TOWN OF WINGATE LAND USE ORDINANCE

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CHAPTER 1: Purpose and Applicability

1.1 TITLE

This Ordinance shall be known and may be cited as the Land Use Ordinance for the Town of Wingate. This Ordinance may also be known and may be referred to as the "LUO."

1.2 AUTHORITY

The development regulations contained in this Ordinance have been adopted pursuant to the authority conferred by the North Carolina General Statutes, hereafter referred to as NCGS. Specifically, principal authorization comes in the North Carolina General Statutes in Chapter 160A (Planning and Regulation of Development). The Land Use Ordinance of the Town of Wingate also uses powers granted in other sections of the North Carolina General Statutes relating to the particular types of development or particular development issues.

1.3 JURISDICTION

All provisions of this Ordinance shall apply within the corporate limits of Town of Wingate and within the extra-territorial jurisdiction, as identified on the Zoning Map of Town of Wingate, except for that property in the extra-territorial jurisdiction which is used for bona fide farm purposes is exempt from the requirements of this Ordinance, pursuant to NCGS 160A-360(k). The Zoning Map is on file with the Clerk of the Town of Wingate and with the Administrator of this Ordinance. The map and its boundaries shall be incorporated and made part of this Ordinance.

1.4 PURPOSE AND INTENT

The regulations contained in this Ordinance have been adopted in accordance with the adopted plans and policies of Town of Wingate, which include the stated goals below:

> *Wingate is a vibrant, friendly and caring college town for people of all ages and races. Wingate is responsive to the needs of its residents, honors its history while planning for growth, and values the educational and cultural benefits of the university. Wingate strives to be pedestrian-friendly and environmentally responsible while providing a healthy economic infrastructure and social opportunities for all.*

1.5 CONSISTENCY WITH ADOPTED PLANS AND POLICIES

In accordance with NCGS 160A-382 and 160A-383 all development plans, subdivision master plans, and rezonings shall be in conformance with all adopted plans and policies (including comprehensive plans, transportation plans, small area plans, open space and greenway plans, or any other plans) adopted by the Town of Wingate Board of Commissioners

1.5.1 IMPLEMENTATION OF PLAN

This Ordinance is intended to implement the vision statements, policies, and actions of the following plans and policies adopted by the Town of Wingate:

- Wingate 2020 Comprehensive Plan and Concept Plan (adopted October 4, 2010);

- Wingate NC Downtown Market Analysis and Strategic Development Plan (adopted May 2013);
- Wingate NC Economic Development Strategic Plan (adopted August 2015);
- Town of Wingate Comprehensive Pedestrian Plan (adopted May 2013);
- Wingate Water and Wastewater System Master Plan (adopted November 2010);
- Town of Wingate Greenway System Master Plan (adopted 2012).

1.5.2 AMENDMENTS TO THE LUO AND ADOPTED PLANS AND POLICIES

A. The Land Use Ordinance of the Town of Wingate also uses powers granted in other sections of the NCGS relating to particular types of development or particular development issues. Any amendments to or actions pursuant to this Ordinance shall be consistent with all adopted Town of Wingate plans and policies.

B. The adopted plans and policies of the Town of Wingate may be amended, and this LUO and the incorporated Zoning Map shall reflect those changes through appropriate amendments in accordance with the applicable process outlined in Chapter 15 of this Ordinance.

1.5.3 ADOPTED SMALL AREA PLANS

All development plans shall be consistent with any adopted small area plans. Small area plans may contain any of the following elements:

- Multi-modal circulation network (pedestrian, bicycle, automobile, and public transit networks)
- Green infrastructure network (floodplains, wetlands, lakes, streams, parks, squares, and other public open spaces)
- Location of sites reserved for civic and institutional buildings and uses
- General massing and development intensity pattern
- Specific design guidelines (in addition to those contained in this Ordinance)

1.5.4 VARIATIONS TO ADOPTED PLANS

Specific alignments, locations, or areas of public facilities noted in any adopted plan may be varied on a site by site basis as requested by the developer or the Administrator, provided the integrity of the proposed network and connections, locations, or area shown in the plan are maintained.

1.5.5 CONFLICTS WITH ADOPTED PLANS

In the event of a conflict or inconsistency between this Ordinance and any adopted plans the requirements of this Ordinance shall take precedence.

1.6 REQUIRED CONFORMANCE WITH THIS ORDINANCE

1.6.1 REQUIRED CONFORMANCE

No land or structure shall be used or occupied, and no structure or parts shall be constructed, altered, erected, or moved unless in conformity with all of the regulations herein specified for the zoning district in which it is located, subject to the provisions of Chapter 13 of this Ordinance. Every building erected, moved, or structurally altered shall be located on a lot conforming to the requirements of the zoning district in which it is located.

1.6.2 CONFORMANCE TO SUBDIVISION STANDARDS AND REQUIRED IMPROVEMENTS UPON DEVELOPMENT

All existing lots of record, platted prior to the adoption of this Ordinance and upon which no buildings have been erected, shall be grandfathered upon the date of adoption of this Ordinance and shall not be subject to the new lot standards herein. However, buildings upon such lots shall be subject to standards in this Ordinance including all related site improvements.

1.7 TRANSITIONAL PROVISIONS

The following transitional provisions shall apply to various activities, actions and other matters pending or occurring as of the effective date of this Ordinance.

1.7.1 VIOLATIONS CONTINUE

Any violation of any previous Ordinance of the Town of Wingate shall continue to be a violation under this Ordinance and shall be subject to the penalties set forth at the time of the violation, unless the use, development, construction or other activity is clearly consistent with the terms of this Ordinance.

1.7.2 COMPLETION OF CURRENT DEVELOPMENT PLANS UNDER PREVIOUS ORDINANCE

A. Permit Issued: Any building or development for which a permit or plan approval was issued prior to the effective date of this Ordinance or any amendment thereto, may be completed in conformance with the issued permit or plan approval and other applicable permits and conditions.

B. Application Filed

1. In the event that a land development application has been officially filed with the appropriate the Town of Wingate official prior to the effective date of this Ordinance, or any amendment thereto, the applicant may choose the version of the Ordinance that will apply to their application in compliance with NCGS §143-755.

2. The application approval process for such applications must be completed within one year of the filing date. Completion of the application approval process is considered to be the issuance of the appropriate Town of Wingate permit, certificate, or other designation sought under the land use rules and regulations in effect prior to the effective date of this Ordinance.

3. If the application approval process is not completed within the timeframe specified in in 1.7.2B.2 above, then the application process may be completed only in strict compliance with the requirements of this Ordinance.

4. The specified time may be extended at the direction of the Administrator due to delays in approvals from agencies external to the Town of Wingate.

1.8 CONFLICT RESOLUTION AND INTERPRETATION

1.8.1 CONFLICT RESOLUTION AND INTERNAL CONSISTENCY

A. This Ordinance is not intended to abrogate any other law, Ordinance, or regulation. However, whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or Ordinances, the most restrictive or that imposing the higher standards shall govern.

B. Except as hereinafter provided, these regulations shall not be deemed to interfere with, abrogate, annul, or otherwise affect in any manner whatsoever any easement, covenants, or other agreements between parties.

C. In any event, whenever the requirements of this Ordinance are in conflict with other requirements of laws of the United States or State of North Carolina, or with lawfully adopted Town of Wingate rules, regulations, Ordinance, or policies, or with development-imposed deed restrictions or covenants, the most restrictive, or that imposing the higher standards, shall govern.

