation to the Ordinance Administrator within thirty (30) days of the date of approval.

3.10 Zoning Permit

3.10.1 Purpose

A Zoning Permit shall be required in accordance with the provisions of this Section in order to ensure that proposed development and land use activity complies with the standards of this Ordinance, and to otherwise protect the health, safety, and welfare of the residents of the Town.

3.10.2 Applicability

The provisions of this Section shall be applicable to all development and other land use activity within the Town's jurisdiction. No activity subject to regulation by this Ordinance, including any land development, building or construction activity, architectural changes to existing structures subject to design regulations, or the change or expansion of any use of land or buildings may commence prior to the issuance of a Zoning Permit in accordance with this Section.

3.10.3 Procedure

(A) Preliminary Procedures

The preliminary procedures and requirements for submission and review of a Zoning Permit application are established in Section 3.1, Common Review Procedures.

(B) Review and Action by Ordinance Administrator

The Ordinance Administrator shall review and approve or deny an application for a Zoning Permit in accordance with the standards in Section 3.10.3(C) Zoning Permit Standards. If the application is denied, the reasons for denial shall be provided to the applicant in writing.

(C) Zoning Permit Standards

A Zoning Permit shall be approved upon a finding by the Ordinance Administrator that the application fully complies with all relevant standards of this Ordinance, as well as all other applicable Town requirements and applicable conditions of approval if any were imposed as part of a preceding approval for the proposed development.

(D) Expiration

Zoning Permits shall expire if, within six (6) months following the approval of the Zoning Permit, the activity authorized by the permit does not commence or a Building Permit is not issued.

3.11 Appeals of Administrative Decisions

Any person who has standing under NCGS ~~160A-393(d)~~ 160D-1402, or the Town, may appeal a decision or interpretation by the Ordinance Administrator. Appeals shall be subject to the provisions of ~~NCGS 160A-388(b)~~ 160D-1402 and other applicable laws.

3.12 Establishment of Vested Rights

3.12.1 Purpose

The purpose of this Section is to implement the provisions of NCGS ~~160A-385~~ 160D-108 for the establishment of a statutory zoning vested right upon the approval of a Site Specific Development Plan.

3.12.2 Applicability

A statutory Vested Right shall only be available to a property owner with a legally established and approved Site Specific Development Plan. For the purposes of this Subsection, a Site Specific Development Plan shall include the following:

- (A) Development subject to an approved ~~Conditional~~ Special Use Permit
- (B) Development subject to an approved Preliminary Subdivision Plat

- (C) Development subject to an approved Site Plan

3.12.3 Procedure

(A) Preliminary Procedures

The preliminary procedures and requirements for submission and review of an application are established in Section 3.1, Common Review Procedures.

(B) Review by Ordinance Administrator

Following the receipt of a complete application for the Establishment of Vested Rights, the Ordinance Administrator shall review the application for compliance with the applicable standards for the Establishment of Vested Rights set forth in this Ordinance and by the NC General Statutes. In his staff report he shall comment on the eligibility of the application for approval based on those standards and recommend either concurrence with the proposed length of vesting that is requested or recommend an alternate period of vesting based on the type and scope of the project.

(C) Review and Decision by Board of Commissioners

The Board of Commissioners shall hold a public hearing on the application. Following the public hearing, the Board of Commissioners shall consider the application, the relevant supporting materials, staff report and the comments made at the public hearing and shall vote to approve, or deny the application based on the standards in Subsection 3.12.3(D), Vested Rights Standards. In the event the application is approved, the Board of Commissioners shall establish the vesting period as described in Subsection 3.12.3(E).

(D) Vested Rights Standards

The Board of Commissioners shall only grant a Vested Right in accordance with this Section after making the following findings of fact:

- (1) The Site Specific Development Plan was lawfully established and approved in the appropriate manner by the appropriate decision-making body;
- (2) The Site Specific Development Plan has not expired;
- (3) All required Variances, if any, included as a condition of the approval of a Site Specific Development Plan have been obtained; and
- (4) The Site Specific Development Plan provides sufficient information to establish the types and intensity of proposed development with reasonable certainty.

(E) Period of Vesting

In approving the Establishment of Vested Rights, the Board of Commissioners may approve a period of vesting of not less than two (2) and not more than five (5) years, where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of the proposed development, the level of financial investment, economic cycles, and market conditions.

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ARTICLE 4 NONCONFORMING SITUATIONS

4.1 Purpose

The purpose of this Article is to establish that nonconforming situations are incompatible with the regulations established by this Ordinance, but to provide for the regulation of the continuance and discontinuance of those uses of land, structures, lots of record and site features that were lawfully established prior to the adoption of this Ordinance, or any subsequent amendment or prior to any extension of the Town’s jurisdiction, which do not conform to the provisions and requirements of the Ordinance.

4.2 Authority to Continue

Nonconforming situations are allowed to continue only in accordance with the requirements of this Article.

4.3 Determination of Nonconforming Status

In all cases, the burden of establishing that nonconforming situation lawfully exists shall be the responsibility of the owner of the land on which the nonconforming situation is located.

4.4 Repair and Maintenance Permitted

Routine repairs and maintenance activities may be performed to allow for the continued use of nonconforming structures, lots and site features.

4.5 Nonconforming Uses

The following provisions shall apply to all nonconforming uses within the jurisdiction of this Ordinance.

4.5.1 Change of Use

A nonconforming use may only be replaced with a use that conforms to the use requirements of the Zoning District in which it is located at the time of the change of use.

4.5.2 Discontinuance of a Nonconforming Use

A nonconforming use may not be reestablished once it has been discontinued for a period of 180 days. Following discontinuance, the nonconforming use may only be replaced with a conforming use.

4.5.3 Expansion

Nonconforming uses shall not be expanded or enlarged in size, density or intensity whether inside of a structure or on open land.

4.6 Nonconforming Structures

The following provisions shall apply to all nonconforming structures within the jurisdiction of this Ordinance.

4.6.1 Alteration

A nonconforming structure shall not be altered in any way that increases the degree of nonconformity. Alteration of the structure in a way that complies with applicable dimensional standards or that decreases the degree of nonconformity is permitted.

4.6.2 Reconstruction after Casualty Damage

The following provisions shall apply to the reconstruction of a nonconforming structure following casualty damage:

- (A)** In the event a nonconforming structure is damaged or destroyed, by any means, to an extent greater than sixty percent (60%) of its assessed tax value, as determined by the Surry County Tax Assessor, at the time of damage or destruction, the structure may only be reconstructed in a manner that conforms with the requirements of this Ordinance.
- (B)** In the event a nonconforming structure is damaged, by any means, to an extent less than sixty percent (60%) of its assessed tax value, as determined by the Surry County Tax Assessor, at the time of damage or destruction, the structure may be reconstructed to the form that existed prior to the occurrence of the casualty damage.
- (C)** In no event shall the repair or reconstruction of a damaged or destroyed nonconforming structure increase the degree of nonconformity.

4.7 Nonconforming Lots of Record

No use or structure shall be established on a nonconforming lot of record except in accordance with the standards in this Section.

4.7.1 Existing Structures on Nonconforming Lots

Structures legally established on nonconforming lots of record prior to the effective date of this Ordinance may be continued, enlarged, extended, reconstructed or structurally altered in any way that is in conformance with the standards of this Ordinance.

4.7.2 Development of Unimproved Nonconforming Lots

The following provisions apply to the development of nonconforming lots of record:

- (A) In any Zoning District that allows single-family dwellings as a permitted use, the improvement of a nonconforming lot with a single-family detached dwelling shall be allowed provided that such dwelling and other allowed accessory structures and site features meet all other applicable standards of this Ordinance. No other use than a single-family dwelling may be established on such nonconforming lot.
- (B) Nonconforming lots within districts that do not allow single-family dwellings as a permitted use may be improved only upon the issuance of a ~~Conditional~~ **Special** Use Permit per the procedures established in Section 3.4.

4.7.3 Changes to Nonconforming Lots

A nonconforming lot may be increased in area, width and/or depth through a lot line adjustment to make the lot less nonconforming.

4.8 Nonconforming Site Features

Nonconforming site features, including, but not limited to, signs, parking areas, landscaping and similar site features, may only be altered, repaired or maintained in accordance with the standards of this Section.

4.8.1 Alteration of Nonconforming Site Features

A nonconforming site feature may not be altered or replaced except to bring the site feature into conformity with this Ordinance. Once a nonconforming site feature is removed from the premises or otherwise altered, the feature may only be replaced with a feature which is in conformance with this Ordinance.

4.8.2 Reconstruction after Casualty Damage

The following provisions shall apply to the reconstruction of a nonconforming structure following casualty damage:

- (A) In the event that a nonconforming site feature is destroyed, or damaged to an extent that exceeds sixty percent (60%) of its replacement value, then the site feature shall only be restored, repaired or reconstructed in accordance with the standards this Ordinance.
- (B) In the event a nonconforming site feature is damaged to an extent less than sixty percent (60%) of its replacement value, the site feature may be repaired to its original state prior to damage.

4.9 Alteration of Nonconforming Architectural Features

Nonconforming architectural features on structures that are subject to the architectural design guidelines established by the UDO may only be altered or replaced with a feature

(including exterior cladding materials and material colors) that conforms to the applicable design guidelines for the type of structure. The alteration of a nonconforming architectural feature on a structure shall not require the alteration of other nonconforming architectural features on the structure to bring it into conformity with the applicable design guidelines.

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ARTICLE 5 ZONING DISTRICTS

5.1 Zoning Districts Established

The Zoning Districts set forth in this Article are hereby established for the purpose of classifying all land within the territorial jurisdiction of the Town of Pilot Mountain in furtherance of achieving the goals of the Land Use Plan and to provide for the health, safety and general welfare of the public.

5.2 Types of Zoning Districts

Zoning districts shall be classified into the following types:

5.2.1 Base Districts

Base zoning districts are intended to establish the general character of an area through the regulation of uses, lot sizes, density and other development standards unique to each district. Base Districts are further divided into the following classes:

(A) Residential Districts

Residential Districts are intended to provide for the use and development of land for household living, while also permitting limited nonresidential uses, such as civic and institutional uses, that may be developed and used in a manner that is compatible with the residential character of these areas.

(B) Nonresidential Districts

Nonresidential Districts are intended to provide for the use and development of land for commercial, office, civic, institutional, industrial and similar uses of land in areas that are suited for more intensive land uses and development.

5.2.2 Overlay Districts

Overlay Districts are intended for use as a method of implementing additional regulatory provisions that address situations that are unique to portions of the Town's jurisdiction, irrespective of the boundaries of the Base Districts. These districts are also intended to facilitate the use and development of land for a unique purpose or in a unique manner, where such use or development would not be appropriate throughout a particular Base District. Where assigned, Overlay Districts shall apply in addition to the Base District, Conditional District or Special Purpose District that is used to classify the land.

5.2.3 ~~Parallel~~ Conditional Zoning Districts

~~Parallel~~ Conditional Zoning Districts are established as “equivalent” districts that mirror the Base Districts in all respects, including permitted uses, density and development standards. These districts may only be established upon application by a property owner, and are intended for use in situations where the minimum standards of a Base District may not fully address all of the development concerns associated with a proposal for the use or development of a particular property. To address such situations, the ~~Parallel~~ Conditional Zoning Districts provide the opportunity for a property owner to propose such conditions and restrictions, in addition to the generally applicable standards of the Base District, as he determines is reasonable and necessary to permit the use or development of his property. In approving a Conditional Zoning District map amendment, the Board of Commissioners may also impose such conditions and restrictions, in addition to the standards of the Base District and what is proposed by the property owner (with their agreement), as it deems reasonable and necessary to facilitate the compatible use and development of the property.

5.2.4 Special Purpose Conditional Districts

Special Purpose Conditional Districts are similar to the ~~Parallel~~ Conditional Zoning Districts in that they may only be established upon the approval by the Board of Commissioners of an application by the property owner. These districts, however, differ from the ~~Parallel~~ Conditional Zoning Districts in that they are not tied to an individual Base District. Special Purpose Conditional Districts are intended to facilitate larger scale developments containing a mixture of land use types and intensities where the approval of a master plan and accompanying regulations that are unique to the district will achieve an equal or better result than the application of multiple Base or ~~Parallel~~ Conditional Zoning Districts would otherwise achieve.

5.3 Base Districts

5.3.1 Residential Districts

(A) Residential-Agricultural (RA)

The RA district is established as a district in which the principal use of the land is for low-density residential or agricultural purposes. It is established to provide and protect low-density residential areas for those desiring that type of environment. This district is intended to ensure that residential development not having access to public water supplies and dependent

upon septic tanks for sewage disposal will occur at a sufficiently low density to provide a healthful environment.

(B) Residential Low Density District (RL)

The RL district is established as a district in which the principal use of land is for low-density single-family residences, along with limited home occupations and public and private community uses. These districts are intended to insure that residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at a sufficiently low density to provide a healthful environment.

(C) Residential Medium Density District (RM)

The RM district is established as a district in which the principal use of land is for medium density single-family and two-family residences, along with limited home occupations and public and private community uses. The regulations are intended to prohibit any use that, because of its character, would interfere with the residential nature of this district. It is expected that municipal water and sewerage facilities will be available to each lot in the districts, or a reasonable expectation of service in the near future.

(D) Residential High Density District (RH)

The RH district permits high-density residential development. Single-family, two-family and multi-family dwellings are permitted. The regulations of this district are intended to provide the community with areas of relatively high-density neighborhood for residents desiring small dwelling units and multi-family structures.

5.3.2 Nonresidential Districts

(A) Office and Institutional District (OI)

The OI district is intended to serve as a transitional land use between higher intensity districts and lower intensity districts, while permitting the establishment of certain moderate intensity non-residential uses.

(B) Central Business District (CB)

The CB district is established as the centrally located trade and commercial service area of the community. The regulations of this district are designed to encourage the continued use of land for community trade and commercial service uses, and to permit a concentrated development of permitted uses while maintaining a substantial relationship between the intensity of land uses and the capability of utilities and streets.

(C) General Business District (GB)

GB districts are generally located on major thoroughfares and collector streets in the Pilot Mountain planning area. They are intended to provide for offices, personal services and the retailing of durable and convenience goods for the community. Because these commercial uses are subject to public view and are important to the economy of the area, they should have ample parking, controlled traffic movement and suitable landscaping.

(D) Highway Business District (HB)

The HB district is intended primarily to accommodate higher intensity commercial uses and facilitate the redevelopment of legacy commercial areas along the Old US 52 Corridor in the Town's planning jurisdiction.

(E) General Manufacturing District (GM)

The GM district is established for those areas of the community where the principal use of land is for manufacturing, industrial and warehousing uses. These uses, by their nature, may create some nuisances which are not properly associated with residential, institutional, commercial and/or service establishments. These uses normally seek outlying locations on large tracts of land where the operations involved do not detract from the developmental potential of nearby undeveloped properties.

(F) Light Industrial District (LI)

The LI district is established to provide for industries that, in their normal operations, have minimal adverse effect upon adjoining properties.

5.4 Overlay Districts

5.4.1 Downtown Design Overlay District (DDO)

The DDO is established to provide for high quality development within Pilot Mountain's downtown area by requiring adherence to a set of urban design requirements that enhance the aesthetic appearance and compatibility of new development and redevelopment projects within the town's vital historic downtown core.

5.4.2 Watershed Overlay (WO)

The Watershed Overlay District is established to comply with statutory mandates for the protection of water quality within drinking-water supply watersheds by imposing limitations on certain uses, requiring stormwater controls and limiting development density.

5.5 ~~Parallel~~ Conditional Zoning Districts

A ~~Parallel~~ Conditional Zoning District directly corresponding to, and having the same intent and basic regulations as each Base District is established. Such districts shall be differentiated from the Base District by the notation of CD (Conditional District). In addition to the “CD” designation, each adopted Conditional Zoning District shall be assigned a unique identifier in the Town’s GIS database that constitutes the Official Zoning Map. Such identifier shall be based on the case number of the Zoning Map Amendment by which it was established to ensure that all associated conditions and restrictions unique to that district are indexed for future reference. Each adopted Conditional Zoning District shall constitute a distinct district with unique conditions specific to that district that are more restrictive than those established for the equivalent Base District. Examples of additional conditions include limitations on the uses permitted in the district, limits on residential density, limits on signage, additional buffering or landscaping requirements and similar development standards.

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ARTICLE 6 USE REGULATIONS

6.1 Classification of Uses

6.1.1 Principal Uses

Allowed principal uses by district are listed in Table 6-1. Principal uses are further divided into categories based on the general nature of the use. The categories of principal uses are:

- (A) Agricultural Uses
- (B) Residential Uses
- (C) Civic, Government & Institutional Uses
- (D) Office & Service Uses
- (E) Retail & Wholesale Uses
- (F) Recreation & Entertainment Uses
- (G) Industrial, Transportation & Utility Uses

6.1.2 Accessory Uses

Accessory uses are allowed in conjunction with a permitted principal use in accordance with the standards established in Section 6.4, Accessory Uses. (Accessory structures are regulated separately in Article 8.)

6.1.3 Temporary Uses

Temporary uses are allowed in conformance with the regulations set forth in Section 6.5, Temporary Uses.

6.2 Administrative Use Determinations

6.2.1 Classification of Unlisted Uses

The listings of permitted and special uses in the various districts in this Ordinance are considered to be specific in regard to the types of uses intended for each of the districts. When a proposed use is not specifically listed in the Permitted Uses Table, the Administrator shall determine the most similar use in the Table of Permitted Uses and classify the proposed use in the same manner with respect to whether it is permitted or prohibited in a specific district, as well as for the purposes of applying any special requirements or development standards to such use.

6.2.2 Uses Not Specifically Listed

A use not specifically listed in the Table of Permitted Uses is prohibited unless the Ordinance Administrator determines the use to be the equivalent of a listed use in conformance with the standards of Section 6.2.1.

6.2.3 Final Determinations

Following his determination of the classification of a proposed unlisted use, the Ordinance Administrator shall make a written finding and keep a record of such findings to ensure consistent application of such administrative interpretations.

6.3 Principal Uses

Table 6-1 lists the principal uses that are permitted by right, permitted with a **Special Conditional** Use Permit, permitted subject to an Overlay District, or prohibited in each Base District. The following is a key to the notations in the Table of Permitted Uses:

6.3.1 Permitted Use (P)

A "P" in the table indicates that the use is permitted by right in the district.

6.3.2 **Special Conditional** Use (S) ~~(C)~~

An "S" ~~"C"~~ in the table indicates that the use requires the approval of a **Special Conditional** Use Permit by the **Planning & Board of Adjustment**.

6.3.3 Prohibited

A blank space under a zoning district column indicates that a use is not permitted in that district. Where a use is listed in the Table of Permitted Uses, but is not indicated as being permitted in any district, such use shall be prohibited throughout the jurisdiction of this Ordinance.

6.3.4 Performance Standards

An "X" in the "PS" column indicates that the use has special requirements for the zoning district(s) in which it is permitted.