D. In the event of a conflict or inconsistency between the text of this Ordinance and any caption, figure, illustration, or map contained herein, the text shall control.

E. This Ordinance is not intended to abrogate any easement, covenant, or other private agreement. However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this Ordinance shall govern. Unless deed restrictions, covenants, or other contracts directly involve the Town of Wingate as a part of interest, the Town of Wingate shall have no administrative responsibility for enforcing such deed restrictions or covenants.

F. Should the courts declare any section or provisions of this Ordinance invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

1.8.2 INTERPRETATION

In interpreting and applying these regulations, the requirements contained herein are declared to be the minimum necessary to carry out the purpose of these regulations and are adopted for the promotion of the public health, safety, and general welfare of the citizens of the Town of Wingate.

1.9 EFFECTIVE DATE

All provisions of this Ordinance shall become effective June 18, 2019.

CHAPTER 2: Zoning Districts and Provisions

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CHAPTER 2: Zoning Districts and Provisions

2.1 OFFICIAL ZONING MAP

2.1.1 ZONING MAP

A. Zoning Districts: The boundaries of each zoning district are shown on a map entitled "Town of Wingate Zoning Map" which is hereby made a portion of this Ordinance. The Official Zoning Map shall bear the adoption date of this Ordinance and the signatures of the Mayor and Town Clerk.

B. Overlay Districts: Certain overlay districts such as the Floodplain Overlay District, Floodway Overlay District, etc., are hereby established and incorporated by reference. The spatial data for such overlay(s) shall be presented with the Official Zoning Map, as appropriate.

C. Administration and Maintenance of Zoning Map: The Official Zoning Map shall be maintained in the Town of Wingate Planning Department and a copy shall be kept on file with the Town Clerk. The Administrator shall separately maintain the digital files that comprise the map and record all map amendments in a separate metadata file.

2.1.2 INTERPRETATION OF BOUNDARIES

When uncertainty exists with respect to the boundaries or districts as shown on the Official Zoning Map, the following rules shall apply:

A. District boundary lines are generally intended to be along or parallel to property lines, lot lines, the center lines of streets, alleys, railroads, easements, or other rights-of-way, creeks, streams, or other water channels.

B. In the absence of specified distances on the map, dimensions or distances shall be determined by the scale on the Official Zoning Map.

C. Where the Official Zoning Map shows a district boundary dividing a lot, each part of the lot shall conform to the standards established by this Ordinance for the zoning district or overlay zoning district in which that part is located.

D. When the street or property layout existing on the ground is at variance with that shown on the Official Zoning Map, the Planning Board shall interpret the district boundaries in accordance with Chapter 14 of this Ordinance.

2.2 DISTRICTS ESTABLISHED

2.2.1 GENERAL USE ZONING DISTRICTS

The general use zoning districts below are established and applied to property as set forth on the Official Zoning Map.

A. RURAL AND SUBURBAN ZONING DISTRICTS

In order to maintain existing auto-oriented commercial and industrial areas, and conventionally developed residential subdivisions, there are several base districts with the designations and general purposes listed under each and the specifically permitted uses, special uses, and dimensional standards included. It is expected that the expansion or enlargement of these districts will continue as there is sufficient area to support the future development of rural and suburban style development patterns within the Town of Wingate. Each base district has a corresponding Conditional District designation which will be administered in accordance with Section 2.7 of this Ordinance.

BASE DISTRICT	DESCRIPTION
1. RA-40 – Low Density Single-Family, Agricultural, and Agribusiness	The RA-40 district is designed to encourage the perpetuation of agricultural uses and compatible agribusiness uses and to accommodate low-density residential development (including most classes of manufactured homes) in areas not experiencing strong growth pressures and not served by public water or sewer.
2. RA-20 – Single-Family and Manufactured Homes, Low -to Medium Density	The RA-20 district is designed to accommodate single-family residential development, including most classes of manufactured homes, at low to medium densities in areas characterized by a prevalence of manufactured homes.
3. R-20 – Single-Family, Low-to-Medium Density	The R-20 district is designed to accommodate single-family residential and planned residential developments at low to medium densities in areas that are served by town water or sewer facilities and that are not appropriate for development at higher densities.
5. R-8 – Single, Two, and Multi-Family High Density	The R-8 district is designed to accommodate single-family, two-family, and multi-family development at higher densities in areas where town water and sewer are available.
6. R-6 – Single, Two, and Multi-Family High Density	The R-6 district is designed to accommodate single-family, two-family, and multi-family development at higher densities in areas where town water and sewer are available.
7. R-4 – Single, Two, and Multi-Family High Density	The R-4 district is designed to accommodate single-family, two-family, and multi-family development at high densities where water and sewer are available.
8. B-1, Central Business District	The B-1 is intended to accommodate a wide variety of commercial activities that will result in the most intensive and attractive uses of the

	central business district within the Town of Wingate.
9. B-2, Community Business	The B-2 district is designed to accommodate commercial development on a scale that is less intensive than that permitted in the B-1 zoning district. A lesser intensity is achieved through setback, height, and minimum lot size requirements that are more restrictive. Uses in the B-2 district may provide a transition from more intense development and allows for small-scale commercial development in rural areas, particularly at crossroads or other high traffic areas not generally suited for residential development.
10. B-3, Office/Residential	The B-3 district is designed to accommodate a mixture of residential and non-residential uses, such as offices, professional services, research facilities, etc. This district is intended to be applied to areas that are no longer viable for single-family residential uses because of high traffic volumes on adjacent streets or other market factors. Such areas will also constitute transitions between major arterials or more intensively developed commercial areas and residential zones.
11. B-6, Office/Institutional	The B-6 district is intended to accommodate a variety of residential and non-residential uses with an emphasis on office, institutional, governmental, educational, and limited commercial activities.
12. HC, Highway Corridor Mixed Use	The HC district is intended to accommodate a wide variety of commercial and light industrial uses along major transportation corridors, subject to performance standards designed to a) ensure the viability of the highway as a carrier of high volumes of traffic, b) recognize and preserve the value of land along the corridor as the site of significant non-residential development, and c) protect the viability of residential neighborhoods adjacent to the corridor. It is intended that developments within this district be sensitive to the need to preserve a high degree of aesthetic appeal along major transportation corridors.
13. LI, Light Industrial	The LI district is intended to accommodate externally benign industrial and office uses that pose little nuisance to adjacent residential or mixed-use areas.
14. HI, Heavy Industrial	The HI district is established to accommodate those industrial, manufacturing, or large-scale utility operations that are known to pose levels of noise, vibration, odor, or truck traffic that are considered nuisances to surrounding development.

B. FORM BASED ZONING DISTRICTS

To permit the compact, high-density development within the Town of Wingate, form-based zoning districts are hereby established. These zoning districts are intended to allow developments of higher density and intensity to promote the conservation of land, reduce urban sprawl, and rely less on the automobile to travel to retail establishments, places of employment, and other service uses. Each form-based district has a specific purpose described below and has its own set of permitted uses, dimensional standards, and design standards. Each base district has a corresponding Conditional District designation which shall be administered in accordance with Section 2.7.