TABLE 6-1: Table of Permitted Uses

<i>Agricultural Uses</i>	RA	RL	RM	RH	OI	CB	GB	HB	GM	LI	PS
Bona Fide Farms (Excluding Swine and Poultry Farms as Otherwise Defined)	P										
Equestrian Uses, Commercial	S										X
Equestrian Uses, Private	P										X
Forestry Activity	P										
Indoor Growing Facilities	P								P	P	X
Livestock Sales	P										X
Poultry Farms											
Produce Sales (on-site)	P										
Swine Farms											
Wineries	S							P	P	P	X
<i>Residential Uses</i>	RA	RL	RM	RH	OI	CB	GB	HB	GM	LI	PS
Customary Home Occupation	P	P	P	P							X
Customary Home Occupation, Detached	S										X
Dwelling, Single-family Detached	P	P	P	P							
Dwelling, Single-family Attached			P	P							
Dwelling, Two-family (Duplex)			P	P							
Dwelling, Manufactured Home (on individual lot)	P										X
Dwelling, Multi-family Residential (3 or more units)				P							
Dwelling, Upper-story (within a Mixed Use Building))					P	P	P	P			
Family Care Homes	P	P	P	P							
Manufactured Home Park	S										X
<i>Civic, Government, & Institutional Uses</i>	RA	RL	RM	RH	OI	CB	GB	HB	GM	LI	PS
Armories and Similar Military Training Facilities									P	P	
Cemeteries (as a principal use)	P				P						
Cemeteries (as an accessory to a Religious Institution)	P				P		P	P			
Clubs and Lodges (Social, Fraternal and Civic Groups)	S				P		P	P			
Colleges, Universities, & Associated Facilities					P		P	P			
Community Centers	P				P		P	P			

<i>Civic, Government, & Institutional Uses</i>	RA	RL	RM	RH	OI	CB	GB	HB	GM	LI	PS
Correctional Facilities										S	
Daycare Centers (Adult)					P		P	P			
Daycare Centers (Child, including Preschools)	S				P		P	P			
Emergency Services (Fire, Police, Rescue Squad, EMS, & Similar Uses)	S	S	S	S	P	P	P	P	P	P	
Government Offices and Facilities (other than Public Works, Emergency Services, Judicial and Correctional)	S	S	S	S	P	P	P	P	P	P	
Group Care Facilities (Type A)					S		S	S			
Group Care Facilities (Type B)							S	S			
Hospitals					P		P	P			
Judicial Facilities					S		S	S			
Libraries, Museums, Art Galleries, & Similar Uses					P	P	P	P			
Nursing Homes and Similar Facilities	S				P		P	P			
Post Offices					P	P	P	P			
Government Public Works Facilities, Utilities and Appurtenances	P	P	P	P	P	P	P	P	P	P	
Religious Institutions (assembly capacity less than 250)	P	P	P	P	P	P	P	P			
Religious Institutions (assembly capacity more than 250)	S				S		P	P			
Schools (K-12, Public & Private)	P	P	P	P	P	P	P	P			
Schools (Trade & Vocational)					S	S	P	P			
Social Service Organizations and Facilities					P		P	P			
<i>Office & Service Uses</i>	RA	RL	RM	RH	OI	CB	GB	HB	GM	LI	PS
Animal Services and Hospitals (No Outdoor Kennels)	S						P	P	P	P	
Animal Services and Hospitals (With Outdoor Kennels)	S						S	S	P	P	X
Appliance and Home Furnishings Repair							P	P	P	P	
Automobile Parking, Commercial (as a Principal Use)					P	S	P	P	P	P	
Banks And Financial Services					P	P	P	P			
Bed & Breakfast Inns	P	P	P	P	P	P					X
Body Piercing & Tattoo Studios								P			
Car Washes (as a Principal Use)							P	P	P	P	

<i>Office & Service Uses</i>	RA	RL	RM	RH	OI	CB	GB	HB	GM	LI	PS
Contractors Offices (Building, Plumbing, Electric, etc.)						S	P	P	P	P	
Contractors Offices (with Outdoor Storage)							S	P	P	P	
Electronics Repair and Service						P	P	P	P	P	
Crematoriums								C	P	P	
Dry Cleaning and Laundry Services (excluding Laundromats)						P	P	P			
Funeral Homes And Mortuaries	S				S		S	P			
Home and Garden Equipment Repair							P	P			
Hotels And Motels						P	P	P	P		
Instructional Schools And Studios (Art, Dance, Martial Arts, Fitness, Athletic, etc.)					P	P	P	P			
Laundromats							P	P			
Motor Vehicle Services (No Outdoor Storage)							P	P	P	P	
Motor Vehicle Services (With Outdoor Storage)							S	P	P	P	
Medical, Dental, Chiropractic, Optical, Psychiatric Clinics and Related Offices and/or Laboratories					P	P	P	P			
Newspaper, Magazine and Book Publishers					P	P	P	P	P	P	
Personal Service Uses (Barber and Beauty Shops, Salons, Tailors, Shoe Repair, Aestheticians, etc.)					P	P	P	P			
Photocopying and Printing Services (Excluding Industrial Printing Operations)					P	P	P	P	P	P	
Professional Offices (Architects, Accountants, Engineers, Attorneys, Counselors, Real Estate, etc.)					P	P	P	P			
Radio and Television Broadcast Studios						S	P	P	P	P	
Sound / Video Recording / Production Services / Studios						P	P	P	P	P	
Taxidermists							P	P	P	P	
<i>Retail & Wholesale Uses</i>	RA	RL	RM	RH	OI	CB	GB	HB	GM	LI	PS
Alcohol Sales for On-Premises Consumption, Malt Beverages and Unfortified Wine Only						P	P	P			
Alcohol Sales for On-Premises Consumption, Mixed Beverage Permittees, other than Restaurants											

<i>Retail & Wholesale Uses</i>	RA	RL	RM	RH	OI	CB	GB	HB	GM	LI	PS
Alcohol Sales for Off-Premises Consumption, Malt Beverages and Wine (Excluding Liquor Stores)						P	P	P			
Agricultural Supplies and Equipment Sales	S						S	P	P	P	
Appliance Stores							P	P			
Auction Houses									P	P	
Bakeries, Retail						P	P	P			
Building Supply / Material Sales							S	P	P	P	
Clothing Stores						P	P	P			
Consumer Electronics Stores						P	P	P			
Consignment Stores						S	P	P			
Drug Stores and Pharmacies						P	P	P			
Farmers Markets	S					P	P	P			
Florists						P	P	P			
Gasoline Stations (With or Without Convenience Stores)							P	P			
Grocery Stores							P	P			
Hardware Stores						P	P	P	P	P	
Home Goods and Furnishings Stores						P	P	P			
Heavy Equipment Sales and Rental								P	P	P	
Lawn and Garden Stores (Retail Nurseries)	S						P	P	P	P	
Liquor Stores (ABC Stores)							P	P			
Meat and Seafood Markets						P	P	P			
Microbreweries (Including Tasting Rooms, less than 5,000 Barrel/Year Capacity)						P	P	P	P	P	
Motor Vehicle Parts and Accessories Dealers							P	P	P	P	
Motor Vehicle Sales and Rental							P	P	P	P	
Pawn Shops								P			
Produce Markets						P	P	P			
Restaurants (no drive-through)						P	P	P			
Restaurants (with drive-through)							P	P			
Retail Sales Uses, General / Not Otherwise Specified						P	P	P			

<i>Retail & Wholesale Uses</i>	RA	RL	RM	RH	OI	CB	GB	HB	GM	LI	PS
Retail Uses, less than 5,000 square feet (inside a fully enclosed building)						P	P	P	P	P	
Retail Uses, 5,000-10,000 square feet (inside a fully enclosed building)						S	P	P	P	P	
Retail Uses, greater than 10,000 square feet (inside a fully enclosed building)							P	P	P	P	
Retail Uses (outside of a fully enclosed building)							S	P	P	P	
Sexually Oriented Businesses, Retail Sales								S			X
Specialty Food and Beverage Stores						P	P	P	P		
Sporting Goods / Equipment Stores						P	P	P			
Tobacco / Smoke Shops							P	P			
Wine Tasting Rooms and Bars						P	P	P			
Wholesale Uses (no outdoor storage)								P	P	P	
Wholesale Uses (with outdoor storage)									P	P	
Wholesale Uses, Bulk Petroleum, Chemical and Gas									S	S	X
<i>Recreation & Entertainment Uses</i>	RA	RL	RM	RH	OI	CB	GB	HB	GM	LI	PS
Auditorium, Indoor (under 250 seats)					P	S	P	P			
Auditorium, Indoor (250 seats or more)					S	S	P	P			
Banquet, Events Facility	S				S	S	P	P			
Campgrounds (Excluding Recreational Vehicles)	S										
Electronic Gaming Operations								S			
Fishing Lakes/Impoundments (Commercial Recreation)	S										
Go Kart Tracks, Commercial Recreation - Outdoor							S	S	P	P	X
Go Kart Tracks, Commercial Recreation - Indoor							P	P	P	P	
Golf Course	P	S					P	P			
Golf Course, Miniature							P	P			
Golf Driving Range	P						P	P			X
Gyms and Fitness Centers						S	P	P			
Parks, Public	P	P	P	P	P	P	P	P	P	P	
Petting Zoos	S						P	P			
Racetrack/Drag Strip/Motorsports Facility											

<i>Recreation & Entertainment Uses</i>	RA	RL	RM	RH	OI	CB	GB	HB	GM	LI	PS
Recreation Facilities Associated with a Residential Development	P	P	P	P							
Recreation Facilities (Indoor)							P	P	P	P	
Recreation Facilities (Outdoor, Other)	S						P	P			
Recreation Facilities (Spectator, Excluding Motorsports)	S				S		S	S			
Recreational Vehicle Parks/Campgrounds	S						S	S			
Sexually Oriented Businesses, other than Retail Sales								S			X
Shooting Ranges (Indoor)									P	P	
Shooting Ranges (Outdoor)									S		X
Swim Clubs / Pools	S	S	S	S	P		P	P			
Tennis Clubs	S	S	S	S	P		P	P			
Theater (Drive-in)								S			
Theater						P	P	P			
<i>Industrial, Warehousing, Transportation, & Utility Uses</i>	RA	RL	RM	RH	OI	CB	GB	HB	GM	LI	PS
Airports & Heliports	S										
Animal Slaughtering and Processing											
Asphalt Plants									S		
Automobile Parts Manufacturing									P	S	
Bakeries, Industrial									P	S	
Breweries	S					S	S	P	P	P	
Brick Manufacturing									S		
Broadcast Towers And Equipment (Excluding Wireless Telecommunications Towers)	S								S	S	X
Concrete Plants and Casting Operations									S		
Data Centers									P	P	
Dairies	S								P	P	
Distilleries, Alcohol	S						S	S	P	P	
Distribution Centers And Freight Terminals									P		X
Electric Utility Substations	S	S	S	S	S	S	S	P	P	P	

<i>Industrial, Warehousing, Transportation, & Utility Uses</i>	RA	RL	RM	RH	OI	CB	GB	HB	GM	LI	PS
Electronics Manufacturing									S		
Feed And Flour Mills	S								S		
Food Processing and Manufacturing									P	S	X
Furniture Manufacturing									P	S	
Junkyards, Salvage Yards, Recycling Operations And Similar Uses									S		X
Landfill (Construction, Demolition, Land Clearing & Inert Debris)	S								S		
Landfill (Sanitary)	S								S		
Laundry and Dry Cleaning, Industrial									S	S	
Machine and Welding Shops								S	P	P	
Manufacturing, Processing, & Assembly, Other (Inside Fully Enclosed Building with no Off-Site Industrial Process Impacts)									P	P	
Manufacturing, Processing, & Assembly, Other (Outside of an Enclosed Building, or which Creates Off-Site Industrial Process Impacts)									S		
Metal Products Manufacturing / Foundries									S		
Mining & Quarrying Operations	S								S		X
Painting and Lacquering Operations									S		
Paper Product Manufacturing											
Power Generation/Production Facilities (Excluding Wind and Solar)									S		
Power Generation/Production, Solar (Solar Farms)	S								S	S	
Power Generation/Production, Wind (on the same parcel as an agricultural or industrial use – single turbine under 150 feet in total height)	S								S		
Power Generation/Production, Wind (Wind Farms / Multiple Turbines)	S										
Printing, Industrial									P	S	

Refineries, Chemical and Petroleum Products												
<i>Industrial, Warehousing, Transportation, & Utility Uses</i>	RA	RL	RM	RH	OI	CB	GB	HB	GM	LI	PS	
Sawmills									S			
Septic Tank Service and Repair							S	S	P	P		
Solid Waste Transfer Station									S			
Smelting Operations												
Stone Products Processing and Manufacturing									S			
Textile and Apparel Manufacturing									P			
Tobacco Manufacturing									P			
Truck Stops							S	S	P	P		
Vehicle Storage Yard (Operable Vehicles)								S	P	P		
Warehouses, Self-Storage							S	S	P	P		
Warehouses, Hazardous or Flammable Material									S			
Warehouse Uses (excluding Self Storage Warehouses and Hazardous or Flammable Material)								P	P	P		
Wastewater Treatment Plants	P	P	P	P	P	P	P	P	P	P		
Water Storage Tanks and Towers	P	P	P	P	P	P	P	P	P	P		
Water Treatment Plants	P	P	P	P	P	P	P	P	P	P		
Wireless Telecommunications Towers	S						S	S	S	S	X	
Wood Product Processing and Manufacturing (Excluding Paper Products)									S			

6.4 Accessory Uses

6.4.1 Permitted Accessory Uses

Accessory uses are permitted in conjunction with permitted principal uses. To be classified as an accessory use, the proposed use must meet the following standards:

- (A) The proposed use is clearly incidental to the principal use with which it is associated;
- (B) The proposed use is customarily associated with the principal use with which it is associated;
- (C) The proposed use is subordinate in the principal use, meaning that it would not be established without the presence of the permitted principal use;
- (D) The use contributes directly to serving an identifiable need of the permitted principal use; and
- (E) The use is located on the same lot as the permitted principal use with which it is associated.

6.4.2 Prohibited Accessory Uses

Uses which do not meet the standards of Section 6.4.1 above shall be prohibited. In no case shall an accessory use be established prior to the establishment of the permitted principal use on the property on which it is proposed.

6.4.3 Accessory Use of Residences for Customary Home Occupations

The accessory use of residential dwellings for customary home occupations shall be permitted subject to the standards of 6.4.1(A) and the following:

- (A) Such use shall be conducted entirely within a dwelling used for residential purposes, except that in the RA District, customary home occupations may be established within a permitted accessory structure.
- (B) The area of the dwelling used for the customary home occupation may not exceed twenty-five percent (25%) of the gross floor area of the dwelling or five-hundred square feet (500ft²), whichever is less.
- (C) Where permitted, an accessory structure used for a customary home occupation may not exceed two-hundred percent (200%) of the gross floor area of the residence with which it is associated, or two-thousand square feet (2,000ft²), whichever is less.
- (D) No more than one (1) employee, other than immediate family members residing in the dwelling may be employed or otherwise engaged in the

customary home occupation.

- (E) The exterior of the structure shall not be altered to accommodate the customary home occupation.
- (F) Retail sales associated with a home occupation are prohibited, with the exception of art, crafts or similar products that are produced on the premises in association with the customary home occupation.
- (G) The outdoor storage of equipment, stock or other materials used in conjunction with the home occupation is prohibited, with the exception of one (1) licensed motor vehicle used in conjunction with the business.
- (H) The customary home occupation may not be open to clients or customers between the hours of 6:00PM and 8:00AM.
- (I) No part of a residential dwelling may be rented or leased for the purpose of establishing a nonresidential use of the property.

6.4.4 Compliance with UDO Requirements

Accessory uses shall be in compliance with all other relevant standards of this Ordinance.

6.5 Temporary Uses

6.5.1 Permitted Temporary Uses

Temporary uses, events and business activities shall be permitted within districts in which uses of a similar type or character are permitted by-right, subject to the following limitations:

- (A) Temporary use permits are limited to a maximum duration of thirty (30) consecutive days on an individual property within the Town's jurisdiction.
- (B) Upon cessation of a temporary use in a particular location, it shall not be reestablished within one (1) mile of the property on which it was located until a period of sixty (60) days has elapsed from the time of cessation of the use.
- (C) No person, firm, corporation or other entity may have more than one (1) active temporary use permit at a particular time.
- (D) Temporary uses shall be subject to all relevant parking and access standards established in the Ordinance, and shall not impair or diminish access or the amount of parking required for an existing permanent use on the property upon which it is located, unless the amount of remaining parking is sufficient

to meet the minimum parking requirements of the UDO.

- (E) No more than one (1) temporary use is permitted on the same property at a given time.
- (F) Uses that are prohibited within a Base District or permitted only with a **Special Conditional** Use Permit, shall not qualify as a permitted Temporary Use.

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ARTICLE 7 SUBDIVISION STANDARDS

7.1 Purpose

These standards are established for the purpose of promoting the orderly subdivision and development of land within the jurisdiction of the Town of Pilot Mountain through the regulation of the design of subdivisions. Furthermore, these standards are adopted for the purpose of coordinating streets and other transportation facilities with the existing and planned street network, the extension and provision of utility services to subdivided properties, and to create conditions essential to the health, safety and general welfare of the town and its residents.

7.2 General Requirements

7.2.1 Consistency with Adopted Plans

Each subdivision shall be designed and developed in a manner that is consistent with adopted plans having applicability to the area in which the proposed subdivision is located with regard to planned public facilities, including streets, sidewalks, utility infrastructure, parks, schools and similar facilities.

7.2.2 Subdivision Naming Standards

Proposed subdivisions shall be given a distinct name which does not duplicate, nor closely approximate, the name of any other existing subdivision within Surry County.

7.2.3 Street Names

Where existing streets are extended by the subdivision of land, the extended street shall have the same name of the street from which it was extended. Newly created streets shall be given names which do not duplicate, nor phonetically approximate, the names of existing streets within Surry County.

7.2.4 Placement of Monuments

Unless otherwise specified, the Standards of Practice for Land Surveying as adopted by the North Carolina Board of Examiners for Engineers and Surveyors, under the provisions of Title 21 of the North Carolina Administrative Code, Chapter 56 (21 NCAC 56), shall apply when conducting surveys for subdivisions, to determine the accuracy for surveys and placement of monuments, control corners, markers, and property corner ties; to determine the location, design, and material of monuments, markers, control corners, and property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.

7.3 Design Standards

7.3.1 Lot Design

(A) Lot Frontage

Each lot shall abut and have direct access to a public street right-of-way, unless otherwise expressly permitted.

(B) Dimensional Standards

Lots shall comply with all dimensional standards (area, width, depth etc.) as established for each Zoning District in Section 8.2, Dimensional and Density Standards. Lots that do not have access to public water or wastewater service may be required to meet a larger minimum lot size in order to accommodate the on-site provision of those services.

(C) Through Lots (Double Frontage Lots)

Through lots shall be prohibited in all residential zoning districts, except in those cases where one of the property lines adjoins a street or highway that is external to the subdivision or topography dictates the creation of such lots. In such cases, no driveway access shall be permitted to the external street or highway.

(D) Minimum Buildable Area

Each lot shall be designed in a manner which provides a minimum of two-thousand square feet (2,000ft²) of contiguous buildable area that is unencumbered by any environmental limitations to the development of the lot. Such area shall be located wholly within the envelope established by the required setbacks as set forth in Article 8.2, Dimensional and Density Standards.

(E) Lot Lines

Lot lines shall be designed to join each other at angles as close as practicable to ninety (90°) degrees.

(F) Flag Lots

Flag lots (lots connected to the adjoining public right-of-way by a narrow strip of land) are prohibited.

(G) Reverse Frontage Lots

Reverse frontage lots (lots fronting along the narrow axis of a block) are prohibited.

(H) Lots on External Streets

Lots within proposed subdivisions containing ten (10) or more residential building lots shall be designed so that they front upon and take access from a street that is internal to the proposed subdivision. Such lots shall not be permitted to have driveway access to an external street. This requirement shall only apply to proposed subdivisions that are located on a street classified as a Major Collector or higher classification according to the NCDOT functional classification system, or where the annual average daily traffic on the external street exceeds five-thousand (5,000) vehicles per day.

7.3.2 Block Design

The lengths, widths and shapes of blocks within a subdivision shall be designed with due regard to adequate building sites suitable for the needs of the type of use contemplated; zoning requirements; needs for vehicular and pedestrian traffic circulation; control and safety of street traffic; limitations and opportunities of topography, and convenient access to utilities.

7.3.3 External Connectivity

Subdivisions shall be designed in a manner that provides the greatest possible degree of connectivity with the external street network in accordance with the following minimum standards:

(A) Open Access Required

All subdivisions must provide street access that remains permanently open to the public and provides community-wide access as part of an overall interconnected street network.

(B) Minimum External Connectivity

At a minimum, each subdivision shall provide the number of external street connections as required by the North Carolina Fire Code and its appendices as adopted by the Town of Pilot Mountain.

(C) Street Extensions

Where existing public streets either abut the external boundary or form a "T" intersection across a public right-of-way from a proposed subdivision, such streets shall be extended into the proposed subdivision and incorporated into the internal subdivision street network where such extensions are feasible based upon the topographic and hydrological features found on the property to be subdivided.

(D) Stub Street Connections

(1) Each subdivision shall provide a minimum of one (1) stub street

connection to each adjoining undeveloped property that is greater than or equal to ten (10) acres in size.

- (2) Stub streets shall be constructed to the adjoining property line and barricaded until such time that the adjoining property is developed.
- (3) Signage indicating the presence of a future street connection shall be erected at the end of each stub street.
- (4) Stub streets shall not be required where topographic or hydrologic conditions make such connections impractical along the entire adjoining property line or where such future connection would provide direct access into a residential subdivision from a property that is zoned for primarily nonresidential use.

7.3.4 Internal Connectivity

Subdivisions shall be designed in a manner that provides the greatest possible degree of internal street connectivity in accordance with the following minimum standards:

- (A) The length of internal street mileage comprised of cul-de-sac streets and similar dead end street types shall not exceed fifteen percent (15%) of the internal street mileage of the subdivision. Streets stubbed to adjoining property lines shall not be considered to be dead end streets.
- (B) Cul-de-sac streets and similar dead end streets shall not exceed one-thousand (1,000') feet in length as measured from the right of-way of the street providing access to it. Streets stubbed to adjoining property lines shall not be considered to be dead end streets.
- (C) Cul-de-sac streets and similar dead end streets shall not be constructed where they would take access from cul-de-sac street or similar dead end street. Streets stubbed to adjoining property lines shall not be considered to be dead end streets.
- (D) Internal connectivity standards may be waived by the Technical Review Committee in those cases where topography does not permit a sufficient number of internal street connections or the shape of the property is such that only a single road may be constructed to serve the internal lots.

7.4 Required Improvements

The improvements outlined in this Section are the minimum infrastructure improvements required to be either completed or guaranteed prior to the approval of a Final Plat. All

infrastructure improvements shall be the responsibility of the developer, unless otherwise explicitly noted.

7.4.1 Streets

(A) Public Streets Required

All streets constructed as part of a subdivision, with the exception of a permitted Family Subdivision, shall be public and shall be indicated as such on the Final Plat. Such indication shall be presumed to be an offer of dedication of the streets to the Town of Pilot Mountain or NCDOT, as applicable.

(B) Design and Construction

Streets shall be designed and constructed in accordance with the standards and specification established in the most recent version of the *NCDOT Subdivision Roads Minimum Construction Standards Manual*. Streets within the corporate limits of the town shall be designed in accordance with the above referenced standard and constructed in accordance with the standards and specifications established in the *Town of Pilot Mountain Infrastructure Specifications Manual*.

(C) Non-connecting Streets

The ends of all permanent non-connecting streets shall include a cul-de-sac bulb. Temporary non-connecting streets, such as stub streets to adjacent properties, shall be constructed with a turnaround area in accordance with the *Town of Pilot Mountain Infrastructure Specifications Manual*.

(D) Curbing and Gutters

All streets, with the exception of new streets within the RA District, shall be designed and constructed with curbing and gutters in accordance with the standards and specifications of the *NCDOT Subdivision Roads Minimum Construction Standards Manual* or the *Town of Pilot Mountain Infrastructure Specifications Manual*, as applicable.

(E) Sidewalks

- (1)** Sidewalks shall be installed within the public street right-of-way on both sides of all newly constructed streets, unless otherwise exempted below.
- (2)** Sidewalks shall be installed on at least one side of all newly constructed streets which front and/or provide driveway access to residential lots within the interior of subdivisions in the RL district subject to the

following additional standards.

- i. Where sidewalks are installed on only one side of a street, the sidewalk shall continue along the selected side for the length of the street.
 - ii. Where installation on only one side of a street is chosen, the sidewalk shall be located on the side of the street which has the greatest number of intersecting streets, if applicable.
 - iii. Where a sidewalk is constructed on only one side of a cul-de-sac street, the sidewalk shall terminate at the point at which the radius of the cul-de-sac bulb begins.
- (3) Sidewalks shall be designed and constructed in accordance with the *Town of Pilot Mountain Infrastructure Specifications Manual*.
- (4) The Technical Review Committee may waive the requirements of this section where topography does not permit the installation of a sidewalk.

(F) Guardrails

Guardrail shall be installed along all sections of streets that meet the standard for a guardrail warrant as specified in the most recent version of the *NCDOT Roadway Design Manual*. Guardrails shall be designed and installed in accordance with the most recent NCDOT standard specifications for guardrail design and installation.

(G) Signage

Street name signs shall be installed in accordance with the standards and specifications of the *Town of Pilot Mountain Infrastructure Specifications Manual*. Regulatory signage shall be installed in accordance with the *Manual on Uniform Traffic Control Devices*.

(H) Drainage

Stormwater drainage facilities shall be designed and installed in accordance with the standards and specifications of the *NCDOT Subdivision Roads Minimum Construction Standards Manual* or the *Town of Pilot Mountain Infrastructure Specifications Manual*, as applicable.

7.4.2 Utilities

(A) Water Supply Infrastructure

- (1) Each lot within a proposed subdivision within the municipal limits shall

be connected to the municipal water system.

- (2) All public water infrastructures shall be installed in accordance with the standards and specifications of the *Town of Pilot Mountain Infrastructure Specifications Manual*.
- (3) The extension of the Town's municipal water system to serve a new subdivision shall require the developer to obtain a three-party extension permit from NCDEQ, with the Town named as a party to the permit.
- (4) Where extensions of the municipal water system are made, water supply infrastructure shall be designed and installed in accordance with the standards of the NC Fire Code and its appendices as adopted by the Town of Pilot Mountain to ensure that the subdivision has adequate access to water and associated infrastructure for fire protection purposes.

(B) Wastewater Infrastructure

- (1) Each lot within a proposed subdivision shall be connected to the Town of Pilot Mountain's public wastewater collection system.
- (2) All public wastewater infrastructures shall be installed in accordance with the standards and specifications of the Town of Pilot Mountain.

(C) Stormwater Infrastructure

Necessary stormwater infrastructure, in addition to stormwater drainage infrastructure associated with the street system, shall be designed and installed in conformance with the standards and specifications established in the Town of Pilot Mountain infrastructure standards.

(D) Wire Utilities

All wire utilities (electric, telephone, cable, fiber optic, etc.) shall be installed underground within subdivisions. Associated infrastructure, such as switches, transformers and similar equipment may be installed above ground. The requirements of this section shall not apply to subdivisions within the RA district or to situations where the depth to rock is sufficiently shallow throughout the subdivision so as not to permit the installation of such utilities in a manner that corresponds to industry standards for the particular type of utility.

7.5 Common Elements

When common elements, such as common open space, recreational facilities or similar features are included within a subdivision, a property owner’s association shall be established to manage and maintain such elements. Associations shall be established in accordance with Chapter 47F of the North Carolina General Statutes (the North Carolina Planned Community Act). The Town of Pilot Mountain shall have no responsibility for the maintenance or upkeep of any common element within a subdivision.



ARTICLE 8 DEVELOPMENT STANDARDS

8.1 General Dimensional Standards

8.1.1 Minimum Lot Area

Each lot shall contain the minimum area for the zoning district, use of the lot, and proposed density, if applicable, as established in Section 8.2.

8.1.2 Measurement of Lot Area

The area of a lot is equal to the area contained within all established property lines. In no case shall portions of a platted lot that extend into a street right-of-way be included in the calculation of lot area.

8.1.3 Minimum Dimensional Standards

Each lot shall meet the minimum dimensional standards for width and depth as established in Section 8.2.

8.1.4 Measurement of Lot Dimensions

(A) Lot Depth

Lot depth is measured along an imaginary straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line.

(B) Lot Width

Lot width is the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

8.1.5 Minimum Setbacks for Principal Structures

All principal structures shall observe the minimum street, side and rear setbacks as established in Section 8.2.

8.1.6 Measurement of Setbacks

Setbacks shall be measured from the front, side and rear property lines to the point of the structure nearest to the applicable property line, with the exception of street setbacks in the CB district, which shall be measured from the back of the curb as it exists at the time of construction of a new structure or the addition to or alteration of an existing structure in the district.

8.1.7 Prevailing Street Setbacks

In the RM and RH districts, new residential structures shall observe the prevailing street setback of existing residential structures on the same side of the block where the new residential structure is proposed. Such setback shall be determined by measuring the street setback of the two (2) closest existing residential dwellings on the same side of the block as the dwelling to which the prevailing setback is being applied. The prevailing street setback shall be established as the average of the two measurements, and the structure to which it is being applied shall have a minimum of fifty percent (50%) of its front wall plane built within three (3') feet of the prevailing setback, provided that when the prevailing setback is at least as deep as the minimum required street setback, no portion of the structure may encroach into the street setback unless otherwise expressly permitted.

8.1.8 Permitted Encroachments into Required Setbacks

(A) Unenclosed Porches

An unenclosed porch, having three open sides and a roof, shall be permitted to encroach up to six (6') feet into a required street setback along up to thirty-five percent (35%) of the width of the wall of the structure from which it projects.

(B) Roof Overhangs

A roof overhang of up to twenty-four (24") inches is permitted into a required side setback.

(C) Residential Handicap Ramps

A residential handicap ramp shall be permitted to encroach into a required street and/or side setback up to fifty percent (50%).

8.1.9 Height Limitations

Principal structures shall not exceed the maximum height limits established in Section 8.2, unless otherwise expressly permitted.

8.1.10 Measurement of Height

The height of a structure shall be measured from the finished grade adjacent to the structure at its central point along the front building line to the highest point of the coping of a flat roof or to the mean height level between the eaves and ridge of a pitched roof.

8.1.11 Exceptions to Height Limitations

Chimneys, steeples, communication antennas, spires, and similar unoccupied structures or architectural features may exceed the maximum height limit for the district in which it is located by a maximum of twenty-five (25') feet, or as otherwise explicitly allowed by the UDO.

8.2 Dimensional and Density Standards by District

This Section establishes the minimum dimensional and density standards for each base zoning district.

District	Minimum Lot Size		Minimum Yard Size			Maximum Height
	Square Feet per Dwelling Unit	Lot Width at Building Line	Front	Side	Rear	
RA, Residential – Agricultural						
Without either public water or sewer	30,000	100	30	10 ²	20	35
With public water	20,000	100	30	10 ²	20	35
With public water and sewer	20,000	100	30	10 ²	20	35
RL, Residential – Low Density						
Without either public water or sewer	30,000	80	30	10 ²	20	35
With public water	20,000	80	30	10 ²	20	35
With public water and sewer	15,000	80	30	10 ²	20	35
RM, Residential – Medium Density	8,000	70	20	8 ²	20	35
RH, Residential – High Density	5,445	60	15	8 ²	20	50
CB, Central Business	—	—	—	—	---	50
GB, General Business	—	—	30	3 ²	20	50
HB, Highway Business	---	---	15	3 ²	20	50
OI, Office & Institutional	---	---	20	10 ²	20	50
GM, General Manufacturing	—	100	50	20 ²	25	50
LI, Light Industrial	—	100	50	20 ²	25	50
NOTES TO TABLE						
² - Corner lot add ten additional feet on the side street, not to exceed minimum front setback.						

8.3 Accessory Structures

8.3.1 Residential Accessory Structures

The following standards shall apply to all accessory structures on lots used for residential purposes.

(A) Location

Residential accessory structures may only be established behind the front building line of the residential structure with which they are associated. This standard shall not apply to residential accessory structures on lots exceeding two (2) acres in size in the RA & RL zoning districts, provided that the structure is setback a minimum of one-hundred (100') feet from front property line.

(B) Setbacks

All residential accessory structures shall be set back a minimum of eight (8') feet from all side and rear property lines.

(C) Height

(1) Residential accessory structures shall not exceed the height of the principal structure with which they are associated. This standard shall not apply to unenclosed canopies for the parking of recreational vehicles or to agricultural support structures in association with an established agricultural use. In no case, however, shall a residential accessory structure exceed the maximum height limit for principal structures in the district in which it is located.

(2) Residential accessory structures exceeding twenty (20') feet in height shall be set back from property lines by an additional one (1') foot for each foot of height exceeding twenty (20') feet.

(D) Minimum Separation

(1) Residential accessory structures shall be separated from principal structures and other accessory structures by a minimum of five (5') feet.

(2) Accessory structures exceeding twenty (20') feet in height shall be separated from all other structures by an additional one (1') foot for each foot of height exceeding twenty (20') feet.

8.3.2 Nonresidential Accessory Structures

The following standards shall apply to all accessory structures on lots used for nonresidential purposes. Accessory structures associated with industrial uses shall comply only with the minimum setback requirements.

(A) Minimum Separation

Nonresidential accessory structures shall be separated from principal structures and other accessory structures by a minimum distance of eight (8') feet.

(B) Minimum Setbacks

Nonresidential accessory structures shall meet the minimum setback requirements of the district in which they are located.

(C) Height

Nonresidential accessory structures shall not exceed the height of the principal structure with which they are associated.

(D) Architectural Design

Nonresidential accessory structures shall comply with the architectural design guidelines that are applicable to the principal structure with which they are associated and shall be designed in a manner that is substantially similar to the principal structure with which they are associated.

8.4 Off-Street Parking, Loading and Stacking

8.4.1 Applicability

Unless otherwise explicitly exempted, all uses shall provide off-street parking in accordance with the standards of this section.

8.4.2 Minimum Parking Requirements

All uses shall provide the minimum number of off-street parking spaces as established in this Subsection.

(A) Exemption

Uses in the CB district, with the exception of assembly, lodging and educational uses, shall be exempt from the minimum parking requirements.

(B) Cumulative Requirements

The minimum parking requirements for a site or structure with multiple uses shall be the cumulative total number of spaces for each individual use.

(C) Shared Parking

Uses on a single site may share up to ten percent (10%) of their minimum required parking with other uses on the site or within the structure to meet the cumulative minimum parking requirement.

(D) Minimum Standards for Certain Uses

The following table establishes the minimum off-street parking requirements for certain uses. Uses not listed in the table shall comply with the provisions of 8.4.2 (E).

Use Type	Minimum Parking Standard
Agricultural	No minimum
Residential	2 per dwelling unit
Assembly	0.25 times maximum occupancy
Professional Office	1 per 300 square feet
Retail (up to 50,000 sq. ft.)	1 per 400 square feet of customer contact area
Retail (over 50,000 sq. ft.)	1 per 500 square feet of customer contact area
Restaurant	1 per 4 seats
Industrial / Transportation / Utility	No minimum
Recreation (indoor)	0.25 times maximum occupancy
Wholesale	No minimum
Lodging	1.25 per room

(E) Minimum Parking for Unlisted Uses

Uses which are not listed in the preceding table shall provide parking at a rate of one (1) space per three-hundred square feet (300ft²) of gross floor area.

(F) Alternative Minimum Parking Standard

Unlisted uses, whose needs are lower than the established minimum in (E) above, may provide parking at a lower rate provided that a parking needs analysis is prepared and sealed by a registered professional engineer, and submitted to the Ordinance Administrator and submitted as part of the application for development approval. Such analysis shall be consistent with the methodologies used in the preparation of the latest edition of the Institute of Transportation Engineers Parking Generation publication.

8.4.3 Maximum Parking Standards

(A) Applicability

These standards shall apply to all uses for which a greater number of parking spaces are proposed than are required by this Section.

(B) Exemptions

The following are exempt from the maximum parking requirements:

- (1)** Single unit dwellings on individual lots
- (2)** Uses providing ten (10) or fewer parking spaces

(C) Maximum Parking Ratio

No more than 150% of the minimum number of required parking spaces shall be provided unless a parking needs analysis has been prepared and submitted in accordance with (D) below. Handicapped accessible spaces shall be excluded from determining the maximum permitted parking ratio.

(D) Alternative Maximum Parking Standard

The maximum parking standard may be exceeded provided that a parking needs analysis is prepared and sealed by a registered professional engineer, and submitted to the Ordinance Administrator and submitted as part of the application for development approval. Such analysis shall be consistent with the methodologies used in the preparation of the latest edition of the Institute of Transportation Engineers Parking Generation publication.

(E) Enhanced Landscaping Required

All uses which exceed the maximum parking ratio shall provide 120% of the required number trees for interior parking lot landscaping as set forth in Section 8.8 of the UDO.

8.4.4 Parking Lot Design Standards

The following standards shall apply to the design of all off-street parking areas with the exception of parking areas associated with single-family residential uses.

(A) Location

- (1)** No more than two (2) parking aisles is permitted between the front building line and the fronting right-of-way. On corner lots, this standard shall apply to each street frontage.
- (2)** Off street parking areas for nonresidential uses shall not be allowed in any residential districts except in conjunction with a permitted nonresidential use in that district.

(B) Parking Lot Surface

All off-street parking areas shall be paved with asphalt or concrete. All surfaces shall be designed and constructed so that the pavement thickness and supporting base material are of a depth and composition that is necessary to support the type of use that each portion of a parking area is designed for.

(C) Curbing Required

All off-street parking areas containing more than twenty (20) spaces shall provide concrete curbing around the entire perimeter of the parking area.

(D) Wheel Stops

All parking spaces that are not adjacent to curbing shall be provided with anchored wheel blocks having a minimum height of four (4") inches.

(E) Backing Movements Prohibited

Parking areas shall be designed in a manner that prevents vehicles from backing directly into a street.

(F) Dimensional Standards

- (1)** Each parking space shall have a minimum width of nine (9') feet and a minimum length of eighteen (18') feet.
- (2)** Up to fifteen percent (15%) of the total number of off street parking spaces provided may be designed for compact cars. Such spaces may have a width of 7.5 feet. Where provided, such spaces shall be clearly identified for compact car use only by the use of pavement markings and/or signs.
- (3)** Drive aisles within parking areas shall have a minimum width of twelve (12') feet for one-way drive aisles and twenty-four (24') feet for two-way drive aisles.

(G) Accessible Parking

Handicapped accessible parking spaces shall be provided in such locations, quantities and sizes as to meet the minimum standards of the North Carolina Building Code.

(H) Striping and Marking

- (1)** Each parking space shall be striped in accordance with the dimensional standards of this Section.
- (2)** Pavement markings shall be installed in sufficient quantities, types and

locations to adequately direct traffic and regulate parking.

- (3) Materials used to stripe and mark parking areas shall be sufficiently durable to resist wear from the expected level of use of the parking lot.
- (4) Striping and markings which become worn or faded shall be replaced or rehabilitated promptly to ensure their visibility.

8.4.5 Stacking

Uses which provide drive-through or drive-up service shall provide vehicular stacking in accordance with the following standards:

(A) Restaurants

Restaurants shall provide a minimum of eight (8) stacking spaces.

(B) Car Washes

- (1) Manual, self-service, car wash bays shall provide a minimum of one (1) stacking space for each bay.
- (2) Automatic car washes shall provide a minimum of two (2) stacking spaces for each drive-through lane.
- (3) Full service car washes shall provide a minimum of ten (10) stacking spaces for each drive-through lane.

(C) Banks

A minimum of three (3) stacking spaces shall be provided for each full-service teller lane or automatic teller machine.

(D) Automobile Fueling Stations

Automobile fueling stations shall provide a minimum of one (1) stacking space on each end of an island containing fuel pumps.

(E) Other

All other drive-through or drive-up uses shall provide a minimum of three (3) stacking spaces for each lane, window or bay.

8.4.6 Loading

Where provided, loading spaces shall be designed and located in such a manner that they do not interfere with vehicular circulation or obstruct access to a customer entrance, sidewalk, parking space or solid waste storage area.

8.5 Driveways and Site Access

8.5.1 Driveway Separation

- (A) Nonresidential lots shall be permitted to have a single driveway access point to any adjoining right-of-way unless otherwise explicitly allowed.
- (B) Lots having a frontage of greater than three-hundred (300') feet along a particular right-of-way may have two (2) driveway access points, provided that one (1) of the access points is a signalized intersection and the other access point allows only right turning movements into and out of the site.
- (C) In no case shall driveways serving nonresidential development be located within fifty (50') feet of another nonresidential driveway unless this prohibition would deny direct street access to a site, in which case the separation shall be the maximum necessary to allow access.

8.5.2 Driveway Design

Driveways shall be designed and installed in accordance with NCDOT standards or the provisions contained in the *Town of Pilot Mountain Infrastructure Manual*, as applicable.

8.6 Pedestrian Infrastructure

8.6.1 Applicability

The standards of this Section shall apply only to nonresidential and multi-family developments.

8.6.2 Perimeter Sidewalks

Where no sidewalk exists in the public right-of-way adjoining a development site, a public sidewalk designed and installed to the standards of NCDOT or the *Town of Pilot Mountain Infrastructure Manual*, as applicable, shall be installed along the right-of-way adjoining the site.

8.6.3 Sidewalks

An integrated pedestrian network consisting of sidewalks and paths that are separated from parking and drive aisles shall be installed within the interior of each development site. Such sidewalks and paths shall connect the principal structure(s) on the site to the exterior pedestrian network, parking areas, each structure on the site and to sidewalks on adjoining nonresidential sites.

8.7 Landscaping and Buffering

8.7.1 Standards for Landscaping Materials

The following minimum standards shall apply to all landscaping materials installed to comply with the requirements of this Section.

(A) Trees

- (1) All trees planted to satisfy the requirements of this Section shall have a minimum caliper of 1.5 inches and be a minimum of eight (8') feet in height at the time of planting. Where multi-stem trees are proposed, such trees shall have a minimum of three (3) stems and be a minimum of eight (8') feet in height at the time of planting.
- (2) Canopy trees shall have a minimum mature height of thirty (30') feet.
- (3) Understory trees shall have a mature height of less than thirty (30') feet.
- (4) Only understory trees may be utilized when tree planting is required within twenty (20') linear feet of overhead utility lines.
- (5) Excluding street trees, no more than forty percent (40%) of the trees installed on a particular development site shall be of the same species.
- (6) All trees must comply with the American Standard for Nursery Stock, published by the American Nursery and Landscape Association.

(B) Shrubs

- (1) All shrubs planted to satisfy the requirements of this Section shall have a minimum height of eighteen (18") inches at the time of installation and shall have a minimum mature height of thirty-six (36") inches.
- (2) All required shrubs within buffer planting areas shall be evergreen.
- (3) A minimum of sixty percent (60%) of the shrubs installed within each required landscaping area shall be evergreen.
- (4) No more than twenty-five (25%) of the shrubs installed on a particular development site shall be of the same species.
- (5) All shrubs shall comply with the American Standard for Nursery Stock, published by the American Nursery and Landscape Association.

8.7.2 Approved Planting Types

All required tree and shrubbery plantings shall be selected from the Approved Planting List in Appendix C of the UDO.

8.7.3 Credit for Existing Vegetation

Existing vegetation located within the boundaries of required landscaping or buffering areas, or otherwise located in a manner that satisfies a planting requirement shall be counted toward the minimum requirements of this Section.

8.7.4 Multiple Use of Landscaping Plantings

Where landscaping material is installed in such a manner as to satisfy more than one landscaping or buffering requirement, such landscaping material may be counted toward the minimum standard for each requirement.

8.7.5 Maintenance

All landscaping materials installed to meet the requirements of this Section shall be maintained in good condition in perpetuity, including proper pruning and irrigation. Dead or diseased landscaping material shall be removed and replaced during the next planting season when such material may be successfully installed.

8.7.6 Street Trees

The standards of this Subsection shall apply to all newly developed streets as well as to existing street frontages where new development is proposed. This shall not apply to the construction of a single-family dwelling on an individual lot on a street that was in existence prior to the division of the lot.

- (A)** Street trees shall be planted along all street right-of-way at a rate of one (1) canopy tree or two (2) understory trees per forty (40') linear feet of street frontage. Canopy trees and understory trees may not be mixed along a street frontage.
- (B)** Street trees shall be within fifteen (15') feet of the right-of-way. Their location may be modified to avoid locations where such planting would be prohibited by an easement recorded prior to the development or subdivision of the land.
- (C)** Where practical, street trees shall be installed between the sidewalk and the curb to buffer pedestrians from traffic.
- (D)** The spacing of tree plantings may vary, provided that trees shall be installed with a minimum horizontal separation of fifteen (15') linear feet.

8.7.7 Parking Lot Landscaping

The standards of this section shall apply to all off-street parking areas containing ten (10) or more automobile parking spaces.

(A) Minimum Shading Requirements

- (1) A minimum of one (1) tree is required to be planted per ten (10) parking spaces provided.
- (2) At least fifty percent (50%) of the required trees shall be planted within landscaped islands or medians located in the interior of the parking lot.
- (3) Each parking space shall be located within sixty (60') feet of the trunk of a required canopy tree.