BASE DISTRICT	DESCRIPTION
1. TC, Town Center District	The TC district is focused around the intersection of Main Street and Highway 74 and is intended for the most intense land uses within the Town of Wingate. Development in this district should reflect a traditional, downtown Main Street and should include a mix of uses including curb-front stores, offices, and residential uses on the upper-story of buildings.
2. RMU, Residential Mixed-Use	The RMU district is intended to accommodate a variety of housing types in a neighborhood setting. The regulations of this district are intended to provide areas for those persons desiring small residences and multifamily structures in relatively high-density neighborhoods within walking or biking distance from mixed use centers, as well as some limited commercial uses in pedestrian-scaled, residential-style structures.
3. UMU, Urban Mixed-Use	The UMU district is intended to accommodate active, pedestrian-friendly areas of community-scale commercial, residential, office, and civic uses in both vertically mixed-use, as well as free-standing buildings. Retail should be placed at street level with residential in the rear or upper story of buildings.

2.3 DISTRICT STANDARDS

2.3.1 TABLE OF RURAL AND SUBURBAN RESIDENTIAL DEVELOPMENT STANDARDS

	LOW DENSITY RESIDENTIAL (RA-40)	LOW-TO-MEDIUM DENSITY RESIDENTIAL (RA-20, R-20)	MEDIUM-TO-HIGH DENSITY RESIDENTIAL (R-8, R-6)	HIGH-DENSITY RESIDENTIAL (R-4, B-3, B-6)
A. DEVELOPMENT STANDARDS				
1. Density (max)[1]	1 du / acre	2 du / acre	R-8: 5 du / acre R-6: 7 du / acre	10 du / acre
2. Open Space minimum (per Chapter 7)	2.5% of gross site area	3.5% of gross site area	7.5% of gross site area	7.5% of gross site area
3. Park Space minimum (Per Chapter 7)	2.5% of gross site area	3.5% of gross site area	5% of gross site area	5% of gross site area
B. LOT STANDARDS				
1. Lot Area (min)[2]	40,000 sf	20,000 sf	R-8: 8,000 sf R-6: 6,000 sf	R-4: 4,000 sf B-3: 6,000 sf B-6: 8,000 sf
2. Lot Width at Street Setback[2]	120 ft	100 ft	80 ft	R-4: 50 ft B-3: 60 ft B-6: 80 ft
C. PRINCIPAL BUILDING STANDARDS				
1. Street Setback (min)[3]	40 ft	40 ft	30 ft	20 ft
2. Side Setback (min)	15 ft	12 ft	10 ft	5 ft
3. Rear Setback (min)	40 ft	40 ft	30 ft	20 ft
4. Building Height (max)	35 ft	35 ft	45 ft	30 ft
D. ACCESSORY STRUCTURES[4]				
1. Side Setbacks (min)	10 ft	10 ft	5 ft	5 ft
2. Rear Setback (min)	10 ft	10 ft	5 ft	5 ft
3. Building Height (max)[5]	25 ft	25 ft	25 ft	25 ft

[1] Maximum density permitted is subject to standards of applicable Zoning Overlays.

[2]For townhome and Manufactured Home Park developments, this standard applies to the entire development, not individual lots.

[3]On lots with multiple street frontages, the Street Setback applies to all property lines adjoining a public right-of-way or private street easement.

[4]Accessory structures are not permitted within a required Street Setback.

[5]Accessory structures are not permitted to exceed the height of a principal structure located on the same lot.

2.3.2 TABLE OF RURAL AND SUBURBAN NON-RESIDENTIAL DEVELOPMENT STANDARDS

	B-1, CENTRAL BUSINESS DISTRICT	B-2, COMMUNITY BUSINESS	B-3, OFFICE / RESIDENTIAL	B-6, OFFICE / INSTITUTIONAL	HC, HIGHWAY CORRIDOR MIXED USE	LI, LIGHT INDUSTRIAL	HI, HEAVY INDUSTRIAL
A. DEVLEOPMENT STANDARDS							
1. Development Exterior Setback	N/A	N/A	N/A	N/A	50 ft	50 ft	100 ft
B. LOT STANDARDS							
1. Lot Area (min)[1]	6,000 SF	6,000 sf	6,000 sf	8,000 sf	6,000 sf	N/A	N/A
2. Lot Width at Street Setback (min)[2]	N/A	60 ft	60 ft	80 ft	N/A	100 ft	100 ft
C. PRINCIPAL BUILDING STANDARDS							
1. Street Setback (min)[3]	10 ft	25 ft	25 ft	25 ft	40 ft	50 ft	50 ft
2. Side Setback(min)[4]	0 ft	15 ft	10 ft	5 ft	20 ft	20 ft	S0 ft
3. Rear Setback (min)	0 ft	25 ft	25 ft	25 ft	40 ft	50 ft	50 ft
4. Building Height (max)	35 ft / 50 ft[5]	35 ft	35 ft	35 ft / 85 ft[5]	35 ft / 60 ft[5]	N/A	N/A
D. ACCESSORY BUILDING STANDARDS							
1. Side Setback (min)[6]	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
2. Rear Setback (min)	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
3. Building Height (max)[7]	25 ft	25 ft	25 ft	25 ft	25 ft	N/A	N/A

[1]If used for residential purposes. No minimum lot size for non-residential uses.

[2]For townhome developments, this standard applies to the entire development tract, not individual lots.

[3]On lots with multiple street frontages, the Street Setback applies to all property lines adjoining a public right-of-way or private street easement.

[4]In situations where required perimeter buffer widths are greater than required Side Setback, minimum Side Setback is increased to the minimum required perimeter buffer width (See Chapter 8).

[5]The first number indicates the building height permitted by-right. Building heights in excess of 35', but not exceeding the second number in the table, are permitted with the approval of a Conditional Use Permit.

[6]Accessory structures are not permitted within a required Street Setback.

[7]Accessory structures are not permitted to exceed the height of a principal structure located on the same lot.

2.3.3 TABLE OF FORM-BASED DISTRICT STANDARDS

	TC, TOWN CENTER	RMU, RESIDENTIAL MIXED-USE	UMU, URBAN MIXED USE
A. DEVELOPMENT STANDARDS			
1. Density (max)[1]	N/A	14 du / acre	24 du / acre
2. Open Space (per Chapter 7)	N/A	5% of gross site area	5% of gross site area
3. Park Space (per Chapter 7)	N/A	2.5% of gross site area	2.5% of gross site area
B. PRINCIPAL BUILDING SETBACKS			
1. Street Setback[2,3]	0 ft	20 ft (max)	15 ft (max)
2. Side Setback[3]	0 ft	5 ft	5 ft
3. Rear Setback[3]	0 ft	20 ft (min) *or* 5 ft (min) with rear alley access	20 ft (min) *or* 5 ft (min) with rear alley access
4. Frontage Buildout (per Chapter 4)	75%	N/A	60%
5. Building Height (min)	35 ft	35 ft	20 ft
6. Building Height (max)	N/A	N/A	N/A
C. ACCESSORY BUILDING STANDARDS[4]			
1. Side Setback (min)	10 ft	5 ft	5 ft
2. Rear Setback (min)	10 ft	5 ft	5 ft
3. Building Height (max)[5]	25 ft	25 ft	25 ft

[1]*Maximum density permitted is subject to standards of applicable Zoning Overlays*
[2]*On lots with multiple frontages, the Street Setback applies to all property lines adjoining a public right-of-way or private street easement.*
[3]*Setbacks apply to residential and non-residential principal buildings.*
[4]*Accessory structures are not permitted within a required Street Setback.*
[5]*Accessory structures are not permitted to exceed the height of a principal structure located on the same lot.*

2.4 PERMITTED USES

2.4.1 USE CATEGORIES

All uses permitted in the LUO have been divided into ten categories, defined as follows:

A. Residential: These uses are intended for long-term human habitation by means of ownership or rental. This category of uses excludes the short-term leasing or rental of property for less than one month.

B. Lodging: These uses are intended for short-term human habitation including daily and weekly rental.

C. Office / Service: These uses include the transaction of general business and the provision of services. This category of uses excludes retail sales and manufacturing, except as a minority component of the primary use.

D. Commercial / Entertainment: These uses include the transaction of commercial sales of merchandise, prepared foods, and food and drink consumption. This category of uses excludes the manufacturing of goods and products.

E. Civic: These uses include organizations dedicated to religion, government, arts and culture, recreation and sports, and other similar areas of public assembly.

F. Educational and Institutional: Uses and premises dedicated to education, social service, health care, and other similar functions.

G. Automotive: These uses are accessed predominantly by or dedicated to the sale, maintenance, servicing, and/or storage of automobiles or similar vehicles.

H. Industrial: Uses dedicated to the creation, assemblage, storage, and repair of items including their wholesale or retail sale.

I. Agricultural: Uses dedicated to growing crops, raising animals, harvesting timber, and harvesting fish or other animals from a farm, ranch, or their natural habitat and all related functions.

J. Infrastructure: Uses dedicated to transportation, communication, information, and utilities.

2.4.2 INTERPRETATION OF THE PERMITTED USE TABLE

A. Permitted / Prohibited Uses: Uses not listed as permitted (P), permitted with additional standards (PS), or requiring a conditional use permit (CUP) are presumed to be prohibited (-) from the applicable zoning district.

B. Uses Not Listed: In the event that a particular use is not listed in the Permitted Use Table, and such use is not listed as a prohibited use and is not otherwise prohibited by local, state, or federal law, the Administrator shall determine whether a materially similar use exists in the LUO. Should the Administrator determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Administrator's decision shall be recorded in writing. Should the Administrator determine that a materially similar use does not exist, the Administrator's determination may be appealed to the Board of Adjustment, as described in Chapter 15 of this Ordinance. Alternatively, the LUO may be amended, as described in Chapter 15, to establish a specific listing for the use in question.

C. Materially Similar Uses: The Administrator may determine that a use is materially similar if a permitted use is similarly classified by one or more of the following use classification systems:

1. American Planning Association Land-Based Classification Standards (LBCS)

2. North American Industrial Classification System (NAICS)

3. Institute of Traffic Engineers Trip Generation Guide (ITS)

2.4.3 PERMITTED USE TABLE

A. (P) – This notation indicates that the listed use is permitted by-right in the corresponding zoning district.

B. (PS) – This notation indicates that the listed use is permitted by-right in the corresponding zoning district, with supplemental use standards as defined in Chapter 3 of this Ordinance.

C. (CUP) – This notation indicates that the listed use is permitted with approval of a Conditional Use Permit by the Town of Wingate Board of Commissioners.

D. (-) – This notation indicates that the listed use is not permitted in the corresponding zoning district.

	RURAL AND SUBURBAN													FORM BASED		
USE TYPES A. RESIDENTIAL	**RA-40**	**RA-20**	**R-20**	**R-8**	**R-6**	**R-4**	**B-1**	**B-2**	**B-3**	**B-6**	**HC**	**LI**	**HI**	**TC**	**RMU**	**UMU**
Accessory Dwelling	PS	PS	PS	PS	PS	PS	-	-	-	-	-	-	-	PS	PS	PS
Class A Manufactured Housing	PS	CUP	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Class B Manufactured Housing	PS	CUP	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Class C Manufactured Housing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dormitory	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-
Dwelling, Duplex	-	-	-	PS	PS	PS	-	-	-	PS	-	-	-	-	PS	PS
Dwelling, Multi-Family	-	-	-	CUP	CUP	CUP	-	-	-	PS	-	-	-	PS	PS	PS
Dwelling, Single-Family	P	P	P	P	P	P	-	-	-	P	-	-	-	-	P	-
Dwelling, Townhome	-	-	-	CUP	CUP	PS	-	-	-	PS	-	-	-	PS	PS	PS
Family Care Home	PS	PS	PS	PS	PS	PS	-	-	-	-	-	-	-	PS	PS	PS
Manufactured Home Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Residential Care Facilities (more than 6 persons)	PS	CUP	PS	PS	PS	PS	-	-	-	-	-	-	-	PS	PS	PS
Upper-Story Residential	-	-	-	-	-	-	P	P	P	P	P	-	-	P	P	P

"P" = Permitted; "PS" = Permitted with Standards; "CUP" = Conditional Use Permit; "-" = Not Permitted

USE TYPES B. LODGING	RURAL AND SUBURBAN													FORM BASED		
	RA-40	RA-20	R-20	R-8	R-6	R-4	B-1	B-2	B-3	B-6	HC	LI	HI	TC	RMU	UMU
Bed and Breakfast (up to 8 rooms)	-	-	-	CUP	CUP	CUP	-	-	-	-	-	-	-	CUP	CUP	CUP
Boarding or Rooming House (12 persons or less)	-	-	-	CUP	CUP	CUP	-	-	-	-	-	-	-	-	CUP	CUP
Hotel / Inn (no room limit)	-	-	-	-	-	-	PS	CUP	CUP	-	PS	-	-	PS	-	PS
Short-term Vacation Rentals	PS	PS	PS	PS	PS	PS	-	-	-	-	-	-	-	PS	PS	PS

"P" = Permitted; "PS" = Permitted with Standards; "CUP" = Conditional Use Permit; "-" = Not Permitted

USE TYPES C.OFFICE / SERVICE	RURAL AND SUBURBAN													FORM BASED		
	RA-40	RA-20	R-20	R-8	R-6	R-4	B-1	B-2	B-3	B-6	HC	LI	HI	TC	RMU	UMU
ATM	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P
Bail Bondsman	-	-	-	-	-	-	CUP	CUP	CUP	-	P	-	-	-	-	-
Business Support Services	-	-	-	-	-	-	P	P	P	P	P	P	-	P	P	P
Dry Cleaning & Laundry Services	-	-	-	-	-	-	P	-	P	P	P	P	-	P	P	P
Financial Services	-	-	-	-	-	-	P	PS	PS	-	PS	PS	-	P	PS	PS
Funeral Homes / Crematoria	-	-	-	-	-	-	P	-	-	-	P	P	-	P	-	-
Home Occupation	PS	PS	PS	PS	PS	PS	-	-	-	-	-	-	-	PS	PS	PS
Medical Clinic	-	-	-	-	-	-	P	PS	-	P	P	-	-	P	PS	PS
Personal services	-	-	-	-	-	-	P	PS	-	P	P	-	-	P	P	P
Personal Services, Restricted	-	-	-	-	-	-	-	-	-	-	CUP	-	-	-	-	-
Post Office	CUP	CUP	-	-	-	-	P	P	P	P	P	P	P	P	P	P
Professional Services	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P
Small Equipment Rental / Repair	CUP	CUP	-	-	-	-	-	-	-	-	CUP	P	P	-	-	-
Veterinary Services	CUP	CUP	-	-	-	-	PS	-	PS	P	P	P	P	PS	-	-