(B) Planting Islands

- (1) Planting islands shall have a minimum area of three-hundred square feet (300ft²), and shall have a minimum width of eight (8') feet.
- (2) Planting islands shall be installed at the end of each parking row.
- (3) No more than ten (10) parking spaces may be located between planting islands.
- (4) Planting islands shall contain a minimum of one (1) understory tree.

(C) Medians

- (1) A landscaped median shall be provided between every six (6) single rows of parking and along all entrance drives into a parking area.
- (2) Medians shall have a minimum width of six (6') feet and run the length of the parking row between the terminal planting islands.
- (3) Medians shall contain a minimum of one (1) evergreen shrub per four (4') linear feet and one (1) understory tree per forty (40') linear feet.

(D) Parking Lot Perimeter Landscaping

- (1) A planting strip with a minimum width of five (5') feet shall be established along each external boundary of a parking lot to provide low level screening.
- (2) The perimeter landscaping area shall be planted with evergreen shrubberies that are distributed in a manner so as to provide an opaque screen of the parking area to a height of three (3') feet at maturity.

(3) Trees may be planted in perimeter planting strips to satisfy the minimum shading requirements.

(E) Live Groundcover Required

Parking lot landscaping areas shall be planted with live groundcover, except that up to thirty (30%) percent of the planting area may be covered with mulch, brick chips, stone or similar landscape materials.

8.7.8 Foundation Plantings

Foundation plantings shall be required along all primary and secondary building walls which are not directly adjacent to a sidewalk or pedestrian walkway. This standard shall not apply to buildings in the CB district which are constructed to the applicable build-to line.

(A) Foundation planting areas shall extend a minimum of six (6') feet from the building wall.

(B) Foundation planting areas shall contain a minimum of one (1) understory tree and six (6) shrubs per fifty (50') linear feet of building wall that does not directly abut a sidewalk.

8.7.9 Buffer Yards

(A) Buffer Yard Types

(1) Type 1 Buffer

Type 1 Buffers shall have a minimum width of ten (10') feet, and shall be planted with four (4) understory trees and twenty (20) shrubs per one-hundred (100') linear feet.

(2) Type 2 Buffer

Type 2 Buffers shall have a minimum width of twenty (20') feet, and shall be planted with two (2) canopy trees, four (4) understory trees and 35 shrubs per one-hundred (100') linear feet.

(3) Type 3 Buffer

Type 3 Buffers shall have a minimum width of thirty (30') feet, and shall be planted with four (4) canopy trees, four (4) understory trees and fifty (50) shrubs per one-hundred (100') linear feet.

(B) Installation Location

Required buffers shall be installed along the length of side and rear property lines. Buffers shall extend perpendicularly from the property line into the interior of the site which is required to provide the buffer. Buffer yards

associated with single-family residential development shall be installed within a dedicated buffer easement.

(C) Use of Buffer Yards

Buffer yards may be used to provide pedestrian trails or walkways, stormwater detention and similar passive uses, provided that all required plantings can be installed. No structures, other than fences or walls, may be established in a buffer yard. Where a fence or wall is installed in a required buffer yard, it shall be set back from the property line a sufficient distance to permit all of the required shrubs and at least fifty percent (50%) of the required trees to be installed on the external side of the fence or wall, and to permit the maintenance of installed landscaping.

(D) Preservation of Undisturbed Vegetated Areas

Where an undisturbed vegetated area exists along a property line where a buffer yard is required, it may be substituted for the installation of a buffer yard if it meets the following:

- (1)** The undisturbed vegetated area is equal in width to the width of the required buffer yard type.
- (2)** The aggregate number and types of trees within the undisturbed vegetated area meets or exceeds the required number and types of trees for the required buffer yard.

(E) Required Buffers by District and Use

(1) RA, RL, RM and RH Districts

i. Major Subdivisions

A Type 1 Buffer Yard shall be established around the perimeter of a major subdivision containing residential uses when it is developed adjacent to an existing nonresidential use or multi-family development with more than twenty-four (24) dwelling units which does not have an established buffer yard. Only those property lines or portions of property lines adjacent to the qualifying development are required to provide the Type 1 Buffer Yard.

ii. Nonresidential and Multi-Family Uses

Nonresidential and Multi-Family uses permitted in the RA, RL, RM or RH districts shall provide a Type 2 Buffer Yard along all side and rear property lines that adjoin property that is zoned RA, RL, RM,

or RH, or which is used for residential purposes.

(2) OI District

- i. Development in the OI district shall provide a Type 1 Buffer along all property lines, or portions of property lines, that are adjacent to property in the RA, RL, RM, or RH district or adjacent to property which is used for single family residential purposes.
- ii. Development in the OI district shall provide a Type 1 Buffer along all property lines, or portions of property lines, which are adjacent to property in the CB, GB, HB, LI or GM districts which has been developed, but which does not have an established buffer yard.

(3) CB District

Development in the CB district is exempt from all buffer yard requirements.

(4) GB and HB Districts

- i. A Type 2 Buffer Yard shall be provided along all property lines, or portions of property lines, which are adjacent to property in the RA, RL, RM, or RH district or adjacent to property which is used for residential purposes.
- ii. A Type 1 Buffer Yard shall be provided along all property lines, or portions of property lines, which are adjacent to property in the OI district.
- iii. A Type 2 Buffer Yard shall be provided along all property lines, or portions of property lines, which are adjacent to developed property in the LI or GM districts which does not have an established buffer yard.

(5) LI and GM Districts

- i. A Type 3 Buffer Yard shall be provided along all side and rear property lines which are not adjacent to other properties within the LI or GM district.
- ii. A Type 2 buffer yard shall be installed along property lines which adjoin other properties in the LI or GM districts.

(F) Limited Access Highway Buffer

Side and rear property lines which run along the right-of-way of a limited access highway shall provide a Type 3 Buffer Yard along the right-of-way of the limited access highway.

8.8 Screening

8.8.1 Applicability

The standards of this Section shall apply to all nonresidential and multi-family developments consisting of more than four (4) attached dwelling units.

8.8.2 Loading Areas

- (A) Outdoor loading areas fifty square feet (50ft²) or larger not screened by an intervening building must be screened from view from adjacent property or public street right-of-way for their entire length.
- (B) Outdoor loading areas must be screened by a wall totaling eight (8') feet in height. Walls shall be compatible with the principal building in terms of material and color.

8.8.3 Service Areas

- (A) Trash collection, trash compaction, recycling collection and similar service areas shall be located to the side or rear of buildings and must be screened from view from adjacent properties and public street right-of-way (not including alleys).
- (B) Service areas shall be screened from three sides by a wall at least six (6') feet in height and on the fourth side by a solid gate at least six (6') feet in height. The gate and wall shall be maintained in good working order and shall remain closed except when trash pick-ups occur. The wall and gate shall be compatible with the principal building in terms of material and color.

8.8.4 Mechanical Equipment

(A) Exemptions

Free-standing or roof-mounted renewable energy systems are exempt from these screening requirements.

(B) Roof-Mounted Equipment

Roof-mounted equipment shall be screened from ground level view from adjacent property or adjacent public street right-of-way by a parapet wall or individual screening walls.

(C) Wall-Mounted Equipment

- (1) Wall-mounted equipment shall not be located on any wall plane that directly faces a public right-of-way (excluding alleys).
- (2) Wall-mounted equipment located on any surface that is visible from a public right-of-way (excluding alleys) must be fully screened by landscaping or an opaque screen compatible with the principal building in terms of material and color.

(D) Ground-Mounted Equipment

- (1) Screening for ground-mounted equipment shall be as high as the highest point of the equipment being screened.
- (2) Screening shall consist of landscaping or a wall that is compatible with the principal building in terms of texture, quality, material and color.

(E) Utility Service Areas

- (1) Utility service equipment located outside of the public right-of-way that exceeds thirty-six (36") inches in height and thirty-six (36") inches in any other dimension shall be screened.
- (2) Screening shall consist of landscaping or a wall that is compatible with the principal building in terms of material and color.

8.9 Fences and Walls

The regulations contained in this Section shall apply to all fences and walls erected in the Town of Pilot Mountain.

8.9.1 Material Restrictions

Fences and walls topped with concertina, razor and similar security wire are prohibited on any lot containing a residential use, and are prohibited on fences and walls located between the front property line and the front building line in all other districts, with the exception of each of the industrial districts. In no case shall a fence topped with concertina wire be located within ten (10') feet of a property line, sidewalk or street right-of-way. Such prohibition shall not apply to the use of standard barbed wire for agricultural uses.

8.9.2 Location Restrictions

Fences and walls shall not be erected within a street right-of-way, drainage easement or utility easement, or in any manner that interferes with the free flow of water.

8.9.3 Height Limits

- (A) Fences and walls located between the front property line and the front building line may not exceed four (4') feet in height as measured from the grade adjacent to the fence to the top of the highest point of the fence (including columns and posts). This provision shall not apply to retaining walls, or to fences and walls in the Industrial districts.
- (B) No fence or wall may exceed eight (8') feet in height as measured from the grade adjacent to the fence to the top of the highest point of the fence (including posts and columns). This provision shall not apply to retaining walls or walls erected for the purpose of screening in accordance with Section 8.9.

8.10 Outdoor Lighting

8.10.1 Applicability

- (A) These regulations do not apply to lighting installed in the public right-of-way by the Town of Pilot Mountain or another government agency.
- (B) The installation of site lighting, replacement of site lighting and changes to existing light fixture wattage, type of fixture, mounting or fixture location shall be made in strict compliance with the standards of this Section.
- (C) Routine maintenance, including changing the lamp, ballast, starter, photo control, fixture housing, lens and other required components, is permitted for all existing fixtures.

8.10.2 Light Level Measuring

- (A) Light levels are specified, calculated and measured in footcandles. All footcandles values are maintained footcandles.
- (B) Measurements are to be made at ground level, with the light-registering portion of the meter held parallel to the ground pointing up.

8.10.3 Prohibited Lighting Fixtures and Sources

The following light fixtures and sources are prohibited:

- (A) Cobra-head-type fixtures having dished or drop lenses or refractors.
- (B) Temporary searchlights and other high-intensity narrow-beam fixtures.

8.10.4 Design and Installation Requirements

- (A) The maximum light level of any light fixture may not exceed 0.5 footcandles measured at the property line of any Residential District and 2.0 footcandles measured at the right-of-way line of a street.
- (B) Lighting fixtures shall not be oriented so as to direct glare or excessive illumination onto adjacent properties, streets or sidewalks.
- (C) Electric service connections for all freestanding lighting fixtures must be installed underground.
- (D) Light fixtures within parking areas may be no higher than twenty (20') feet.
- (E) Light fixtures within pedestrian areas may be no higher than fifteen (15') feet.
- (F) Light fixtures located within fifty (50') feet of the property line of a property that is zoned or used for residential purposes may be no higher than fifteen (15') feet.
- (G) Floodlights or spotlights, whether freestanding or mounted to a building may not be used to illuminate a parking area.
- (H) All light fixtures shall be full cutoff style fixtures, with the exception of lighting installed to illuminate sports fields or outdoor performance areas (subject to the regulations of Section 8.10.6).

8.10.5 Vehicular Canopies

- (A) Lighting under vehicular canopies must be less than twenty-four (24) maintained footcandles and be designed to prevent glare off-site.
- (B) All vehicular canopy lighting fixtures shall be mounted flush with the underside of the canopy.

8.10.6 Outdoor Recreation Fields and Performance Areas

- (A) The mounting height of lighting fixtures cannot exceed fifty (50') feet from finished grade unless approved as a Conditional Use Permit.
- (B) All fixtures must be equipped with a glare control package, including louvers, shields or similar devices. The fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area.
- (C) Lights within one-hundred (100') feet of a residential dwelling cannot be illuminated after 10:00PM Sunday through Thursday and 11:00PM Friday

and Saturday.

8.10.7 Architectural Lighting

- (A) Architectural fixtures shall be selected, located, aimed and shielded so that direct illumination is focused exclusively on the building facade, landscape plantings and other intended site features and away from adjoining properties and the street right-of-way.
- (B) Only lighting used to accent architectural features, landscaping or art installations may be directed upward, provided that the fixture is located, aimed and shielded in a manner that minimizes light spill into the night sky.

8.11 Utilities

8.11.1 Water and Sewer

All occupiable structures that are required by the North Carolina Building Code to have domestic water and wastewater service shall be connected to the public water distribution and wastewater collection system. Connections to the water system shall be made in accordance with the Town of Pilot Mountain infrastructure specifications. Connections to the wastewater collection system shall be made in accordance with the standards and specifications of the Town of Pilot Mountain. Extensions of the town's water system shall be approved, constructed, inspected and guaranteed in the same form as required for infrastructure installed for subdivisions in accordance with Section 3.9.5 of the UDO.

8.11.2 Wire Utilities

Wire utility service lines associated with nonresidential and multi-family development containing four (4) or more dwelling units, including telephone, electric, cable and similar service lines shall be installed underground.

8.12 Performance Standards for Certain Uses and Structures

8.12.1 Equestrian Uses, Commercial and Private

- (A) Stables, corrals, un-vegetated exercise areas and piles of manure, feed and bedding must be located seventy-five (75') feet from any street right-of-way or nonresidential property line, and one-hundred (100') feet from any residential property line. However, when all of the runoff from a corral or un-vegetated exercise area is controlled and directed over a two-hundred

(200') foot long grassed swale before reaching the property line, then the corral or un-vegetated exercise area may be located a minimum of forty (40') feet from any street right-of-way or property line. Pasture areas may extend to the lot line.

- (B) Manure may not be stored or applied within five-hundred (500') feet of a residential lot line, surface water course or well used for potable water.
- (C) A one-hundred (100') foot wide vegetative strip, exclusive of pasture area, must be maintained between any corral, un-vegetated exercise area, manure pile or manure application area and any surface water or well.
- (D) In areas with a slope of five percent (5%) or less, corrals un-vegetated exercise areas and manure piles must be located 150 feet from any well and two-hundred (200') feet from any surface water, unless the water is upgrade of the corral, un-vegetated exercise area or manure pile or there is adequate diking provided.
- (E) Corrals, un-vegetated exercise areas, manure piles and manure application areas are prohibited in areas with slopes greater than five percent (5%), in 100-year floodplains, in waterways and on soils classified as very poorly drained as indicated in the Surry County Soil Survey.

8.12.2 Livestock Sales

- (A) Livestock sales uses may not be located within five-hundred (500') feet of an existing residential lot.
- (B) Manure may not be stored or applied within five-hundred (500') feet of a residential lot line, surface water course or well used for potable water.
- (C) The use shall be located on, and take access from, a road classified as either a major or minor thoroughfare.

8.12.3 Wineries

- (A) Facility must be located in such a manner that visual impact to adjoining properties used or zoned for residential or agricultural purposes is minimal.
- (B) All structures, buildings, storage areas, etc. (except fences or walls) associated with the winery must be twice (2X) the setback for the applicable zoning district from all property lines or street rights-of-way.
- (C) A facility serving as an established Cooperative Winery or as an independent commercial winery may be permitted without the presence of an on-site

vineyard, if, in the Board's estimation, the facility will benefit, cater to, and serve the vineyards of the surrounding areas.

- (D) Outdoor lighting shall be designed to minimize light directly hitting adjacent property or any public right-of-way.
- (E) All parking and storage areas associated with the winery shall be screened from adjoining properties used or zoned for residential or agricultural purposes. If existing topography and natural vegetation does not provide an existing visual barrier, selective screening may be required.
- (F) Associated small-scale processing or catering facilities (i.e. cheese making, restaurant, wine tasting rooms) that are incidental to the winery, but may enhance the overall property in relation to tourism, may be permitted on a case-by-case basis by the Planning and Zoning Board of Adjustment. The Planning and Zoning Board of Adjustment shall hold a public hearing and upon approval issue a Special Conditional Use Permit for each use. Associated uses are subject to the above requirements as well.

8.12.4 Customary Home Occupations

- (A) Customary home occupations may be established in single family, site-built dwellings as permitted in a residential district. The following requirements shall apply in addition to all other applicable requirements of this chapter for the residential district in which the uses are located:
 - (B) The 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.
 - (C) Use of the dwelling for home occupations shall be limited to twenty-five (25%) of one (1) floor of the principal building.
 - (D) Residents of the dwellings only may be engaged in the home occupations, except that not more than one assistant may be employed by the following professional persons: lawyers, physicians, dentists, chiropractors, accountants.
 - (E) No display of products shall be visible from the street and only products made on the premises may be sold on the premises.
 - (F) No internal or external alterations inconsistent with the residential use of the building shall be permitted.
 - (G) No accessory building [except as provided in (L), below] or open storage shall

be allowed in connection with the home occupation.

- (H) No machinery that causes noises or other interferences in radio and television reception shall be allowed.
- (I) Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the customary home occupation.
- (J) No chemical, electrical or mechanical equipment that is not normally a part of domestic or household equipment shall be used primarily for commercial purposes, with the exception of medical and dental equipment used for professional purposes.
- (K) Unless otherwise specified, customary home occupations may employ one sign, not more than one square foot in area, and which shall not be illuminated.
- (L) In the zoning districts that allow a ~~Special Conditional~~ Use Permit for customary home occupations in a detached accessory structure, the ~~Planning and Zoning Board of Adjustment~~ shall make all the above findings in addition to all findings otherwise required by this ordinance.

8.12.5 Dwelling, Manufactured Home (On Individual Lots)

- (A) The lot must be recorded with the Surry County Register of Deeds as an individual lot.
- (B) If municipal utilities are not available, the well and/or septic tank must be approved by the county health department.
- (C) All yard dimensional requirements for the respective district must be met.
- (D) The lot must have legal access to a public street.
- (E) A certificate of occupancy must be issued by the Ordinance Administrator after these conditions and all other code requirements are met and before the unit can be occupied.

8.12.6 Manufactured Home Parks

The purpose of these manufactured home park regulations is to provide an acceptable environment for what are in fact small communities of manufactured homes: New manufactured home parks may be located in the RA district as ~~special conditional~~ uses subject to a finding by the ~~Planning and Zoning Board of Adjustment~~, in addition to the findings required under this ordinance, that the following conditions will be met:

- (A) Plans clearly indicating the developers' intention to comply with the provisions of this section shall be submitted to and approved by the **Planning and Zoning Board of Adjustment**. Plans must show the area to be used for the proposed manufactured home park; the ownership and use of neighboring properties; all proposed entrances, exits, driveways, walkways, and off-street parking spaces; the location of manufactured home spaces, recreation area, buffer strips, and service buildings; the location of sanitary conveniences, including laundries, if applicable, and refuse receptacles; the proposed plan of water supply, sewage disposal and electrical service and lighting. The **Planning and Zoning Board of Adjustment** shall have the authority to impose the reasonable conditions and safeguards on the proposed development as it deems necessary for the protection of adjoining properties and the public interest.
- (B) The lot area for a manufactured home park shall be at least two acres. All areas to be included in the park shall be clearly shown on the plans required by division (A) above.
- (C) Each home in a manufactured home park shall occupy a designated space having at least six-thousand square feet (6,000ft²), with a width of at least fifty (50') feet, exclusive of common streets.
- (D) Each manufactured home space shall abut a street within the park; the streets shall be graded and surfaced with not less than four inches of crushed stone or other suitable material on a well-compacted sub-base to a continuous width of twenty (20') feet, exclusive of required parking spaces extending to the frontage street.
- (E) Two (2) off-street parking spaces with not less than four (4") inches of crushed stone or other suitable material on a well-compacted sub-base shall be provided for each new manufactured home space. Required parking spaces may be included within six-thousand square feet (6,000ft²) required for each manufactured home space.
- (F) At least two-hundred square feet (200ft²) of recreation space for each manufactured home space shall be reserved within each mobile home park as common recreation space for the residents of the park. The areas shall, along with streets and walkways, be adequately lighted for safety.
- (G) No homes or other structures within a manufactured home park shall be closer to each other than sixteen (16') feet, except that storage or other auxiliary structures for the exclusive use of the manufactured home may be

closer to that mobile home than sixteen (16') feet.

- (H) No manufactured home shall be located closer than thirty (30') feet to the exterior boundary of the park or a bounding street right-of-way of a bounding street.
- (I) Proposed water supply and waste disposal facilities for the manufactured home park shall be approved in writing by the county health officer or his or her representative.
- (J) All refuse containers shall be located on a concrete, asphalt or similar base and shall be enclosed on three sides with a wooden or masonry fence or wall at least six feet high.
- (K) Any expansion of manufactured home parks in existence on the effective date of this chapter shall comply with the provisions of this section.
- (L) **Non-conforming Manufactured Home Parks:**
The term nonconforming manufactured home park refers to any park not meeting the development standards established by the preceding requirements.
 - (1) Nonconforming manufactured home parks may not be enlarged or altered to create additional space until the park had been brought into compliance with the provisions of this chapter.
 - (2) Manufactured or mobile homes that are not inspected and approved by HUD, and which were manufactured prior to June 15, 1976, shall be known as "nonconforming manufactured homes." Existing nonconforming manufactured homes located within the zoning jurisdiction of the Town upon the adoption of this section, shall be discontinued and removed when the structure has deteriorated to the point where major repairs are necessary to make the home habitable, in the judgment of the Surry County Building Inspector. Installation of nonconforming manufactured homes shall not be permitted in the zoning jurisdiction of the Town for residential or any other purposes.

8.12.7 Animal Services and Hospitals (With Outdoor Kennels)

- (A) No outdoor containment of animals shall be located less than 250 feet from any residentially zoned property and fifty (50') feet from any other adjacent property line.
- (B) Kennel areas must be surrounded by an opaque fence of not less than six (6')

feet in height and enclosed as to prevent escape.