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USE TYPES D. COMMERCIAL / ENTERTAINMENT	RURAL AND SUBURBAN													FORM BASED		
	RA-40	RA-20	R-20	R-8	R-6	R-4	B-1	B-2	B-3	B-6	HC	LI	HI	TC	RMU	UMU
ABC Store	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	P
Adult Establishment	-	-	-	-	-	-	-	-	-	CUP	-	-	-	-	-	-
Amusement, Indoor	-	-	-	-	-	-	P	-	-	PS	P	P	-	P	PS	P
Amusement, Outdoor	CUP	-	-	-	-	-	PS	-	-	PS	PS	P	-	-	-	CUP
Bar / Tavern	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	P
Drive-in Theater	-	-	-	-	-	-	-	-	-	-	PS	PS	-	-	-	PS
General Commercial	-	-	-	-	-	-	P	PS	PS	-	P	-	-	P	PS	P
General Commercial, Development Greater Than 100,000 sf	-	-	-	-	-	-	-	-	-	-	CUP	-	-	-	-	CUP
Internet Sweepstakes Facilities	-	-	-	-	-	-	-	-	-	-	CUP	-	-	-	-	-
Night Club	-	-	-	-	-	-	-	-	-	-	CUP	-	-	-	-	-
Open Air Retail	-	-	-	-	-	-	-	-	PS	-	P	P	P	-	-	-
Outside or Display Sales	-	-	-	-	-	-	-	-	PS	-	PS	-	-	PS	-	PS
Pawnshops	-	-	-	-	-	-	-	-	-	-	CUP	CUP	-	-	-	-
Racetrack	CUP	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Riding Stables	PS	CUP	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Shooting Range, Indoor	CUP	CUP	-	-	-	-	-	-	-	-	-	CUP	CUP	-	-	-
Shooting Range, Outdoor	CUP	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Temporary Uses	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Theater, Indoor	-	-	-	-	-	-	P	-	-	PS	P	-	-	P	-	P
Theater, Outdoor	CUP	CUP	-	-	-	-	-	-	-	-	PS	-	-	-	-	PS

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USE TYPES E. CIVIC	RURAL AND SUBURBAN													FORM BASED		
	RA-40	RA-20	R-20	R-8	R-6	R-4	B-1	B-2	B-3	B-6	HC	LI	HI	TC	RMU	UMU
Cemetery	PS	CUP	PS	PS	PS	PS	PS	PS	PS	-	PS	-	-	-	-	-
Civic Meeting Facilities	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	P
Community / Cultural Facility	P	-	-	-	-	-	-	-	P	P	P	-	-	P	-	P
Conference / Convention Facility	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	P
Public Safety Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Recreation Facility, Indoor	P	-	-	-	-	-	-	-	-	-	P	-	-	-	-	P
Recreation Facility, Outdoor	PS	CUP	-	-	-	-	-	-	-	-	PS	PS	-	-	-	P
Religious Institution	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Sports Arena / Stadium	CUP	-	-	-	-	-	-	-	-	CUP	CUP	CUP	CUP	CUP	-	CUP

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USE TYPES F. EDUCATIONAL / INSTITUTIONAL	RURAL AND SUBURBAN													FORM BASED		
	RA-40	RA-20	R-20	R-8	R-6	R-4	B-1	B-2	B-3	B-6	HC	LI	HI	TC	RMU	UMU
Adult / Child Day Care Center (more than 8 persons)	-	-	-	-	-	-	P	-	P	P	P	-	-	P	PS	P
Adult / Child Day Care Home (8 persons or less)	PS	CUP	PS	PS	PS	PS	-	-	-	-	-	-	-	-	PS	PS
College / University	-	-	-	-	-	-	-	-	-	PS	-	-	-	-	-	-
Community Support Facility	-	-	-	-	-	-	-	-	-	-	CUP	-	-	-	-	-
Correctional Institution	-	-	-	-	-	-	-	-	-	-	-	-	CUP	-	-	-
Halfway Houses	CUP	CUP	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hospital	CUP	CUP	-	-	-	-	-	-	CUP	CUP	CUP	-	-	-	-	CUP
Schools – Elementary & Secondary	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	-	-	-	-	PS
Schools – Vocational / Technical	-	-	-	-	-	-	-	-	PS	PS	PS	-	-	PS	-	PS
Studio – Art, Dance, Martial Arts, etc.	-	-	-	-	-	-	-	PS	P	P	P	-	-	P	P	P

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USE TYPES G. AUTOMOTIVE	RURAL AND SUBURBAN													FORM BASED		
	RA-40	RA-20	R-20	R-8	R-6	R-4	B-1	B-2	B-3	B-6	HC	LI	HI	TC	RMU	UMU
Drive-thru / Drive-in Facility	-	-	-	-	-	-	PS	-	-	-	P	-	-	-	-	PS
Gas / Fueling Station	-	-	-	-	-	-	P	-	-	-	P	-	-	PS	-	PS
Heavy Equipment Rental / Sales	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-
Manufactured Home Sales	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-
Parking Lot / Parking Structure - Principal Use	-	-	-	-	-	-	PS	-	-	PS	P	-	-	-	-	-
Vehicle Rental / Leasing – Moving Trucks	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-
Vehicle Rental / Leasing / Sales	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-
Vehicle Services – Major Repair / Body Works		-	-	-	-	-	CUP	-	-	-	P	P	-	-	-	-
Vehicle Services – Minor Maintenance / Repair	-	-	-	-	-	-	CUP	-	-	-	P	P	P	-	-	-

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USE TYPES H. INDUSTRIAL	RURAL AND SUBURBAN													FORM BASED		
	RA-40	RA-20	R-20	R-8	R-6	R-4	B-1	B-2	B-3	B-6	HC	LI	HI	TC	RMU	UMU
Breweries	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P
Excavation / Mining	CUP	-	CUP	-	-	-	-	-	-	-	-	-	CUP	-	-	-
Industry, Heavy	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
Industry, Light	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Landfill	-	-	-	-	-	-	-	-	-	-	-	-	CUP	-	-	-
Materials Recovery and Waste Transfer Station Facilities	-	-	-	-	-	-	-	-	-	-	-	-	CUP	-	-	-
Recycling Collection Stations	-	-	-	-	-	-	-	-	-	-	-	-	CUP	-	-	-
Storage – Self-Storage	-	-	-	-	-	-	P	-	-	-	P	P	P	-	-	CUP
Storage - Warehouse / Indoor	-	-	-	-	-	-	-	-	-	P	-	P	P	-	-	-
Wholesaling and Distribution	-	-	-	-	-	-	-	-	-	P	-	P	P	-	-	-

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USE TYPES I. AGRICULTURAL	RURAL AND SUBURBAN													FORM BASED		
	RA-40	RA-20	R-20	R-8	R-6	R-4	B-1	B-2	B-3	B-6	HC	LI	HI	TC	RMU	UMU
Animal Production	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Community and Private Garden	P	CUP	P	P	P	P	-	-	-	P	-	-	-	-	P	P
Nurseries / Garden Centers	P	CUP	-	-	-	-	P	-	-	-	P	P	-	P	-	-
Outdoor Kennels	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Produce Stands	PS	CUP	-	-	-	-	PS	-	-	-	PS	PS	PS	PS	-	PS
Swine Farms	-	-	-	-	-	-	-	-	-	-	-	-	CUP	-	-	-

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USE TYPES J. INFRASTRUCTURE	RURAL AND SUBURBAN													FORM BASED		
	RA-40	RA-20	R-20	R-8	R-6	R-4	B-1	B-2	B-3	B-6	HC	LI	HI	TC	RMU	UMU
Airport / Airstrip	-	-	-	-	-	-	-	-	-	-	-	-	CUP	-	-	-
Class 1 Utility	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Class 2 Utility	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Class 3 Utility	-	-	-	-	-	-	-	-	-	-	CUP	CUP	CUP	-	-	-
Wireless Telecommunications Facility (non-tower)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Wireless Telecommunications Facility	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP

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2.4.4 USES ON THE PERIPHERY OF THE B-6 ZONING DISTRICT

Notwithstanding the provisions of the Table of Uses, within the B-6 zoning district no building or non-residential parking lot may be constructed within 200 feet of the lot line of any property that is not zoned B-6 unless:

A. The proposed use associated with the building or parking lot is also permissible on the adjacent property in question; or

B. The permit applicant demonstrates that the proposed building or parking lot will not substantially injure the value of such property. If the applicant presents a petition, signed by owners of all properties having one or more lot lines located within 200 feet of the proposed building or parking lot and stating that such property owners believe their property values will not be adversely affected by the proposed use, this shall be sufficient evidence from which the permit issuing authority may make the required finding.

2.5 OVERLAY ZONING DISTRICTS

For the purposes of managing certain environmentally sensitive, historic neighborhoods, or visually important geographic areas, certain zoning overlay districts are hereby established to impose design, use, or other standards in addition to the requirements of the underlying base zoning district. Location of overlay zoning districts are shown on the official Town of Wingate Zoning Map.

2.5.1 OVERLAY ZONING DISTRICT DESCRIPTIONS

OVERLAY DISTRICT	DESCRIPTION
1. Floodplain Overlay District (FP)	Land located in this district may be used in a manner permitted in the underlying zoning district only if and to the extent such use is also permitted in the applicable overlay district.
2. Floodway Overlay District (FW)	Land located in this district may be used in a manner permitted in the underlying zoning district only if and to the extent such use is also permitted in the applicable overlay district.
3. Mining Overlay District (MOD)	The Mining Overlay District is established as a floating zone since the precise location of areas in which mineral extraction should be encouraged cannot be generally be predetermined. Within this district, property may be used in accordance with the regulations applicable to the underlying zoning district, except that the property may also be used for mining purposes upon issuance of a Conditional Use Permit by the Board of Commissioners. If the nature of an activity is such that it requires a mining permit from State and other Federal agencies, but the purpose of the activity is to grade a site for building construction, then the grading activity may be conducted, and the fill material sold, without rezoning to MOD. The State and Federal mining permit, if required, shall be provided to the Administrator prior to the commencement of any such grading activity.
4. Planned Industrial District	The purpose of the PID is to provide for the possibility of a well-planned and large-scale industrial development in otherwise undeveloped areas that have not been previously zoned for industrial use. This district is a floating zone and is not applied to property except in response to a petition submitted by or on behalf of the owner or owners of property.

2.5.2 FLOODPLAIN (FP) AND FLOODWAY (FW) OVERLAY ZONING DISTRICTS

A. Purpose: The purpose of the overlay district is to require additional construction and development standards for property located within FEMA designated flood hazard areas. Regulations within this district are intended to prevent the loss of life and property.

B. Development Standards: The specific development standards within the FP and FW Overlay Zoning Districts can be found in Chapter 12 of this Ordinance.

2.5.3 MINING OVERLAY DISTRICT (MOD)

A. Purpose: The purpose of the MOD is to permit the extraction of resources on the surface, and below the surface, of the earth. Uses permitted within this Floating Overlay Zoning District include quarrying, open-pit drilling, tunneling, etc.

B. Applicability: The MOD is only applied to property upon application by the owner or owners of property after approval of a mining permit by the appropriate state or federal agency. A copy of such permit together with such documents will be required to obtain applicable town permits for the mining activity. Procedures for application of the MOD to specific property can be found in Chapter 15 of this Ordinance.

2.5.4 PLANNED INDUSTRIAL DISTRICT (PID)

A. Purpose: The purpose of the PID is to provide for the possibility of well-planned, large-scale industrial development in otherwise undeveloped areas that have not previously been zoned for industrial use.

B. Development Standards: The following standards apply to the PID Overlay District:

1. The area to be zoned PID must be at least fifty contiguous acres in size and have at least 100 feet of frontage along a major arterial street.

2. A planned industrial development and uses permitted in the LI district are the only permissible uses in the PID Overlay.

2.6 PLANNED UNIT DEVELOPMENT (PUD)

A. Purpose and Intent: The purpose and intent of the Planned Unit Development floating overlay district is to promote innovative design in development by providing flexibility in regard to permitted uses and dimensional standards. The PUD regulations are intended to promote the development of attractive, desirable communities where residents and visitors can live and work in a development pattern that integrates residential and non-residential uses which is accessible to pedestrians and encourages the use of alternative transportation, shared parking, and offers greater convenience to the citizens of Wingate and surrounding areas. It is the intent and policy of the Town of Wingate to encourage planned unit developments because of the extensive planning that is required prior to the development. Planned unit developments allow the Town to plan for larger areas and manage the impacts of growth on the provision of Town services and infrastructure.

B. The approved master land use plan for a planned unit development shall take precedence over those of the base zoning district previously in place for the subject property. Where the approved planned unit development master land use plan is silent to a term, condition, or requirement, the requirements of the base zoning district or approved Town policies and procedures shall control.

C. Allowable Uses: All uses that are contained within the approved master land use plan for a planned unit development shall be permitted by-right within the planned unit development.

D. PUD Development Standards: No area less than twenty-five contiguous acres may be zoned as a PUD. Each owner or owners of property intended to be subject to the PUD must be part of the requested rezoning.

E. Permitted Uses: All uses in the Permitted Use Table are allowed within a PUD subject to the approval of a rezoning application for a PUD as outlined in Chapter 15 of this Ordinance. Each PUD must contain uses from at least four of the use categories as described in Chapter 2.4.1 of this Ordinance.

2.7 CONDITIONAL DISTRICT ZONING (CD)

Conditional Districts are districts with conditions that have been voluntarily added by the applicant and approved in a legislative procedure by the Board of Commissioners in accordance with NCGS §160A-382. Conditional Districts provide for orderly and flexible development under the general policies of this Ordinance. Any conditions or site-specific standards imposed are limited to those that address the conformance of the development and use of the site to this Ordinance and officially adopted plans. Conditions shall only address the impacts reasonably expected to be generated from the development or use of the site. Because Conditional District developments are constructed in a comprehensive manner, they establish their own building, street, block, and lot pattern which may be unique from surrounding blocks or neighborhoods. Conditional Districts may be used in any district but is not intended to relieve hardships that would otherwise be handled through the variance procedure.

2.7.1 STANDARDS FOR CONDITIONAL DISTRICTS

Within a Conditional District (CD), petitioners may place additional requirements or standards onto themselves and their property, or ask that certain uses identified in the specific zoning category or certain provisions in this Ordinance be decreased. It shall be the final decision of the Board of Commissioners to grant or deny a CD zoning request in light of the revised development standards presented in accordance with the procedures contained in Chapter 15 of this Ordinance. If no specific request is made by the petitioner to change the development standards, or if the petition is silent on the point, it shall be understood that the underlying zoning district guidelines and standards shall apply.