8.12.8 Bed and Breakfast Inn

- (A) The use shall only be permitted in a structure that was originally built as a single-family dwelling that was constructed to the North Carolina State Building Code.
- (B) When located in a residential zoning district, meals may not be provided to persons who are not registered guests of the Bed and Breakfast.
- (C) Rooms may not be equipped with cooking facilities.
- (D) Guest parking areas may only be located at the side or rear of the residence. In the case of corner lots, the parking must be provided on the side of the lot that does not front on the streets. This provision does not apply to through or double frontage lots.
- (E) One (1) freestanding sign not exceeding sixteen square feet (16ft²) in sign area may be installed on site. The sign and any other signage shall comply with all other general sign regulations
- (F) Special events (e.g., weddings, receptions, parties, etc.) held on the site shall comply with all requirements specified under the Temporary Use requirements as set forth in Section 9.16. This provision shall not apply to establishments located in the RA, CB, or HB districts.
- (G) Applications must contain a written description of the proposed use(s) of the site and building(s) thereon including, at a minimum, the following information:
 - (1) Number of full and part-time employees.
 - (2) Number of clients and/or occupants expected to use the facility.
 - (3) Building elevations for all existing and proposed structures on the property.
 - (4) A copy of the recorded deed establishing an ingress/egress easement to the lot in cases where access to the lot on which the bed and breakfast is to be located will be provided by an easement or private road.

8.12.9 Sexually Oriented Businesses (All)

- (A) No sexually oriented business shall be located within one-thousand (1,000')

feet of another sexually oriented business, which shall be measured from the exterior walls of the building(s) containing such regulated use.

- (B) No sexually oriented business shall be located within 1,500 feet of any area zoned for residential use or from the property line of residential unit(s), churches, synagogues, temples, nursery schools, day care centers (child/adult) and public or private schools, in all zoning districts, which will be measured from the property line(s) containing such regulated use.
- (C) Sign content shall consist of text only, and shall not depict or suggest subject matter that is lewd, offensive, sexual or anatomical in nature, as determined by the **Planning and Zoning Board of Adjustment**.
- (D) Screening is required around the entire perimeter of any sexually oriented business. This screening shall consist of a naturally wooded area or planted with a mixture of evergreen and deciduous trees and shrubs to simulate a naturally wooded area within three (3) years. This screening shall be located in a fifteen (15') foot wide buffer.
- (E) **Supplemental Site Plan Requirements**
 - (1) Location of existing structures on property within one-thousand (1,000') feet of exterior wall(s) of the regulated use.
 - (2) Zoning of properties within 750 feet of each property line of the regulated use.
 - (3) Other area or site-specific information as deemed necessary by the Ordinance Administrator.
- (F) **Operational Considerations:**
 - (1) If applicable, all viewing booths shall be open and be visible to manager(s) of the establishment.
 - (2) If applicable, there shall be a minimum separation of six (6') feet between patrons and performers.
 - (3) Masseuses and servers of food and beverage shall at all times wear a shirt and pants.
 - (4) No nude or seminude service or entertainment of any kind shall be allowed outside the building of a regulated use.

8.12.10 Wholesale Uses, Bulk Petroleum, Chemical and Gas

- (A) **Site Standards:**

- (1) All storage buildings and yards shall be a minimum of two hundred (200') feet from any residential use, hospital, nursing or convalescent home, retirement home, life care community, school, or church. However, the Planning and Zoning Board of Adjustment shall be authorized to increase this setback if the situation warrants, based on the specific substances that are to be manufactured or stored and in what specific quantities.
- (2) All structures (except fences and walls), buildings, storage areas, etc. used in the operation shall be a minimum of one hundred (100') feet from all property lines or street rights-of-way.
- (3) Buildings must meet all requirements for Hazardous Occupancy under the NC Building Code.
- (4) Outdoor lighting shall be designed to minimize or prevent light from directly hitting adjacent property or any public right-of-way.
- (5) Use shall be totally enclosed by a security fence or wall at least eight (8') feet high or enclosed within a locked fireproof building. A vegetative screen, either planted or natural wooded area, shall be provided along any street right-of-way and any property line within four-hundred (400') feet of property used or zoned for residential purposes.

(B) Operational Requirements:

- (1) The site shall be utilized in a manner that shall not pose a hazard off-site.
- (2) All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.
- (3) Buildings must be maintained to meet all requirements for Hazardous Occupancy under NC Building Code.
- (4) The Fire Marshall and local fire department shall be kept notified of the types of materials used, manufactured, or stored on site.

8.12.11 Go Kart Tracks, Commercial Recreation - Outdoor

- (A) Hours of operation shall be limited to 9AM until 9PM.

8.12.12 Golf Driving Range

- (A) Hours of operation shall be limited to 6AM until 10PM.

- (B) The range shall be surrounded by netting or similar barriers when the edge of the driving area is located within one-hundred (100') feet of a roadway or property line.

8.12.13 Shooting Range, Outdoor

- (A) Access will be controlled to prevent unregulated entrance to the firing area. The means of controlling access shall be indicated on the site plan and permit application.
- (B) Security fencing will be provided to prevent an individual from crossing the property downrange.
- (C) There will be a minimum separation of three-hundred (300') feet between the range and the closest exterior property line.
- (D) Warning signs meeting NRA guidelines for shooting ranges shall be posted at one-hundred (100') foot intervals along the entire perimeter of the shooting range facility.
- (E) Ranges shall be operated in a manner that is consistent with the safety guidelines outlined in the most recent version of the NRA Range Source Book, or equivalent range operations guidelines.
- (F) Shooting ranges shall be designed according to the guidelines in the NRA Range Source Book. Weapons and ammunition that exceed the design capacity of a range or shooting lane shall be prohibited from being fired on that facility. It shall be the responsibility of the range owner to enact policies and procedures that prevent such unauthorized firing.
- (G) All shooting ranges must be located at least one-thousand (1,000') feet from any existing occupied dwelling, with the exception of a dwelling located on the site of the range that is occupied by the owner, range manager, or caretaker.
- (H) Shooting ranges are allowed to operate between 8AM and sunset (between 11:30AM and 6PM on Sunday), except that the hours may be extended after sunset for purposes of subdued lighting certification for law enforcement officers and military personnel. The range operator shall notify the Police Department twenty-four (24) hours prior to holding extended range hours.
- (I) The applicant/owner will be required to carry a minimum of \$1,000,000 of liability insurance. Such insurance must name the Town of Pilot Mountain as an additional insured party and save and hold the Town, its elected and

appointed officials and employees acting within the scope of their duties, harmless from and against all claims, demands and causes of action of any kind or character, including the cost of defense thereof, arising in favor of a person or group's members or employees or third parties on account of any property damage arising out of the acts or omissions of the applicant/owner, his or her group or club or its agents or representatives. The Town will be notified of any policy changes or lapses in coverage.

- (J) In addition to the site plan requirements of this Ordinance, the submitted site plan must also show the following:
 - (1) Complete layout of each range, including shooting stations or firing lines, target areas, shot-fall zones or safety fans, backstops, berms and baffles;
 - (2) Projected noise contours; and
 - (3) Existing and proposed structures, occupied dwellings within one-quarter (1/4) mile, roads, streets, or other access areas, buffer areas and parking areas for the range facility.

8.12.14 Broadcast Towers / Wireless Telecommunication Towers

- (A) Setback requirements shall be height of the tower plus twenty-five percent (25%). This applies to front, side and rear yard setbacks.
- (B) Height limitation shall be three-hundred (300') feet, and be contingent upon a determination of "no hazard" by the Federal Aviation Administration (FAA).
- (C) Accessory structures may be allowed for maintenance purposes only.
- (D) Lighting may be required to meet FAA or FCC regulations, but lighting may not glare on adjacent properties. There may be flashing lights only as required by FAA or FCC regulations.
- (E) Chain link fencing around the tower is required at the height of at least six (6') feet.
- (F) The tower and grounds must be maintained and will be the responsibility of the property owner. Removing the tower, accessory structures, and related facilities within six (6) months of abandonment, obsolescence, or cessation of use will be the responsibility of the property owner.
- (G) Monopoles shall be the preferred construction over the lattice type.

- (H) No commercial or advertising signs shall be permitted.
- (I) Applicant shall demonstrate clearly the public need for the proposed new tower, and that such need cannot be met by use of existing or less intrusive facilities.

8.12.15 Distribution Centers and Freight Terminals

- (A) Such uses shall be required to be located on, and take access from, a road classified as either a major or minor thoroughfare.

8.12.16 Food Processing and Manufacturing

- (A) Such uses shall be located at least one-thousand (1,000') feet from the property line of any residentially zoned property.
- (B) All waste products from processing operations shall be stored inside a fully enclosed building.

8.12.17 Junkyards, Salvage Yards, and Recycling Operations

- (A) No landfill or junkyard shall be permitted to locate or expand within two-hundred (200') feet of any property used or zoned for residential purposes, and any property used as a hospital, nursing or convalescent home, retirement home, school, church or commercial property.
- (B) No landfill or junkyard shall be located within five-hundred (500') feet of any residential dwelling or well.
- (C) A visual screen six (6') feet in height, either vegetative or by opaque fence, shall surround the perimeter of all open storage areas.

8.12.18 Mining and Quarrying Operations

- (A) Such uses shall not be located within five-hundred (500') feet of an exterior property line.
- (B) Hours of operation are limited to the hours of 6AM until 9PM.
- (C) Blasting may only occur between the hours of 10AM and 5PM.
- (D) The use shall be located on, and take access from, a major or minor thoroughfare.

8.12.19 Indoor Growing Facilities

- (A) All activities and operations of the facility, including cultivation, shall take

place inside the building.

- (B) The facility shall include a ventilation and filtration system designed to ensure odors from the operation are not detectable from outside of the building.

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ARTICLE 9 OVERLAY DISTRICT STANDARDS

9.1 DOWNTOWN DESIGN OVERLAY DISTRICT (DDO)

9.1.1 Purpose

The purpose of establishing supplementary requirements for development in downtown Pilot Mountain is to protect and enhance the visual character of development and to preserve the unique streetscape of downtown by encouraging compatibility among downtown structures. It is not the intent of this overlay district to eliminate architectural freedom or discourage innovative design, but rather to complement the Town of Pilot Mountain's Zoning Ordinance and development guidelines for Downtown.

9.1.2 Applicability

Buildings within the Downtown Design Overlay (DDO) District exhibit design elements that contribute to the unique sense of character of downtown Pilot Mountain. Specifically, buildings tend to have flat or low pitch roofs concealed by the front facade parapet, no front or side yard setback, large storefront windows on the street level floor and strong horizontal separations between the first and any upper floors created by windows and/or changes in façade materials.

In order to continue and, in some cases, recreate the historic development pattern of downtown Pilot Mountain, the following standards shall apply to all new construction, additions and substantial modifications to existing structures located within the Downtown Design Overlay (DDO) District. For the purposes of this section substantial modification shall be defined as any work which involves the alteration of the building's footprint, construction of additional stories, changes in roof pitch, modification of building fenestration and entryways, material changes to the building façade, or painting.

9.1.3 Exemptions

When in compliance with all other town ordinances, the following types of projects are exempt from the standards of the Downtown Design Overlay (DDO) district:

(A) Interior and exterior alterations of buildings that were originally

designed and built for single-family residential use and continue to be used for single-family residential use.

- (B) Underground construction which does not consist of any above ground components, including utility boxes, pipes, poles or similar appurtenant features;
- (C) Conducting regular maintenance work on buildings, landscaping, or grounds, (including parking lots), which does not significantly alter the appearance or function of the building, landscaping or grounds;
- (D) Interior remodeling work, which does not involve the alteration of any building component that does not alter any exterior building component;
- (E) Landscape maintenance and upkeep, excluding the replacement trees;
- (F) Temporary uses and structures [as defined in NCGS 153.093](#);
- (G) Routine roof maintenance and repair, when using like materials; and
- (H) Painting of murals on the side and/or rear façade of buildings.

9.1.4 Design Standards

(A) Front Build-to Line

The front building wall of each new principal structure within the DDO shall be constructed so that at least eighty percent (80%) of the width of the primary facade is set back no more than six (6') feet from the edge of the right-of-way of Main Street. Existing buildings which are set back greater than six (6') feet are permitted to retain their current setback, but in no case shall any existing building be altered in a manner that increases the setback beyond the minimum, or otherwise lessens compliance with this requirement.

(B) Building Height

The following provisions shall regulate the height of buildings within the DDO:

- (1) No building within the DDO may exceed fifty (50') feet in height.
- (2) Where the construction of a new building or the expansion of an existing building is proposed, the height of the new building or addition shall not exceed two-hundred percent (200%) of the

height of the two (2) most closely adjacent buildings, provided that existing buildings located more than fifty (50') feet from the new building shall not be considered when establishing maximum height. Maximum building height shall be subject to the following exceptions:

- (3) Two-story buildings may be constructed to a height of thirty (30') feet without regard to the height of adjacent buildings.
- (4) Buildings located on corner lots may be constructed to a height of fifty (50') feet without regard to the height of adjacent buildings.
- (5) All new single story buildings shall have a minimum height of fourteen (14') feet, and new multi-story buildings shall have a minimum height of twelve (12') feet per story.

(C) Building Width

The following requirements shall regulate the width of buildings in the DDO:

- (1) New buildings on lots with a width of fifty (50') feet or less shall be constructed to the full width of the lot.
- (2) Where lot width is greater than fifty (50') feet, but less than one-hundred (100') feet, new building may occupy less than the entire width of the lot, provided that a side setback of zero (0) feet is maintained on one side of the building and the remaining street frontage is occupied by an area containing an active use amenity, such as a courtyard, dining area, or similar feature, with a minimum width of twelve (12') feet, which occupies the entire area extending from the front lot line to a minimum of twenty-five percent (25%) of the depth of the lot.
- (3) On lots greater than one-hundred (100') feet in width, new buildings shall be constructed to a minimum of eighty percent (80%) of the width of the lot.
- (4) The portion of a lot frontage containing a driveway shall be excluded from the calculation of lot width for the purposes of this section. New driveways and the expansion of existing driveways are prohibited along lot frontages which front Main Street.

- (5) In no case shall an existing building be altered in a manner that does not comply with the provisions of this section, except that existing buildings occupying less than the required lot width may be expanded so that they are more compliant with these requirements.

(D) Storefront Design

The following regulations shall apply to the construction and alteration of storefronts within the DDO:

- (1) Storefronts, compliant with the requirements of this section, are required to occupy the ground floor street frontage of each front building wall which faces Main Street.
- (2) Storefronts shall contain the primary entrance(s) to the building.
- (3) A minimum of seventy percent (70%) and maximum of eighty-five (85%) of the first floor front façade of a building between a height of two (2') feet and ten (10') feet, or the interior ceiling height of the first floor if less than ten (10') feet, shall consist of glazed area.
- (4) Glass used to meet the glazed area requirements of subsection c) shall be transparent, and have a minimum visible light transmission ratio of seventy percent (70%). Reflective glass and glass block are prohibited. This shall not apply to transom windows installed on the ground floor above a height of ten (10') feet.
- (5) Bulkheads shall be constructed along all storefront areas, excluding customer entrances. Bulkheads shall be a minimum of twenty-four (24") inches and maximum of thirty-six (36") inches in height.
- (6) Storefront doors shall have a minimum glazed area of eighty percent (80%). Only wood or metal door frames are permitted.
- (7) Windows installed above bulkheads shall be recessed a minimum of two (2") inches from the outer edge of the bulkhead.
- (8) Bars, gates, fencing, roll-up doors, and similar barriers are prohibited on the exterior of storefronts.

(E) Exterior Building Materials

The following regulations shall govern the types of materials that are permitted for use on the exterior portions of buildings within the DDO:

- (1) The building materials standards shall apply to each exterior building wall, which fronts on, or is otherwise visible from a public street, including side-building walls, which are set back from an interior lot line, but excluding rear building walls, which do not face a customer parking area.
- (2) Brick or natural stone shall cover a minimum of eighty percent (80%) of the exterior building walls, other than glazed surfaces, subject to the exterior building materials regulations.
- (3) The remaining twenty percent (20%) of each building wall may be clad with architectural grade metal, tile, integrally colored split faced block, or treated wood, including cedar shake shingles.
- (4) Horizontal lap siding and corrugated metal are prohibited for use as exterior building materials.
- (5) Additional building materials may be supplemented with a written recommendation from State Historic Preservation Office.

(F) Exterior Building Material Color

- (1) A single color shall be utilized as the primary color for the building, unless the primary building material retains its natural color.
- (2) Up to fifteen percent (15%) of the surface area of each building façade may be painted with up to three additional colors.
- (3) The primary and accent colors shall be the same on each building façade.
- (4) Awnings and Canopies. The following design regulations shall apply to awnings and canopies:

- i. Awnings and canopies may only cover a single storefront, and in no case may they extend more than eighty percent (80%) of the width of the building wall to which they are attached, or 120% of the width of the windows and doors which they are shading, whichever is greater.
- ii. Awnings and canopies may be either a solid color, or have a two-color vertical stripe pattern.
- iii. Awnings may not be the same color as the primary color of the building to which they are attached.
- iv. Buildings displaying more than one awning or canopy shall utilize the same materials and color (or color pattern) on all awnings.
- v. Awnings installed to shade openings above the ground floor may only cover a single window, and shall not be wider than 120% of the width of the window opening.
- vi. Awnings and canopies shall be constructed of weather resistant materials, such as canvas or metal.
- vii. Awnings and canopies with a pitch of less than 3:12 are prohibited, except where barrel shaped (curved) awnings are used.
- viii. Awnings and canopies shall be designed to correspond to the shape of the opening that they are shading. Barrel shaped or curved awnings may only be installed over curved or arched openings in the building.

(G) Windows

The following provisions shall apply to all windows not otherwise regulated by another provision of the DDO:

- (1) All windows, other than storefront windows, shall have a vertical orientation (height greater than width), except that ground floor windows not associated with a storefront are permitted to be rectangular, provided that such windows have a minimum height of forty-eight (48") inches, and their width does not exceed two-hundred percent (200%) of their height.
- (2) Windows located above the ground floor shall be a minimum of thirty (30") inches and maximum of thirty-six (36") inches in

width.

- (3) All windows shall be recessed by a minimum of two (2") inches from the exterior building wall.
- (4) Upper story windows shall have a minimum visible light transmission ratio of sixty percent (60%). Glass block and reflective glass are prohibited.
- (5) Ground floor windows shall have a minimum visible light transmission ratio of seventy percent (70%). Glass block and reflective glass are prohibited.
- (6) A minimum of thirty percent (30%) of the linear footage of an upper story building wall shall contain glazed area.
- (7) Vertically oriented windows shall be double hung one-over-one designs. Transoms are permitted.
- (8) Upper story windows on buildings with more than two (2) stories shall align with windows on each other upper story.

(H) Roof Form

The following shall apply to the construction of new buildings and alteration of existing buildings, except that nothing herein shall require the conversion of an existing peaked roof structure to a flat roof structure.

- (1) New buildings shall be constructed with a flat roof structure (slope of less than 3:12).
- (2) Each building wall facing a public street shall have a parapet wall with a minimum height of two (2') feet and maximum height of five (5') feet to screen the roof structure. This shall not apply to existing buildings with sloped roof structures.
- (3) Where a new building, or new parapet wall is proposed, the top of the proposed parapet wall shall have a height difference of at least two (2') feet from the parapet wall of any adjacent building (within twenty (20') feet), provided that nothing in this section shall require or permit a new parapet wall with a height of greater than five (5') feet.
- (4) Stepped or vertically articulated parapet walls may exceed the parapet wall height limitation within the middle thirty percent

(30%) of the wall, provided that no portion of the parapet wall may exceed eight (8') feet.

- (5) Mansard roof forms are prohibited.
- (6) Existing buildings with sloped roof structures shall be permitted to repair and replace existing roof cladding materials with like materials.
- (7) Roof drainage systems (downspouts) shall be located at the rear of the building, where feasible. In no case shall a roof drainage system discharge directly onto a public sidewalk.

(I) Preservation and Restoration of Historic Architectural Features

Nothing contained in the DDO regulations shall prevent the restoration or preservation of historically integral architectural features on a building, provided that where a conflict arises, the historical accuracy of the proposed restoration or modification shall be supported by the opinion of an architect, an architectural historian, or the NC State Historic Preservation Office. Such verification and waiver of these regulations to permit historic restoration is subject to administrative approval and referral to the **Planning and Zoning Board of Adjustment** for final disposition. Furthermore, the following actions are preferred, but not required, when a “modernized” or otherwise altered historic building is renovated, and where such actions are otherwise outside of the scope of the project, subject to the regulations contained herein:

- (1) False facades, including those covering upper stories should be removed and replaced with original cladding material.
- (2) Covered or bricked in windows and doors should be reopened.
- (3) Storefronts should be restored to their original form.
- (4) Historically inaccurate cladding materials should be removed and replaced.
- (5) Architectural detailing should be restored.

(J) Parking, Driveways and Drive-Through Windows

In the interest of preserving and enhancing the pedestrian character and aesthetic quality of downtown Pilot Mountain, the following regulations shall govern the provision of facilities for automobiles:

- (1) No new driveways may be established which take access from Main Street.
- (2) Existing driveways taking access from Main Street may not be expanded in width.
- (3) New off-street parking areas may only be established to the rear of the principal building with which they are associated. This provision shall not apply to any publicly owned off-street parking lot.
- (4) Existing off-street parking lots may be improved or expanded upon the lot on which they are situated, provided that they either currently comply, or are brought into compliance, with the standards of this section.
- (5) Those portions of off-street parking areas which are not located to the rear of a principal building shall be screened from view with a brick or stone wall with a height of between thirty-six (36") and forty-two (42") inches that runs along the lot line adjoining the street, extending the width of the lot, excepting those portions where a driveway or pedestrian access exists.
- (6) Off-street parking areas shall be surfaced with either asphalt, concrete, brick pavers or cobblestones, subject to ADA requirements.
- (7) New drive-through windows are prohibited in any location except the rear of a building. No new driveway access from Main Street may be established to accommodate a drive-through window, and no existing driveway from Main Street may be utilized to access (either ingress or egress) a new drive-through window.

(K) Mechanical and Utility Equipment

Mechanical and utility equipment, including water, sewer, electric, cable, telephone, gas, lines and their appurtenances, as well as any satellite or telecommunications antennae, HVAC component, or any other equipment that is required to be installed on the exterior of a building shall be installed on the rear of the building or the roof. Roof mounted equipment shall be screened with a parapet wall or a separate screen wall. Where the installation of such equipment is unavoidable on the front or side of a building, it shall be either

concealed (by painting) or screened with architecturally integrated features that complement the structure with which they are associated.

(L) Signs

In addition to the general sign regulations contained in Article 10, all new and replacement signs within the DDO shall comply with the following:

- (1)** Where a building was constructed with an architecturally integrated frame for a wall sign, such sign frame shall be utilized for new or replacement wall signage. Where the historic sign frame is larger than the otherwise permitted area for a wall sign, the new or replacement sign is permitted to occupy the historic sign area.
- (2)** Wall signs shall be centered above building entrances and be aligned with awnings, where provided.
- (3)** Projecting signs shall be centered above building entrances.
- (4)** No sign of any type may be mounted more than seventeen (17') feet above grade.
- (5)** Wall signs shall not cover any window, including transom windows.

(M) Lighting

The following provisions shall apply to exterior lighting in the DDO:

- (1)** Building mounted lights may be installed only in a manner that is intended to highlight or accentuate architectural features of the building on which they are installed. Building mounted floodlights are prohibited.
- (2)** Building mounted lighting fixtures shall be architecturally compatible with the building.
- (3)** The framing of windows or other architectural features with neon or similar types of tube lighting is prohibited.
- (4)** Bulbs and lenses installed on building mounted lights may only produce white light.

9.1.5 Procedures

Prior to initiating any activity which is not specifically exempted by Section 9.1.3 of the DDO regulations, the person proposing to undertake such activity shall submit an application for the review and approval of the proposed construction, modification, alteration, or other activity in accordance with Section 3.8 (Architectural Design Plans).

9.2 WATERSHED OVERLAY DISTRICT (WO)

9.2.1 Jurisdiction

The provisions of this section shall apply within the corporate limits of the town and within the territory beyond the corporate limits as prescribed by N.C.G.S. ~~Chapter 160A, Article 19~~ 160D, as now or hereafter fixed, for a distance of one mile in all directions.

9.2.2 Exceptions to Applicability

Existing development, as defined in this section is not subject to the requirements of this section. Expansions to structures classified as existing development must meet the requirements of this section; however the built-upon area of the existing development is not required to be included in the density calculations.

A pre-existing lot owned by an individual prior to the effective date of this section, regardless of whether or not a vested right has been established, may be developed for single-family residential purposes without being subject to the restrictions of this section. However, this exemption is not applicable to multiple contiguous lots under single ownership.

9.2.3 Cluster Development

Minimum lot sizes are not applicable to single-family cluster developments projects; however, the total number of lots shall not exceed the number of lots allowed for single-family detached developments. The overall residential density or nonresidential built-upon area shall not exceed that allowed for the critical area or the balance of the watershed, whichever is applicable.

9.2.4 Buffer Zone Required

(A) A buffer zone for the purposes of this requirement is defined as an area of natural or planted vegetation through which storm water

runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer zone is measured from the normal pool elevation of impounded structures and from the bank of each side of streams and rivers.

- (B) No new development is allowed in the buffer zone, except for water dependent structures and public projects such as road crossings and green ways where no practical alternative exists.
- (C) These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of storm water best management practices.
- (D) A minimum thirty (30') foot vegetative buffer zone for development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies, unless a high density option is chosen and then a one-hundred (100') foot buffer zone is required. Desirable artificial stream bank or shoreline stabilization is permitted.

9.2.5 Ordinance Administrator's Duties

It shall be the duty of Ordinance Administrator to administer and enforce the provisions of this section as follows:

- (A) The Ordinance Administrator shall keep records of all amendments to these overlay provisions and shall provide copies of all amendments upon adoption to the N.C. Division of Environmental Quality and the N.C. Division of Community Assistance.
- (B) The Ordinance Administrator shall keep a record of all minor and major watershed variances to these overlay provisions. The record of all minor watershed variances shall be submitted to the Environmental Management Commission on an annual basis and shall provide a description of each project receiving a variance and the reasons for granting the variance.

9.2.6 Definitions.

For the purpose of this subsection, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGRICULTURAL USE. The use of waters for stock watering, irrigation and other farm purposes.

ANIMAL UNIT. A unit of measurement developed by the U.S. Environmental Protection Agency that is used to compare different types of animal operations.

BEST MANAGEMENT PRACTICES or BMP. 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.

BUILT-UPON AREA or BUA. Includes that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (that is, tennis courts), and the like. (Note: Wood slatted decks and the water area of a swimming pool are considered pervious.)

DEVELOPMENT. Any land disturbing activity that adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

9.2.7 Violations

The N.C. Environmental Management Commission may assess civil penalties in accordance with *NCGS 143-215.6A* whenever watershed violations occur. Each day that the violation continues shall constitute a separate offense.

9.2.8 Rule Governing Boundaries

Where conflict exists as to whether a tract is inside or outside a watershed area, it shall be responsibility of the petitioner to present topographical data supporting his or her case.

9.2.9 Powers and duties of the Planning and Zoning Board of Adjustment

The Planning and Zoning Board of Adjustment shall consider upon appeal minor and major watershed variances from the terms of this section as will not be contrary to the public interest where, owing to special conditions a literal enforcement of the provisions of this section would result in unnecessary hardship. In addition, the town shall notify and allow a reasonable comment period for all the local governments having jurisdiction in the designated watershed where the minor or major

watershed variance is being considered. A watershed variance shall not be granted by the Planning and Zoning Board of Adjustment unless and until:

- (A)** A written application for a variance is submitted demonstrating:
 - (1)** That special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures or buildings in the same district;
 - (2)** That a literal interpretation of the provisions of this chapter would deprive the application of rights commonly enjoyed by other properties in the same district under the terms of this chapter;
 - (3)** That the circumstances do not result from the actions of the applicant;
 - (4)** That granting the variance requested will not confer upon the applicant any special privileges that are denied by this chapter to other lands, structures or buildings in the same district;
 - (5)** That no non-conforming use of neighboring land, structures or buildings in the same district and no permitted use of lands, structures or buildings in other districts will be considered grounds for the issuance of a variance; and
- (B)** Every proposed request for minor watershed variance or major watershed variances shall include a description of the property involved and the names and addresses of current abutting property owners; and shall be accompanied by a fee determined from time to time by the Board of Commissioners to cover cost of advertising as required by this chapter.
- (C)** The proposed request for a minor or major watershed variance shall include a site plan, drawn to scale of at least one (1") inch to forty (40') feet, indicating the property lines of the parcel upon which the use is proposed; any existing or proposed structures; parking areas and other built-upon areas; surface water drainage. The site plan shall be neatly drawn and indicate north point, name and address of person who prepared the plan, date of the original drawing, and an accurate record of any later revisions.
- (D)** The Ordinance Administrator shall notify in writing each local

government having jurisdiction in the watershed. Notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Ordinance Administrator prior to a decision by the **Planning and Zoning Board of Adjustment**. Comments shall become a part of the record of proceedings of the **Planning and Zoning Board of Adjustment**.

(E) The **Planning and Zoning Board of Adjustment** shall duly fulfill its requirements of public notification, evidentiary public hearing and quasi-judicial procedure as provided in this chapter and in the NC General Statutes for watershed variances, as for all other variances from the zoning regulations of the Town.

(F) Proceedings of the Board of Adjustment.

The Board shall keep records of the proceedings, prepare a report containing findings of fact, conclusions of law and recommended decision and forward the record to the Environmental Management Commission (which must approve all major watershed variances). A denial of a major watershed variance by the **Planning and Zoning Board of Adjustment** need not go to the EMC for review. One copy of any report forwarded to the EMC shall be kept on file by the Clerk.

(G) Major Watershed Variances

If the **Planning and Zoning Board of Adjustment** decides in favor of granting a major watershed variance, the Board shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include:

- (1)** The variance application;
- (2)** The bearing notices;
- (3)** The evidence presented;
- (4)** Motions, offers of proof, objections to evidence and rulings, on them;
- (5)** Proposed findings and exceptions;
- (6)** The proposed decision, including all conditions proposed to be added to the permit.
- (7)** The preliminary record shall be sent to the Environmental Management Commission for its review as follows:

If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and the variance, if granted, will not result in a serious threat to the water supply, then the Commission shall approve the variance with conditions and stipulations. The Commission shall prepare a Commission decision and send it to the **Planning and Zoning Board of Adjustment**. If the Commission approves the variance as proposed, the Board shall prepare a final decision granting the proposed variance. If the Commission approves the variance with conditions and stipulations, the Board shall prepare a final decision, including conditions and stipulations granting the proposed variance.

If the Commission concludes from the preliminary record that the variance qualifies as a major watershed variance and that the property owner can secure a reasonable return from or make a practical use of the property without the variance or the variance, if granted, will result in a serious threat to the water supply, then the Commission shall deny approval of the variance as proposed. The Commission shall prepare a Commission decision and send it to the **Planning and Zoning Board of Adjustment**. The Board shall prepare a final decision denying the variance as proposed.

9.2.10 WSII-CA(O) Watershed II Critical Area (Overlay)

The WSII-CA(O) is established as an overlay district to impose higher standards in the critical area because the risk of water quality degradation from pollution is greater than in the balance of the watershed, most of which lies within the extraterritorial boundary of the town. The regulations of this district are intended to promote higher developmental standards and not limit unnecessarily developmental options. In order to maintain a predominantly undeveloped land use intensity pattern, residential and non-residential uses shall be allowed at a maximum of one (1) dwelling unit per two (2) acres and six percent (6%) built-upon area respectively.

(A) Limitations on Certain Permitted Uses

(1) Agriculture, provided that all agricultural activities will be

encouraged to participate in the agricultural Cost Share Program and subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990. Agricultural activities conducted after January 1, 1993 shall maintain a minimum ten-foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local governments studies. Animal operations greater than 100 animal units shall employ Best Management Practices (BMP's) by July 1, 1994 recommended by the Soil and Water Conservation Commission.

- (2) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 N.C.A.C. 11.0101 - 11.0209).
- (3) Residential development at one dwelling unit per two acres on a project by project basis. For purposes of density calculations, total project acreage shall not include any area within the designated right-of-way of any public or private street within the project, nor shall it include any area within the project donated or dedicated to the public, except for storm water control structures approved under the high-density option. No residential lot shall be less than two acres, except within an approved cluster development.

(B) Prohibited Uses

- (1) Sanitary landfills are prohibited.
- (2) No new chemical storage or new underground fuel storage tanks are allowed.
- (3) The storage of toxic and hazardous materials is prohibited unless a spill containment plan is implemented.
- (4) Sites for land application of sludge/residuals or petroleum-contaminated soils are prohibited.

(C) Development Applications

In addition to the standards for Site Plans the following shall be contained on applications for development in the Watershed Overlay:

- (1) Total impervious area;
- (2) Location of perennial streams;
- (3) Septic tank drainage field;
- (4) Sedimentation and erosion controls; and

(D) Minimum Lot Area

87,120 square feet (or two (2) acres) minimum lot area per dwelling unit. Because of the high likelihood of a septic tank, a potential buyer should first check with the Surry County Health Department to determine adequacy of the lot, as a larger lot could be required.

9.2.11 WSII-BW (O) WSII-Balance of Watershed (Overlay)

The WSII-BW (O) is established as an overlay district to impose lower standards in the balance of the watershed area because the risk of water quality degradation from pollution is less than in the critical area of the watershed. The regulations of this district will allow residential uses at a maximum of one (1) dwelling unit per acre and non-residential development at twelve percent (12%) built-upon area. Projects must minimize built-upon surface area, direct storm water away from surface waters and incorporate Best Management Practices to minimize water quality impacts. Non-discharging landfills and sludge applications sites are allowed.

(A) Limitations on Certain Permitted Uses

- (1) Agriculture, provided that all agricultural activities will be encouraged to participate in the agricultural Cost Share Program and subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990;
- (2) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 N.C.A.C. 11.0101 - 11.0209);
- (3) Residential development at one dwelling unit per acre on a project-by-project basis. For purposes of density calculations,

total project acreage shall not include any area within the designated right-of-way of any public or private street within the project, nor shall it include any area within the project donated or dedicated to the public, except for storm water control structures approved under the high-density option. No residential lot shall be less than one acre, except within an approved cluster development;

(B) Prohibited Uses

- (1) No new discharging landfills.
- (2) The storage of toxic and hazardous materials unless a spill containment plan is implemented.

(C) Development Applications:

In addition to the standards for Site Plans, the following shall be contained on applications for development in the Watershed Overlay:

- (1) Total impervious area;
- (2) Location of perennial streams;
- (3) Septic tank drainage field;
- (4) Sedimentation and erosion controls; and

(D) Density and Built-Upon Area Standards

(1) Residential

No residential lot shall be less than one (1) acre, except within an approved cluster development.

(2) Non-residential and Multi-Family

Development may exceed the twelve percent (12%) built-upon area on a project-by-project basis in that up to five percent (5%) of the balance of the watershed (or 161 acres) may be developed for non-residential and multi-family development to seventy percent (70%) built-upon area on a project-by-project basis.

Records for the 5/70 watershed provisions within the WSII-BW (O). The Ordinance Administrator shall keep records of the town's utilization of the provisions that a maximum of five percent (5%) of the balance of the watershed area may be developed with non-

residential development to a maximum of seventy percent (70%) built upon area. Records shall include the total acres of non-critical watershed area, total acres eligible to be developed under this option, total acres approved for this development option, and individual records for each project with the following information: location, acres, site plan, use, storm water management plan as applicable and inventory of hazardous materials as applicable.

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ARTICLE 10 SIGN REGULATIONS

10.1 Purpose

The purpose of this Article is to promote the effective and compatible use of signage within the Town of Pilot Mountain.

10.2 Applicability

Except as otherwise provided in this Article, it shall be unlawful for any person to place, erect, construct, enlarge, move, or replace any sign, without first having obtained a permit for such sign from the Ordinance Administrator.

10.3 General Sign Standards

10.3.1 Alteration of Signs

The replacement of sign faces, lettering, or other features of a sign shall be considered maintenance and shall not require a permit. No alteration that modifies the area, height, or illumination of a sign, or alters its location shall be permitted under this provision.

10.3.2 Signs on Public Property Forfeited

Any sign installed or placed on public property or within a public right-of-way, except in conformance with the requirements of this Article shall be forfeited to the public and is subject to confiscation. In addition to other remedies hereunder, the Ordinance Administrator shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

10.3.3 Sign Permits

To ensure compliance with the provisions of this Article, all persons proposing to display a sign shall obtain a sign permit, in accordance with the general procedure established for the issuance of permits in this Ordinance, unless otherwise expressly exempted from such requirement. When a permit is required, a permit shall be issued prior to the installation or placement of such sign.

(A) Permanent Signs Requiring a Permit

The types of permanent signs listed below shall be required to receive a permit:

- (1) Wall Signs (10.6.2)
- (2) Freestanding Ground Signs (10.6.3)

- (3) Awning Signs (10.6.4)
- (4) Projecting Signs (10.6.5)
- (5) Canopy Signs (10.6.6)
- (6) Incidental Signs (10.6.7.A)
- (7) Off-Premise Directory Signs (10.6.8)

(B) Signage Plan Required

For any lot on which the owner proposes to erect one (1) or more signs requiring a permit or for a combined development or other multi-tenant development, a signage plan shall be required, which includes the following information:

- (1) An accurate plot plan of the lot or parcel, at such scale as the Ordinance Administrator may reasonably require;
- (2) Location of buildings, parking lots, driveways, and landscaped areas on such lot or parcel;
- (3) Computation of the maximum total sign area, the maximum area for individual signs, the height of signs, and the number of signs of each type allowed on the lot(s) or parcel(s) included in the plan under this Article; and
- (4) An accurate indication on the plot plan of the proposed location of each present and future sign of any type.

(C) Temporary Signs Requiring a Permit

The display of certain temporary signs, including the recurring placement of certain signs where permitted, shall require a permit for such temporary sign prior to its display.

- i. Temporary Signs Requiring a Permit
 - i. Type 3 Freestanding Temporary Signs (10.5.3.D)

(D) Permit Procedure and Standards

- i. Persons submitting an application for a temporary sign permit shall provide sufficient information, including the physical characteristics, display location, and proposed period of display (if applicable), in order to determine its compliance with the applicable regulations.

- ii. Only those signs which meet all of the requirements established by Section 10.3 for the particular type of sign may be permitted. Signs not meeting those regulations will be denied a permit.
- iii. Failure to obtain a permit for a temporary sign that is required to be permitted prior to displaying it is a violation of this Ordinance.

10.3.4 Sign Area Computations

The following principles shall control the computation of sign area and sign height:

(A) Computation of Area of Single-faced Signs

The area of a sign face shall be computed by means of the smallest square or rectangle, that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

(B) Computation of Area of Multi-Faced Signs

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and not more than forty-two (42") inches apart, the sign area shall be computed by the measurement of one (1) of the faces.

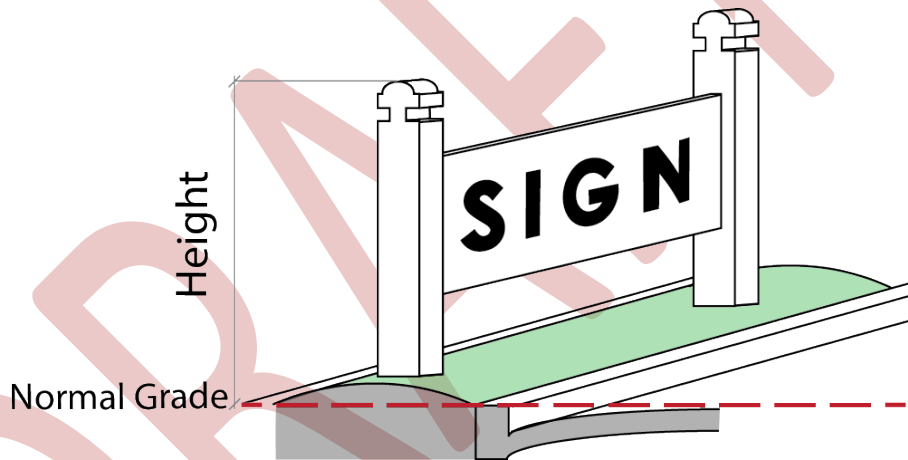
Figure 10-1: Measurement of a Sign Face



(C) Computation of Height

The height of a freestanding sign shall be computed as the vertical distance from the point of the sign that is level with the highest paved portion of the street right-of-way or recorded access easement to the top of the highest attached component of the sign. The highest paved portion of the street right-of-way or recorded access easement shall be measured along the frontage of the property where the sign will be located at the point nearest the sign location. The design, colors, and/or materials of the base or supports of any sign that is below the paved portion of the street right-of-way or recorded access easement shall be consistent with, or complimentary to, the portions of the sign above that point.

Figure 10-2: Measurement of Sign Height



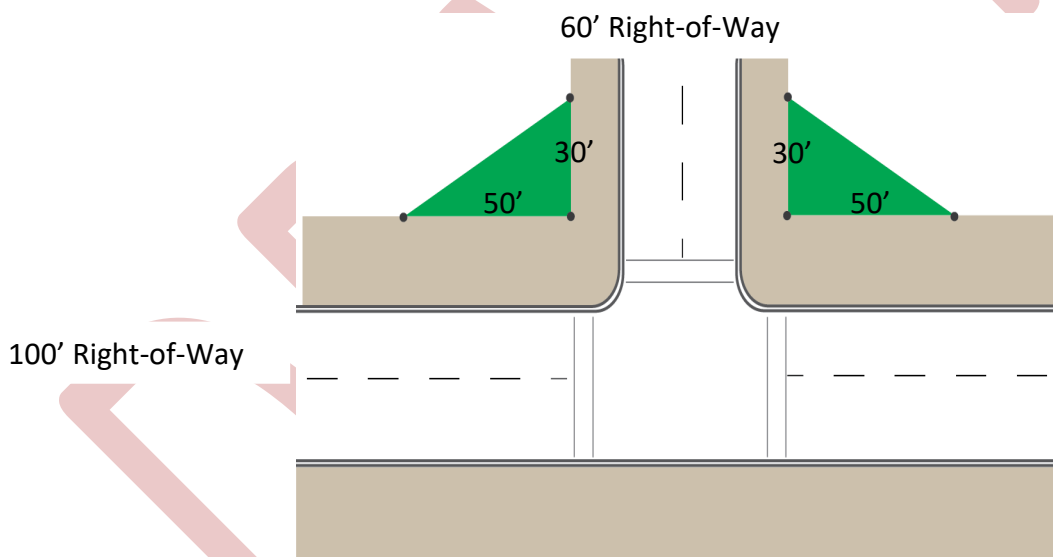
10.3.5 Clear Site Distance Required

Clear site distance at street intersections is required. Signs shall be located outside of the required sight triangle as detailed in Table 10-1 and Figure 10-3. Site triangles are required in every zoning district except for the CB District. Sight triangles must be shown on all submitted plans depicting the location of signage for sign permit applications.