In addition to the modification of specific district standards except use, the various provisions detailed in Chapters 2 through 12 of this Ordinance may be varied if specifically requested by the petitioner as part of the Conditional District application, with the exceptions outlined in the table on the following page:

CHAPTER	TITLE	EXCEPTIONS TO MODIFICATIONS
2	Zoning Districts and Provisions	- Uses not permitted in the base zoning district may not be added unless the proposed use is not currently defined in this Ordinance. - Uses permitted in the base zoning district may be removed as part of the CD application.
3	Supplemental Use Standards	None
4	General Development Provisions	None
5	Building Design Standards	None
6	Subdivision and Infrastructure Standards	None
7	Recreation and Open Space	Amount of open space required as part of new development cannot be reduced.
8	Landscaping, Screening, Buffering, and Tree Preservation	No modifications permitted
9	Parking and Driveways	None
10	Site Lighting	None
11	Signs	No modifications permitted
12	Stormwater Management, Erosion Control, Flood Damage Prevention, and Environmental Protection	No modifications permitted

2.8 CONDITIONAL USE DISTRICTS (CUD)

Some land uses are of such a nature or scale that they have significant impacts on either the immediate surrounding area and on larger areas of the Town of Wingate that cannot be predetermined and controlled by general zoning district standards. There are also circumstances in which a general district designation would not be appropriate for a particular property even though a particular use itself allowed in that district, if properly planned, would be appropriate for that location. The process established herein provides for the accommodation of such uses by re-classification of property to a parallel conditional use district. Procedures for application to a CUD can be found in Chapter 15 of this Ordinance.

A. The following parallel conditional use districts are hereby established and the Board of Commissioners shall have the authority to rezone property to any of these districts in accordance with the procedures set forth in Chapter 15 of this Ordinance.

BASE ZONING DISTRICT	CORRESPONDING SPECIAL USE DISTRICT
RA-40	CUD RA-40
RA-20	CUD RA-20
R-40	CUD R-40
R-20	CUD R-20
R-10	CUD R-10
R-8	CUD R-8
R-6	CUD R-6
B-1	CUD B-1
B-2	CUD B-2
B-3	CUD B-3
B-6	CUD B-6
HC	CUD HC
LI	CUD LI
HI	CUD HI
TC	CUD TC
RMU	CUD RMU
UMU	CUD UMU

CHAPTER 3: Supplemental Use Standards

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3.2 SUPPLEMENTAL USE STANDARDS FOR RESIDENTIAL USES **33**

3.3 SUPPLEMENTAL USE STANDARDS FOR LODGING USES **37**

3.4 SUPPLEMENTAL USE STANDARDS FOR OFFICE / SERVICE USES **39**

3.5 SUPPLEMENTAL USE STANDARDS FOR COMMERICAL / ENTERTAINMENT USES **43**

3.6 SUPPLEMENTAL USE STANDARDS FOR CIVIC USES **59**

3.7 SUPPLEMENTAL USE STANDARDS FOR EDUCATIONAL / INSTITUTIONAL USES **61**

3.8 SUPPLEMENTAL USE STANDARDS FOR AUTOMOTIVE USES **64**

3.9 SUPPLEMENTAL USE STANDARDS FOR INDUSTRIAL USES **67**

3.10 SUPPLEMENTAL USE STANDARDS FOR AGRICULTURAL USES **70**

3.11 SUPPLEMENTAL USE STANDARDS FOR INFRASTRUCTURE USES **72**

CHAPTER 3: Supplemental Use Standards

3.1 APPLICABILITY

There are certain uses that exist which may be constructed, continued, and/or expanded provided they meet certain mitigating conditions specific to their design and/or operation. Such conditions ensure compatibility so that different uses may be located in proximity to one another without adverse effects to either. When uses are listed in the Permitted Use Table in Chapter 2 as Permitted with Standards (PS) or uses requiring a Conditional Use Permit (CUP) they shall comply with the additional criteria set forth in this Chapter for that use in addition to the other applicable criteria contained in this Ordinance.

3.1.1 USES PERMITTED WITH STANDARDS (PS)

A. Permitted uses with additional standards are permitted by-right, provided that the specific standards set forth in this Chapter are met.

B. The specified standards are to ensure that these uses fit the vision of the zoning district in which they are permitted, and that these uses are compatible with other development permitted within the districts.

3.1.2 CONDITIONAL USE PERMIT APPLICATIONS (CUP)

A. Conditional Uses are uses which are generally compatible with other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding neighborhoods and/or the Town as a whole, require individual consideration in their location, design, configuration, and/or operation at the particular location proposed.

B. All Conditional Uses shall, at a minimum, meet the standards for the zoning district in which they are located, and the specific standards set forth in this Chapter for that specific use. In addition to determining that the application meets all other requirements of this Ordinance (no variances are permitted), the Board of Commissioners must find the following:

1. The proposed use will not materially endanger the public health or safety; and

2. The proposed use will not substantially injure the value of adjoining or abutting property.; and

3. The proposed use will be in harmony with the area in which it is to be located; and

4. The proposed use will be in general conformity with the requirements of this Ordinance and any other adopted Town plans and policies.

C. Individual consideration of the use may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location and to ensure protection of the public health, safety, and welfare.

D. Review and approval procedures for Conditional Use Permits are found in Chapter 15 of this Ordinance.

3.1.3 CONFLICT WITH OTHER REGULATIONS

A. If there is a conflict between the standards in this Chapter and any other requirements of this Ordinance, the standards of this Ordinance shall control except as set forth in 3.1.3.B.

B. The zoning district in which a particular use is permitted is controlled by the use listings found in the Permitted Use Table in Chapter 2 of this Ordinance. In the event of any inconsistency between this Chapter and the permitted uses listed for a particular district, the Permitted Use Table in Chapter 2 of this Ordinance shall control.

3.2 SUPPLEMENTAL USE STANDARDS FOR RESIDENTIAL USES

USE	SECTION	PAGE
Accessory Dwelling	3.2.1	2-3
Class A&B Manufactured Housing	3.2.2	3-4
Dwelling, Duplex	3.2.3	4
Dwelling, Multi-Family	3.2.4	4
Dwelling, Townhome	3.2.5	5
Family Care Home	3.2.6	5
Residential Care Facility	3.2.7	5-6

3.2.1 ACCESSORY DWELLING (ALL DISTRICTS WHERE PERMITTED)

A. **Number:** Only one accessory dwelling is permitted per lot.

B. **Placement on the lot:** A detached accessory dwelling shall be sited to the side or rear of the principal structure.

C. **Yard Requirements:** The accessory dwelling shall meet the accessory structure setbacks for the zoning district in which it is located, as specified in Chapter 2 of this Ordinance.

D. **Compatibility**

1. The accessory dwelling shall meet all applicable design standards in which it is located in accordance with Chapter 5 of this Ordinance.

2. The accessory dwelling shall be clearly subordinate (size, etc.) to the principal structure.

3. The exterior of the accessory dwelling shall be compatible with the principal residence in terms of color, siding, and roofing material.

E. **Manufactured Housing, Campers, Recreational Vehicles, Etc. Prohibited for Use:** Manufactured housing, campers, travel trailers, and recreational vehicles are not permitted for use as an accessory dwelling.

F. **Outside Entrance:** If located within a principal dwelling, the accessory dwelling may have a private outside entrance, but such entrance shall be located on or facing the side or rear of the principal building.