Table 10-1: Sight Triangle Leg Length along a Right-of-Way Measured from the Point of Intersection

Right-of-Way (feet)	Width	Length (feet)
50		25
60		30
70		35
80		40
90		45
≥100		50

Figure 10-3: Sight Triangle Sample Illustration



10.3.6 Design, Construction, and Maintenance

All signs shall be designed, constructed, and maintained, in accordance with the following standards:

- (A) All signs shall be constructed and maintained to retain sound structural condition, and shall comply with all applicable provision of the State Building Code, all applicable electrical codes, and this Ordinance, at all times.
- (B) Except for flags, certain temporary signs, and window signs

conforming in all respects with the requirements of this Ordinance, all signs shall be constructed of rigid all weather materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

10.3.7 Certain Government Signs Exempt

Official signs installed by units of local government having jurisdiction within the Town of Pilot Mountain, agencies of the State of North Carolina, and federal government agencies are exempt from the regulations established by this Ordinance, provided that such signs are installed upon public property or within a right-of-way owned or maintained by said governmental agency and fully conform to all safety provisions established by this Ordinance. For the purposes of this section, official signs shall include any sign erected by the Town of Pilot Mountain.

10.3.8 Nonconforming Signs

In the interest of encouraging the eventual removal of signs that do not meet the current standards of the UDO, the following standards are established to require the removal of nonconforming signs under certain circumstances.

(A) Discontinuance of Occupancy and/or Use

Where one (1) or more nonconforming signs are located on a parcel of land or building whose occupancy or use has been discontinued for a period of 180 days, such nonconforming sign(s) shall be removed, replaced, or otherwise brought into conformance with the current standards of this Article.

(B) Removal or Damage

Nonconforming signs that are voluntarily removed or which are damaged to an extent greater than or equal to sixty percent (60%) of their replacement value shall not be reestablished or repaired except in full conformance with the current standards of this Article. The removal of a sign shall include situations in which the face or faces are removed from a nonconforming sign structure and not replaced within ninety (90) days of the date of their removal.

10.4 Prohibited Signs

10.4.1 Applicability

The following signs are expressly prohibited within the Town of Pilot Mountain and its extraterritorial jurisdiction:

- (A) Animated signs as defined by this Ordinance.
- (B) Electronic Message Boards, Dynamic Signs, and Electronic Time and Temperature Displays - displaying blinking, flashing or intermittent lights, animation, and moving parts, unless otherwise expressly permitted.
- (C) Glaring signs as defined by this Ordinance.
- (D) Running signs as defined by this Ordinance.
- (E) Portable signs, unless otherwise expressly permitted.
- (F) Signs which approximate official highway signs, warning signs, or regulatory devices.
- (G) "Wrap-around" signs or other continuous wall signs that extend around building corners or radii.
- (H) Signs placed within any required sight triangle.
- (I) Signs attached to or painted on utility poles, telephone poles, trees, parking meters, bridges, overpasses, rocks, other signs, benches, and refuse containers, except that the latter two may contain a logotype.
- (J) Roof signs.
- (K) Signs placed within or extending into the right-of-way of city and state maintained streets and roads, except those signs erected by a duly constituted government body or which are expressly permitted to be placed within a right-of-way by this Ordinance or the North Carolina General Statutes.
- (L) Signs that contain language and/or pictures obscene to the general public in accordance with *NCGS 14-190.1*.
- (M) Indirect illumination for signs, such as floodlights, erected in such a manner as to cause glare that impairs driver vision on streets or roadways, or that causes a nuisance to adjoining property.
- (N) Signs that obstruct fire escapes, windows, doors, or other openings

used as means of egress or as required legal ventilation.

- (O) Signs containing or consisting of pennants, ribbons, streamers, festoon lighting, balloons (or inflatable signs), spinners, or windblown devices.
- (P) Signs that do not conform to the provisions of these regulations, except as otherwise provided in this Article.

10.5 Temporary Signs

10.5.1 Applicability

The provisions of this section shall apply to the placement and display of temporary signage within the Town's jurisdiction. Any temporary sign that does not comply with the provisions of this Section is prohibited. Any sign which is permanently displayed shall comply with the provisions of Section 10.4, Permanent Signs.

10.5.2 Common Standards

All temporary signs shall comply with the following common standards:

- (A) Temporary signs shall not be illuminated or be provided with any electric service.
- (B) Temporary signs shall not be placed within any public street right-of-way, including within medians, unless expressly permitted by this Article or the North Carolina General Statutes.
- (C) Temporary signs attached to building walls (other than permitted temporary window signs) shall not be placed in a manner that obstructs any window, door, fire department sprinkler connection, or street number sign.
- (D) Temporary signs shall not be affixed to a permanent sign or its supporting structure, including both building mounted and freestanding permanent signs.
- (E) Temporary signs shall not be placed in a manner that obstructs clear sight distance (within the required sight triangle) for motorists at street intersections or driveways.
- (F) Temporary signs, other than Type 4 Freestanding Temporary Signs, shall not be placed upon any sidewalk or other pedestrian walkway.
- (G) Temporary signs shall not be placed on the roof of a building, or

affixed to a motor vehicle, tree, utility pole, or street sign.

- (H) Where temporary signs are limited in the duration of their display and limited in the total number of displays per calendar year, any required period of separation between such displays shall carry through to the following calendar year, and shall be observed prior to initiating the first allowed display during the new calendar year.

10.5.3 Freestanding Temporary Signs

(A) General Provisions

The following standards apply to all Freestanding Temporary Signs:

- (1) Signs shall not be affixed to poles, posts, stakes or other supporting structures that are permanently installed or anchored into the ground through the use of concrete foundations or similar anchoring techniques.
- (2) Signs, other than Type 4 Freestanding Temporary signs, shall be not be set in the right-of-way.
- (3) No more than one (1) Freestanding Temporary Sign may be displayed on a parcel or group of adjacent parcels under common ownership or tenancy at any given time, regardless of type, unless otherwise expressly permitted.

(B) Type 1 Freestanding Temporary Signs

Signs in this category consist of small, temporary yard signs that are typically associated with (but not limited to) the advertisement of real estate, political campaigns, and meeting announcements. For examples of Type 1 Temporary Freestanding Signs, see Figure 10-4.

(1) Where Permitted

Type 1 Freestanding Temporary signs may be displayed in any zoning district and may be associated with any use, including parcels containing vacant or undeveloped land.

(2) Permitted Size

The maximum sign display area is limited to six square feet (6ft²) (per side if dual sided).

(3) Permitted Height

The maximum height of the sign, including any supporting posts or stakes, is limited to four (4) feet above the adjacent grade.

(4) Number Permitted

One (1) Type 1 Freestanding Temporary Sign per street frontage may be displayed on a parcel or group of adjacent parcels under common ownership or tenancy.

(5) Sign Material

The display area (sign face) shall be composed of a rigid material.

(6) Mounting Standard

Signs may only be mounted and supported by posts or stakes.

(7) Number of Sides

The display area may be either single or dual sided.

(8) Permitted Duration of Display

There is no limit to the duration of the display of a Type 1 sign.

(C) Type 2 Freestanding Temporary Signs

Signs in this category are typically referred to as “banners” that are typically associated with (but not limited to) the announcement of community, sporting, and similar special events. For examples of Type 2 Temporary Freestanding Signs, see Figure 10-4.

(1) Where Permitted

Type 2 signs are permitted only on parcels or groups of adjacent parcels under common ownership which contain a use in the Recreational & Entertainment, Civic, Government & Institutional, Office & Service, and Retail & Wholesale use categories.

(2) Permitted Size

The maximum sign display area is limited to eighteen square feet (18ft²) (per side if dual sided).

(3) Permitted Height

The maximum height of the sign, including any supporting posts or stakes, is limited to four (4) feet above the adjacent grade.

(4) Number Permitted

One (1) Type 2 Freestanding Temporary Sign may be displayed on a parcel or group of adjacent parcels under common ownership or tenancy.

(5) Sign Material

The display area (sign face) shall be composed of flexible material.

(6) Mounting Standard

Signs may only be mounted and supported by posts or stakes.

(7) Number of Sides

The display area may be either single or dual sided.

(8) Permitted Duration of Display

Type 2 signs are permitted to be displayed for a maximum period of fourteen (14) calendar days. A maximum of six (6) separate displays are permitted during each calendar year with a minimum of ten (10) days of separation between displays.

(D) Type 3 Freestanding Temporary Signs

Signs in this category are large temporary signs typically associated with (but not limited to) the advertisement of large tracts of land for sale, construction, and development activity or the advertisement of commercial or industrial buildings for sale or lease. For examples of Type 3 Temporary Freestanding Signs, see Figure 10-4.

(1) Where Permitted

Type 3 signs are permitted only on parcels or groups of adjacent parcels under common ownership which contain either:

- i. A use in the Residential Uses group where the size of the parcel or group of adjacent parcels under common ownership is a minimum of three (3) acres in size;
- ii. Vacant or undeveloped land where the parcel or group of adjacent parcels under common ownership is a minimum of one (1) acre in size; or
- iii. A use in any other category or use group, provided that the parcel upon which the sign is displayed has a minimum of one-hundred (100') feet of frontage on a public street, as measured at the right-of-way.

(2) Simultaneous Display Prohibited

A Type 3 sign shall not be displayed upon a parcel that contains a permanent freestanding sign, including a sign structure that has had its display area removed.

(3) Permitted Size

The maximum display area is limited to thirty-two square feet (32ft²) (per side if dual sided).

(4) Permitted Height

The maximum height of the sign, including any supporting posts or stakes, is limited to eight (8') feet above the adjacent grade.

(5) Number Permitted

One (1) Type 3 Freestanding Temporary Sign may be displayed on a parcel or group of adjacent parcels under common ownership or tenancy.

(6) Sign Material

The display area (sign face) shall be composed of a rigid material.

(7) Mounting Standard

Signs shall be mounted to and supported by a minimum of two (2) separate posts or stakes.

(8) Number of Sides

The display area may be either single or dual sided.

(9) Permitted Duration of Display

i. Type 3 signs may be displayed without limit to duration upon any parcel or group of adjacent parcels under common ownership which contain only vacant or undeveloped land, including land whose principal use is the production of agricultural commodities or forestry.

ii. In all other cases, the duration of display shall be limited to two (2) years, provided that this limit shall not apply if the land, and any building(s) and/or structure(s) upon such parcel or group of parcels is not occupied or in active use for purposes other than a use in the Residential Uses group at any time during the period of display.

iii. Where the display of a Type 3 sign is subject to a limit on the duration of display, there shall be a minimum period of separation of sixty (60) days between the removal of the previously permitted sign and the display of a new sign. Such period of separation shall apply in all cases where a sign subject to a limit on the duration of its display is

removed, regardless of whether the maximum allowed duration for its display has been reached at the time of its removal.

(E) Type 4 Freestanding Temporary Signs

The category of signs defined as Type 4 Freestanding Temporary Signs shall include only those signs which are constructed in a manner that is commonly referred to as an “A-frame” or “sandwich board” sign. The faces of the sign shall be connected at the top by hinges or similar mechanisms and the sign shall be self-supporting when placed in its display position.

(1) Where Permitted

Type 4 signs may only be displayed by a use that is included in the Retail & Wholesale use category.

(2) Permitted Size

The maximum sign display area is limited to six square feet (6ft²) per sign face.

(3) Permitted Height

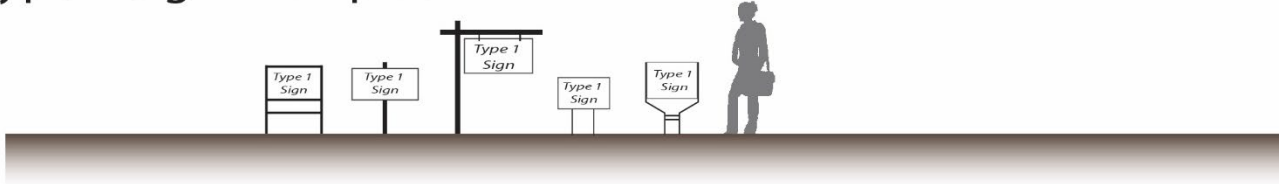
The maximum height of the sign is limited to four (4') feet above the grade of the surface upon which it is displayed when placed in its display position.

(4) Number Permitted

One (1) Type 4 Freestanding Temporary Sign may be displayed per customer entrance, provided that no more than two (2) Type 4 signs may be displayed per tenant space along the same building frontage.

Figure 10-4: Temporary Freestanding Sign Examples

Type 1 Sign Examples



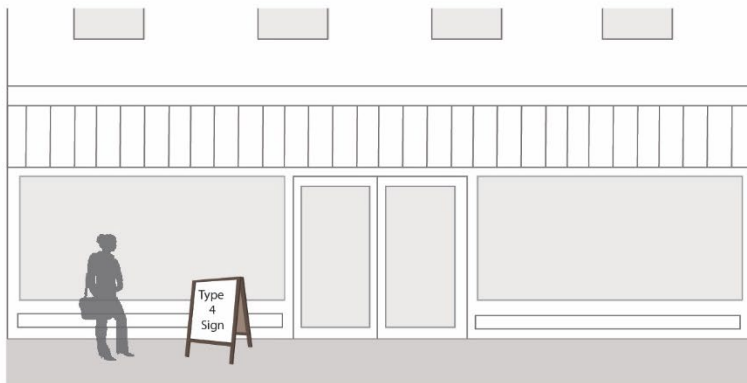
Type 2 Sign Examples



Type 3 Sign Examples



Type 4 Sign Example



(5) Sign Material Standard

The display areas (sign faces) shall be composed of rigid material.

(6) Placement Standards

- i. Type 4 signs may be placed upon a public sidewalk or other pedestrian walkway, provided that a minimum of five (5') feet of unobstructed clearance is maintained along the directional path of the walkway.
- ii. In no case shall a Type 4 sign be placed in a manner that obstructs vehicular access and movement.

(7) Permitted Duration of Display

Type 4 signs may only be displayed during the period beginning thirty (30) minutes prior to the daily opening and ending thirty (30) minutes following the daily closing of the business displaying the sign.

10.5.4 Wall Mounted Temporary Signs

Temporary signs mounted to building walls may be displayed subject to the following provisions:

- (A)** Wall mounted temporary signs are only permitted on buildings housing a use within the Office & Service, Retail & Wholesale, and Industrial, Warehousing, Transportation & Utility use categories.
- (B)** One (1) temporary wall sign may be displayed per building occupied by a single tenant. Buildings designed for occupancy by multiple tenants where each tenant has a separate entrance may display one (1) temporary wall sign per tenant space. Buildings occupied by multiple tenants that share a common entrance may not display more than one (1) temporary wall sign at any given time.
- (C)** Temporary wall signs shall be mounted flush against the building wall and secured by fasteners or other anchors at each corner.
- (D)** The maximum display area for temporary wall signs shall be the greater of eighteen square feet (18ft²) or twenty-five percent (25%) of the maximum permitted permanent wall signage, not to exceed thirty-six square feet (36ft²).
- (E)** Temporary wall signs may be displayed for a maximum of thirty (30)

consecutive calendar days.

- (F) Temporary wall signs may be displayed a maximum of four (4) times per calendar year, with a minimum of thirty (30) days of separation between removing a temporary wall sign and displaying a new temporary wall sign. The minimum time period between temporary sign displays for buildings housing multiple uses that share a common entrance is ten (10) days.

10.5.5 Temporary Use Signage

The issuance of a Temporary Use Permit allows the display of one (1) temporary sign per street frontage at the permitted location of the Temporary Use for the period of operation as specified in the Temporary Use Permit.

10.5.6 Suspension of Type 1 Freestanding Sign Regulations

Beginning on the 30th day prior to the beginning of early voting for any scheduled primary or election, as established by the North Carolina Board of Elections, and ending the 10th day following the primary or election, the limit on the number of Type 1 Freestanding Temporary Signs that may be displayed on a parcel containing a use in the Residential Uses group is suspended. All other regulations associated with such signage shall remain in effect during such period of suspension. Following the end of such period of suspension of this regulation, the limit on the number of permitted Type 1 Freestanding Temporary Signs shall be in force until the following period of suspension.

10.6 Permanent Signs

10.6.1 Applicability

The following regulations govern the installation and display of permanent signage within the jurisdiction of this Ordinance. All permanently installed signage shall comply with these regulations unless otherwise explicitly exempted by the provisions of this Article.

10.6.2 Wall Signs

(A) Where Permitted

Wall signs shall be permitted to be displayed in association with any non-residential use in any zoning district subject to such additional limitations and conditions as included herein.

(B) Permitted Sign Location

Wall signs may be displayed on any building wall that includes a customer or public entrance or faces a parking area.

(C) Number of Signs Permitted

No limit of wall signs per building wall.

(D) Permitted Sign Area (Excluding CB District)

The maximum permitted area of wall signs shall be twenty-five percent (25%) of the area of the building wall for single tenant buildings. The maximum permitted area of wall signs shall be fifteen percent (15%) of the building wall for multi-tenant buildings. The area of the building wall shall be measured along its entire width from the base of the building wall to the top of the parapet wall or point at which the roof begins. Areas of projection or other change in wall plane along a building wall that are not parallel to the primary (longest) wall plane shall not be included in such calculation.

(E) Changeable Copy

Wall signs may not include any changeable copy features, including manually changeable copy, electronic changeable copy, or similar features. This shall not apply to wall signs displayed on buildings designed for and in use as places of assembly such as churches, theaters, and events centers.

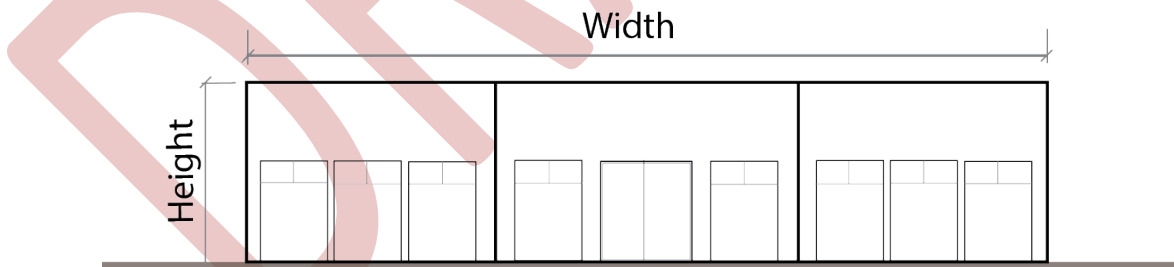


Figure 10-5: Measurement of Building Wall Area

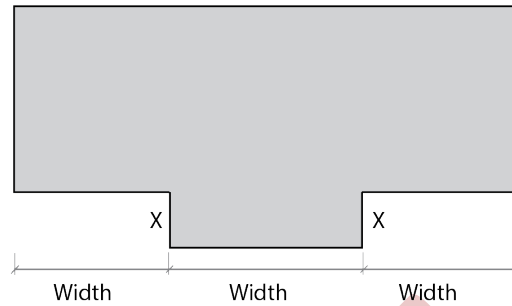


Figure 10-6: Measurement of Building Walls with Projections

(F) Illumination

Wall signs may be illuminated either internally or externally. Illumination levels shall be in compliance with all other applicable standards of the Outdoor Lighting provisions of the UDO as established in Section 8.10.

(G) Mounting Requirements

Wall signs may not project more than twelve (12”) inches from the building wall to which they are mounted and shall not be mounted in a manner where any part of the sign extends past the top of the building wall.

(H) Wall Signs in CB District

The maximum permitted area of wall signs shall be fifteen percent (15%) of the area of the building wall, not to exceed sixty square feet (60ft²). The area of the building wall shall be measured along its entire width from the base of the building wall to the top of the parapet wall or point at which the roof begins. Areas of projection or other change in wall plane along a building wall that are not parallel to the primary (longest) wall plane shall not be included in such calculation.

10.6.3 Freestanding Ground Signs

(A) Where Permitted

Freestanding ground signs are permitted in association with any principal non-residential use in any zoning district. Freestanding ground signs may also be established in association with residential subdivisions, multi-family developments, nursing homes and mobile

home parks. In the CB district, freestanding ground signs shall only be permitted where the principal building, along with any canopy or awning, is setback a minimum of twenty (20') feet from the street right-of-way.

(B) Permitted Sign Location

Freestanding ground signs shall not be located within fifty (50') feet of any other freestanding ground sign unless the signs are separated by a street right-of-way. Freestanding ground signs shall not encroach into a street right-of-way or be located in any required sight triangle.

(C) Number of Signs Permitted

(1) Non-Residential Uses on Individual Parcels

One (1) freestanding ground sign may be displayed per street frontage, provided that where there are multiple street frontages, signs on the subject parcel may not be placed within one-hundred (100') feet of each other as measured in a straight line.

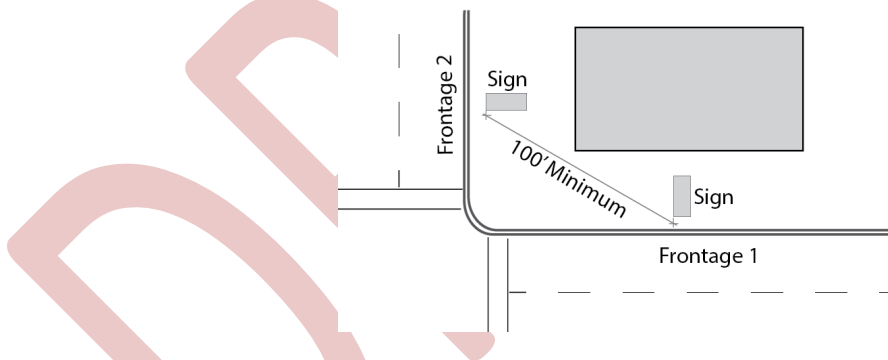


Figure 10-7: Minimum Separation for Signs on Separate Frontages

(2) Non-Residential Uses in Combined Developments

One (1) freestanding ground sign may be displayed per entrance drive to a combined development. Signs may not be placed any closer than five-hundred (500') feet from each other when located on the same street frontage.

(3) Residential Subdivisions, Multi-Family Developments, Nursing Homes, and Mobile Home Parks

One (1) freestanding ground sign may be displayed per entrance.

(D) Permitted Sign Height and Area

The permitted maximum height and area for ground mounted freestanding signs shall be as follows:

(1) GB, GM and LI Districts

The maximum permitted area for signs is based upon the gross floor area of the building or combination of buildings located on the subject parcel. For parcels with buildings containing up to twenty-thousand square feet (20,000ft²) of gross floor area, the maximum sign area shall be thirty-two square feet (32ft²). For each additional ten-thousand square feet (10,000ft²) of gross floor area, a further four square feet (4ft²) of sign area is permitted, up to a maximum of forty-eight square feet (48ft²) of sign area.

The maximum permitted height of signs in these districts shall be eight (8') feet for signs up to thirty-two square feet (32ft²) in area and ten (10') feet for signs with an area exceeding thirty-two square feet (32ft²).

(2) HB District

The maximum permitted area for signs is based upon the gross floor area of the building or combination of buildings located on the subject parcel. For parcels with buildings containing up to twenty-thousand square feet (20,000ft²) of gross floor area, the maximum sign area shall be forty-eight square feet (48ft²). For each additional ten-thousand square feet (10,000ft²) of gross floor area, a further four square feet (4ft²) of sign area is permitted, up to a maximum of sixty-four square feet (64ft²) of sign area.

The maximum permitted height of signs in these districts shall be fifteen (15') feet.

(3) OI and CB Districts

The maximum permitted area for signs is based upon the gross floor area of the building on the subject parcel. For parcels with buildings containing up to five-thousand square feet (5,000ft²) of gross floor area, the maximum sign area shall be twenty-four square feet (24ft²). For each additional two-thousand square feet (2,000ft²) of gross floor area, a further four square feet

(4ft²) of sign area is permitted, up to a maximum of thirty-two square feet (32ft²) of sign area.

The maximum permitted height of signs in this district shall be six (6') feet.

(4) All Other R Districts

The maximum sign area shall be twenty-four square feet (24ft²), with the exception of signs associated with uses that fall into the Civic, Government & Institutional use group, which shall be permitted to have signs with an area of up to thirty-two square feet (32ft²).

The maximum permitted height of signs in this district shall be six (6') feet.

(E) Changeable Copy

Additional freestanding signage may be displayed subject to the following conditions:

(1) Manual / Analog Changeable Copy

Manual or analog changeable copy area may be included on any freestanding sign. The area devoted to changeable copy shall be limited to seventy percent (70%) of the total area of the sign face.

(2) Electronic Changeable Copy (LED Displays, Electronic Message Boards, Time and Temperature Displays)

Electronic changeable copy area may be included on any conforming freestanding sign in the GB and HB districts. The area devoted to electronic changeable copy shall be limited to seventy percent (70%) of the total area of the sign face. Electronic changeable copy displays shall not be illuminated between the hours of 11:00PM and 5:00AM. Electronic changeable copy displays with only time and temperature capabilities shall not be subject to limited hours of operation. All signs that include an electronic changeable copy feature shall meet the minimum North Carolina Department of Transportation requirements for lighting and message duration contained in NC Administrative Code 2E.0203(3a-c & 4a (i-iii)).

(F) Illumination

Freestanding ground signs for non-residential uses may be illuminated either internally or externally. Freestanding signs at the entrance to a residential subdivision, multi-family development, nursing home, or mobile home shall only be illuminated externally. Illumination levels shall be in compliance with all other applicable standards of the Outdoor Lighting provisions of the UDO as established in Section 8.10.

(G) Sign Design

Freestanding ground signs in all zoning districts (except in the HB district) shall be mounted on supporting elements consisting of brick, stone, or split-faced block with the base of the sign being no more than twenty-four (24") inches above the adjacent grade. Except in the HB district, freestanding ground signs shall not be attached to a pole or pylon nor raised by mounting on a man-made berm, wall, or similar structure.

(H) Base Landscaping Required

All freestanding ground signs in parking areas shall stand in a bed of landscaping at least thirty square feet (30ft²) in area. This area shall contain low growing materials such as ground covers, perennials, and shrubs.

10.6.4 Awning Signs

(A) Where Permitted

Awning signs shall be permitted to be displayed on awnings associated with any non-residential use in any zoning district subject to such additional limitations and conditions as included herein.

(B) Permitted Sign Location

Awning signs may only be displayed on awnings which are installed to cover a customer entrance.

(C) Number of Signs Permitted

One (1) sign may be displayed per awning installed to cover a customer entrance.

(D) Permitted Sign Area

Awning signs may be displayed across up to eighty percent (80%) of the width of the valance of an awning.

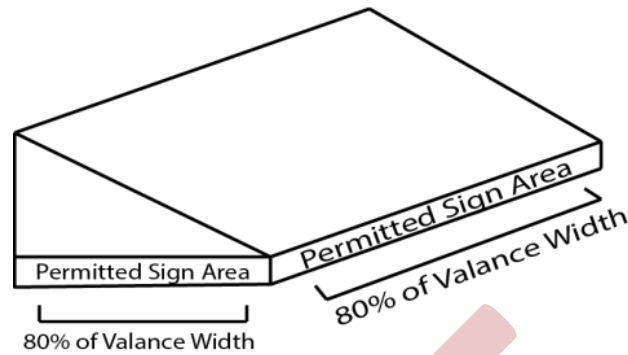


Figure 10-8: Permitted Sign Area for Awning Signs

(E) Illumination

Awning signs shall not be illuminated.

(F) Multi-Tenant and Combined Developments

Each tenant space within a multi-tenant building or building within a combined development shall utilize either awning signs exclusively in place of wall signage or may combine awning signs with wall signage, provided that each tenant space or building within the development shall utilize the same choice in sign type or combination of sign type.

10.6.5 Projecting Signs

(A) Where Permitted

Projecting signs shall be permitted to be displayed in association with any non-residential use in any zoning district subject to such additional limitations and conditions as included herein.

(B) Permitted Sign Location

Projecting signs may be displayed on any building wall where a wall sign is permitted to be displayed. When projecting signs are displayed on the same building wall as a wall sign, the projecting sign shall be mounted in a location that is either directly above or below the wall sign (the primary sign where multiple wall signs are displayed) and centered on the midpoint of such sign. Alternatively, a projecting sign may be displayed at the intersection (corner) of two building walls.

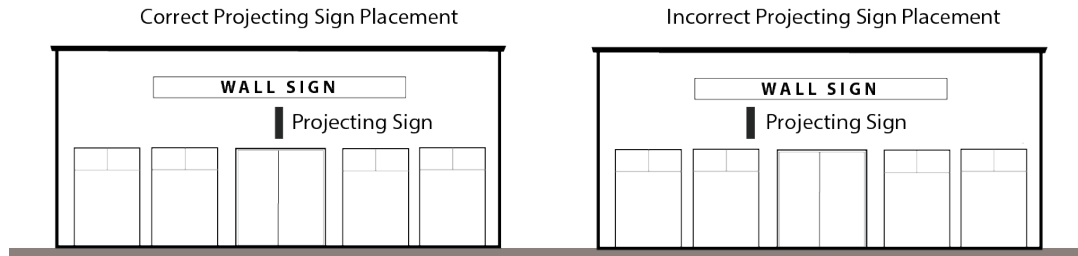


Figure 10-9: Permitted Location of Projecting Signs When Displayed with Wall Signs

(C) Number of Signs Permitted

One (1) projecting sign is permitted per building wall where a wall sign is permitted to be displayed. Where a projecting sign is displayed on the corner of a building, no other projecting sign may be displayed on either intersecting building wall.

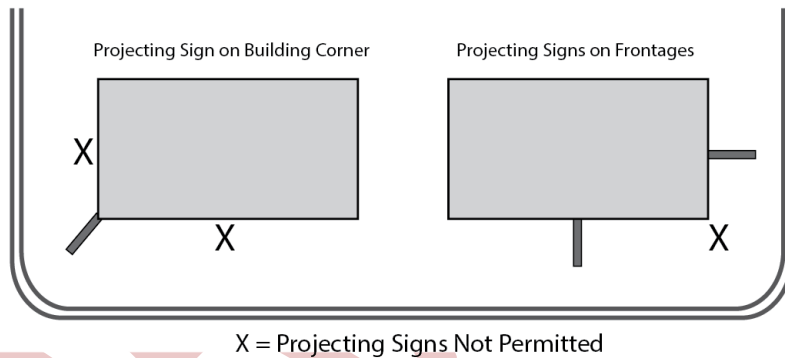


Figure 10-10: Projecting Sign Building Corner Placement Restrictions

(D) Permitted Sign Area

Projecting signs may have an area of up to sixteen square feet (16ft²).

(E) Design and Mounting Requirements

Projecting signs shall be designed so that each face of the sign is parallel to the other face. When mounted at a location other than the corner of a building, the faces of the projecting sign shall be aligned so that they are perpendicular to the building wall.

(F) Minimum Clearance Required

Projecting signs shall be installed in such a manner as to provide a minimum of seven (7') feet of clearance above pedestrian walkways.

(G) Maximum Projection

Projecting signs shall not project greater than five (5') feet from the building wall to which they are attached. Projecting signs shall be installed so that the edge of the sign closest to the building wall is no greater than twelve (12") inches from such wall.

(H) Illumination

Projecting signs may be illuminated either internally or externally. When illuminated externally, the light source shall be mounted directly to the sign.

(I) Changeable Copy

No changeable copy feature, either manual or electronic, is permitted to be included on a projecting sign.

10.6.6 Canopy Signs

(A) Where Permitted

Canopy signs shall be permitted to be displayed in association with any non-residential use in any zoning district subject to such additional limitations and conditions as included herein.

(B) Permitted Sign Location

Canopy signs may be displayed on any freestanding or attached canopy covering a vehicular use area, such as an automobile fueling area or passenger drop-off area.

(C) Number of Signs Permitted

One (1) sign may be displayed per side of the canopy.

(D) Permitted Sign Area

Signs may occupy up to twenty percent (20%) of the area of the valance of the canopy, up to a maximum of twenty-four square feet (24ft²).

(E) Illumination

Signs on canopies may be internally or externally illuminated.

(F) Changeable Copy

No changeable copy feature, either manual or electronic, is permitted to be included on a canopy sign.

10.6.7 Incidental Signs

(A) Suspended Pedestrian Signs

One (1) sign no larger than six square feet (6ft²) in area may be suspended from an awning, canopy, or other pedestrian cover

directly in front of a customer entrance for a non-residential use. Such signs shall be mounted perpendicularly to the customer entrance and maintain a minimum of seven (7') feet of clearance above the pedestrian walkway. Such signs may not be illuminated.



Figure 10-11: *Suspended Pedestrian Sign*

(B) Pedestrian Wall Signs

Non-residential uses may display one (1) sign, not to exceed four square feet (4ft²) in area, on a building wall immediately adjacent to each customer entrance. No more than one (1) sign per entrance is permitted. Signs shall be mounted within four (4') feet of the customer entrance with which they are associated and the top of such signs shall not exceed seven (7') feet above the grade of the adjacent pedestrian walkway.

Figure 10-12: *Pedestrian Wall Sign*



(C) Window Signs

Non-residential uses may display signs on windows and doors located on the street level floor of a building frontage. Window signs

may cover, in total, up to fifty percent (50%) of the nearest window or door on the same building or façade. Window signs shall not be illuminated.

(D) Drive Entrance Signs

One (1) sign, not exceeding four square feet (4ft²) in area, may be displayed on each side of the street entrance to the parking area or internal driveway network of a non-residential use. Such signs shall not exceed three (3') feet in height, and shall be located within fifteen (15') feet of the intersection of the driveway and the street right-of-way.

(E) On-Premise Directional Signs

Signs shall not exceed three (3') feet in height not two square (2ft²) in area.

(F) Ghost Signs

Existing sign on an exterior building wall that has been weathered and faded to the extent that it has lost its original brightness of color and visibility shall be restored to its original condition.

(G) Miscellaneous Signs

Signs in conjunction with the operation of equipment or other functional elements such as a drive thru, automatic teller machines, gas pumps, vending machines, or similar uses and memorial signs, monuments, plaques, or grave markers which are non-commercial in nature may be displayed.

(H) Regulatory Signs

Signs required to be installed by any local, state, or federal rule, regulation or ordinance may be displayed in accordance with the standard establishing their size and placement. Examples of such signs include required building address signs and fire safety signage.

10.6.8 Off-Premise Directory Signs

Off-premise directory signs that provide a directory to businesses, uses or attractions not on immediate property but at nearby sites may be constructed provided that:

- (A)** Sign shall serve to direct the public to a single development site or contiguous development sites;
- (B)** The property on which the sign is located is immediately adjacent to the businesses, uses or attractions advertised;

- (C) The sign does not exceed five (5') feet in height nor twenty-four square feet (24ft²) in area;
- (D) The property on which the sign is located does not contain another directory sign;
- (E) The sign is not located within fifty (50') feet of a permanent freestanding ground sign;
- (F) No more than one (1) such sign is erected to direct the public to the development site(s); and
- (G) The sign shall not be illuminated.

DRAFT



TOWN OF PILOT MOUNTAIN
BOARD OF COMMISSIONERS MEETING

Road Project Interim Financing	
<u>Background Information:</u>	
We will need to secure interim financing to pay for the work that NC DOT will be doing to resurface roads during construction. We will not be able to draw down funds from USDA until this work is completed. We will have to get the LGC to approve this interim financing and therefore the Board will have to this resolution.	
<u>Staff Recommendation:</u>	Adopt resolution as presented.
<u>Possible Board of Commissioner Actions</u>	
<ul style="list-style-type: none">• Adopt Resolution• Take no action	
<u>Attachments</u>	
<ul style="list-style-type: none">• Resolution No 2021-04	

**RESOLUTION AUTHORIZING APPLICATION TO THE LOCAL
GOVERNMENT COMMISSION FOR APPROVAL OF INTERIM
FINANCING**

WHEREAS, the Town of Pilot Mountain, North Carolina desires to resurface Town maintained streets under a contract with the NC Department of Transportation, and

WHEREAS, the Town of Pilot Mountain has been approved for a loan and grant from the USDA to finance this project, and

WHEREAS, the Town of Pilot Mountain needs to secure interim financing until the project is completed and the USDA loans and grants can be closed, and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract.

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF THE TOWN OF PILOT MOUNTAIN, meeting in regular session on the 8th day of March, 2021, make the following findings of fact:

1. The proposed contract is necessary or expedient because the Town has secured long term financing from the USDA to complete the resurfacing of its roads but cannot close the loans from the USDA until the project has been completed and therefore needs interim financing during the construction period.
2. The proposed contract is preferable to a bond issue for the same purpose because the Town has secured long term financing from the USDA for this project and the cost to issue a bond to finance this project likely outweighs any potential savings from the lower interest rate on bonds. The Town needs to secure financing for this project as its current available fund balance is not enough to complete the project. It is preferable to complete this necessary resurfacing at one time rather than to save Powell Bill funds and complete the project in stages.
3. The sums to fall due under the contract are adequate and not excessive for the proposed purpose as the Town's annual Powell Bill revenue and additional funding from the profits at the ABC Store are enough to pay the annual debt service payments.
4. The Town of Pilot Mountain's debt management procedures and policies are good because the Town limits its use of debt to significant capital projects and plans these projects out so that as one debt issuance is fully service another issuance takes its place.
5. The increase in taxes necessary to meet the sums to fall due under the proposed contract will be 0 cents per \$100 valuation which is not excessive.
6. The Town of Pilot Mountain is not in default in any of its debt service obligations.
7. The attorney for the Town of Pilot Mountain has rendered an opinion that the proposed project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURHTER RESOLVED, that the Town Manager is hereby authorized to act on behalf of the Town of Pilot Mountain in filing an application with the North Carolina Local Government

Commissions for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

ADOPTED by the Board of Commissioners of the Town of Pilot Mountain this the 11th day of January 2021. The motion to adopt this resolution was made by Commissioner _____ and passed by a vote of _____ to _____.

Attest:

Evan Cockerham, Mayor

Holly Utt, Town Clerk



TOWN OF PILOT MOUNTAIN
BOARD OF COMMISSIONERS MEETING

Brush Collection Options	
<u>Background Information:</u>	
<p>At the March Board meeting I presented the Board with the responses that the Town received to its Solid Waste RFP. As a part of that RFP I had asked companies for a price to provide brush collection and bulky item collection services. Waste Management had the lowest overall cost for trash, recycling, brush, and bulky item collection. At the meeting the Board expressed some concerns about making this change because of the use carts and how residents would dispose of larger limbs.</p> <p>After discussing this with staff, I think there are a couple of options. First, we could go with WM proposal and use our existing crew to pick up larger items on an as needed basis. We think that these larger items make up about 10% of the workload and so we could manage this additional work. Second, we could direct our customers to cut the larger items up so that they would fit into the carts over several pick up periods. Third, WM offered to provide collection of these larger items for \$50 per pickup. We could cover this cost or pass the cost along to our customers.</p> <p>In addition to the above options in contracting with WM, another contractor has offered to provide this service using the current non-cart collection methods. This is the same contractor that would be providing the landscaping services that we had talked about during the March meeting. This other contractor has offered to mow all Town owned facilities, except the treatment plants; provide landscaping services at Town Hall and downtown, empty the trash/recycling bins downtown, and provide brush collection services for \$70,000 per year.</p> <p>I have prepared the attached spreadsheet to outline the current costs and the costs of both contract options. The most cost effective option, by far would be to contract with Waste Management for trash and recycling and to contract out the landscaping and brush collection services to Livengood. In addition, this would not change the collection methods and thus not make the service more inconvenient to our citizens. I therefore recommend that the Board go with this option.</p>	
<u>Staff Recommendation:</u>	Approve entering into agreements with WM for trash and recycling collection and Livengood for landscaping and brush collection.
<u>Possible Board of Commissioner Actions</u>	
<ul style="list-style-type: none">• Approve entering into contracts as outlined above.• Make no changes to brush collection services.• Take no action	
<u>Attachments</u>	
<ul style="list-style-type: none">• Brush Collection Costs	

BRUSH COLLECTION COSTS

	Labor	Brush	Bulky	Mowing	Total
Current	\$ 72,550.40	\$ -	\$ 2,500.00	\$ 18,000.00	\$ 93,050.40
Waste Management		\$ 38,709.00	\$ 2,500.00	\$ 45,000.00	\$ 86,209.00
Livengood		\$ 25,000.00	\$ 2,500.00	\$ 45,000.00	\$ 72,500.00



TOWN OF PILOT MOUNTAIN
BOARD OF COMMISSIONERS MEETING

American Rescue Plan	
<u>Background Information:</u>	
<p>As you all know, the President recently signed the American Rescue Plan after it was passed by both houses of Congress. Among the many provisions in this legislation, there is a direct allocation to local governments. The Town will receive \$410,000 from this legislation. The Plan limits how we can use this money to the following:</p> <ol style="list-style-type: none">1. Assistance to small businesses and non-profits in responding to the COVID crisis.2. Revenue replacement.3. Premium pay for essential workers.4. Water/sewer and broadband projects. <p>The money will be sent in two different allocations. The first will be made by 6/15. The current plan is to use this money to pay off water/sewer debt incurred by customers during the pandemic. This is about \$40,000. The remainder of the first allocation would be used for water/sewer projects. We have a number of small projects, including repairs at pump stations that need to be made. This money would allow this to get done during the current fiscal year or shortly after the new fiscal year starts.</p> <p>The second allocation will be made within 12 months of the first. I think this could be used to pay off some water/sewer debt and possibly make some distributions to non-profits and/or small businesses. We have not formulated an exact plan for this money but we do not expect to receive it until well into FY 2022.</p>	
<u>Staff Recommendation:</u>	Approve tentative plan for first round of stimulus funds.
<u>Possible Board of Commissioner Actions</u>	
<ul style="list-style-type: none">• Approve plans for first round of stimulus funds.• Approve different plan for first round of stimulus funds.• Take no action	
<u>Attachments</u>	
<ul style="list-style-type: none">• None	



TOWN OF PILOT MOUNTAIN
BOARD OF COMMISSIONERS MEETING

Parklet/Pedlet Discussion	
<u>Background Information:</u>	
One of the presentations at last week's Main Street Conference was about the creation of parklets or pedlets that allow businesses to expand out onto the sidewalk. Staff would like input from the Commissioners about whether we should spend some time developing some criteria for allowing businesses in Pilot Mountain to take this step.	
<u>Staff Recommendation:</u>	Discussion only
<u>Possible Board of Commissioner Actions</u>	
<ul style="list-style-type: none">• Provide direction to staff.	
<u>Attachments</u>	
<ul style="list-style-type: none">• None	



TOWN OF PILOT MOUNTAIN
BOARD OF COMMISSIONERS MEETING

Skatepark Discussion	
<u>Background Information:</u>	
Commissioner Needham has been contacted by a local resident who is interested in seeing a skatepark built in Town. Commissioner Needham and staff would like the Board to have a discussion about this and see if this is something the Town could support. This would not necessarily be something we would pay to build but may support with providing land for the park.	
<u>Staff Recommendation:</u>	Discussion only
<u>Possible Board of Commissioner Actions</u>	
<ul style="list-style-type: none">• Provide direction to staff.	
<u>Attachments</u>	
<ul style="list-style-type: none">• None	