G. **Features:** The accessory dwelling must contain complete kitchen facilities, including a stove or cook top, and a full bath including lavatory, water closet, and tub or shower (or combination). If these features are not included as part of the unit, it is not considered an accessory dwelling.

H. **Parking:** One off-street parking space shall be provided in addition to those required for the principal dwelling.

I. **Signs:** No signs visible from the street or public sidewalk are permitted. This prohibition does not include signs used for address identification.

3.2.2 CLASS A MANUFACTURED HOUSING (RA-40, RA-20) AND CLASS B MANUFACTURED HOUSING (RA-40, RA-20)

A. All manufactured homes, whether located inside or outside of a manufactured home park, must have a continuous curtain wall, unpierced except for required ventilation and access, installed under the home after placement on the lot and before occupancy. When located outside of a manufactured home park, a permanent masonry curtain wall shall be required; however if stucco is used, it shall be applied to a masonry foundation only. In all other circumstances, a curtain wall or skirting composed of vinyl, Masonite, fiberglass, treated lumber, or similar weather-resistant material shall be acceptable; however, stucco alone is not an acceptable material.

B. As indicated in the Permitted Use Table, manufactured homes meeting the definition of a Class C Manufactured home are not permitted in any zoning district, except as a legitimate nonconforming use.

C. The Permitted Use Table indicates that certain classes of manufactured home are permitted within certain zoning districts only with the approval of a Conditional Use Permit. The Town Board of Commissioners may not issue a Conditional Use Permit for such homes until it makes an affirmative finding that the proposed use will not substantially injure the value of adjoining or neighboring properties. The burden of proof on this finding lies with the applicant.

3.2.3 DWELLING, DUPLEX (ALL DISTRICTS)

A. The structure shall be designed such that the primary entrances to each unit are on the fronting façade. A maximum of two entrances are permitted on the fronting façade; additional entrances may be provided on the side or rear of the structure.

1. Duplexes located on corner lots must be designed such that one primary entrance is on each façade fronting a street.

3.2.4 DWELLING, MULTI-FAMILY (ALL DISTRICTS)

A. Multi-family uses are shall only be allowed with an approved Conditional Use Permit.

B. Buildings containing multi-family dwelling units are subject to the building design standards in Chapter 5 of this Ordinance.

C. Off-street parking provided for the multi-family uses must be located behind the front façade of any structures within the development. No vehicle accommodation area may be located within the required street yard.

3.2.5 DWELLING, TOWNHOME (R-8, R-6, R-4)

A. In the R-8 and R-6 Zoning districts, townhome developments shall only be allowed with an approved Conditional Use Permit.

B. When townhomes are constructed with individual garages for the units, streets internal to the development shall be privately maintained. Single-car garages shall count as a single parking space.

C. When townhomes are constructed with vehicle accommodation areas to provide the required minimum parking, parking shall not be

permitted in the required street yard. Vehicle accommodation areas shall be located behind the front façade of any structures within the development.

3.2.6 FAMILY CARE HOME (ALL DISTRICTS)

A. Family Care Homes shall be certified by the International Building Code, as amended by the NC Building Code.

B. No Family Care Home may be located closer than ½ mile to another Family Care Home.

3.2.7 RESIDENTIAL CARE FACILITY (MORE THAN 6 PERSONS) (ALL DISTRICTS)

A. **Buffering:** Residential Care Facilities must be buffered from adjacent residentially zoned property with a Type C buffer in accordance with Chapter 8 of this Ordinance.

B. **Licensing:** Prior to the submission of an application for a zoning permit (or Conditional Use Permit in the RA-20 District), an owner/operator of the facility shall have received a license from the State of North Carolina for such a facility.

C. **Number of Units:** Unless located and having access on a Collector Street or higher order street, as defined in Chapter 6 of this Ordinance, no residential care facility shall have more than 16 units.

D. **Development Standards:** To the extent practicable, the community shall provide access connectivity (vehicular and pedestrian) to adjacent neighborhoods.

E. **Accessory Uses:** The following accessory uses are permitted: congregate dining facilities, recreational and social facilities, health care facilities, gift shops, snack shops, banks, barber/beauty shops, and similar services for use by the residents of the facility. These accessory uses shall not be open for use by the general public.

3.3 SUPPLEMENTAL USE STANDARDS FOR LODGING USES

USE	SECTION	PAGE
Bed and Breakfast (up to 8 rooms)	3.3.1	6
Boarding or Rooming House (up to 12 persons)	3.3.2	6-7
Short-Term Vacation Rentals	3.3.3	7-8

3.3.1 BED AND BREAKFAST (UP TO 8 ROOMS) (ALL DISTRICTS)

A. As indicated in the Permitted Use Table, Bed and Breakfast facilities with a maximum of 8 rooms are permitted with a Conditional Use Permit in the R-8, R-6, R-4, TC, RMU, and UMU zoning districts.

B. The building that houses the Bed and Breakfast may not be expanded by more than 10% of its original floor area, nor may rooms for rent be added onto or created within accessory buildings.

C. No accessory building may be used for lodging purposes.

D. Not more than one sign advertising the Bed and Breakfast may be erected on the lot where such use is located. No side of the sign may exceed 4 square feet and the sign may not be internally illuminated. External illumination of the sign is permitted given that it meets the requirements of Chapter 10 of this Ordinance.

3.3.2 BOARDING OR ROOMING HOUSES (UP TO 12 PERSONS) (ALL DISTRICTS)

A. As indicated in the Permitted Use Table, Boarding or Rooming Houses for up to 12 persons are permitted with a Conditional Use Permit in the R-8, R-6, R-4, B-6, RMU, and UMU zoning districts.

B. **Parking:** Parking shall not be permitted in the required street yard and shall be screened from adjacent properties with a Type B buffer, as defined in Chapter 8 of this Ordinance.

C. **Owner:** The owner shall serve as a full-time manager or otherwise designate a full-time manager, either of which shall permanently reside on the premises.

D. **Building and Lot Standards**

1. The minimum size of any sleeping room shall be 200 square feet per resident.

2. A minimum of one full bath consisting of a tub or shower, toilet, and sink shall be provided for each 4 residents.

3. Full kitchen facilities, consisting of a stove, oven, sink, refrigerator, food preparation area, and storage areas shall be provided and accessible by all tenants.

4. Signs, other than address/tenant identification signs which meet the requirements of Chapter 11 of this Ordinance, shall not be permitted.

5. All of the lot area which is not used for parking, sidewalks, buildings, utility structures, or site access must be landscaped and maintained.

3.3.3 SHORT-TERM VACATION RENTALS (ALL DISTRICTS)

A. **Maximum Occupancy:** The maximum occupancy of the rental shall be based on International Building Code standards, as amended by the NC Building Code. Responsibility for ensuring that the dwelling is in conformance with its maximum occupancy shall rest with the owner of the property.

B. **Restrictions on Use:** A renter may not use a short-term rental for a purpose not incidental to its use for lodging and sleeping purposes. This restriction includes using the rental for weddings, receptions, concerts, fundraisers, or any similar group activity.

C. **Parking:** There will be no demand for parking beyond that which is normal to a residential area.

D. **Signs:** Signs, other than address/tenant identification signs which meet the requirements of Chapter 11 of this Ordinance, shall not be permitted.

E. **Informational Packet:** A packet of information shall be provided to renters and posted conspicuously in the common area of the rental summarizing the guidelines and restrictions applicable to the rental use, including:

1. Maximum occupancy of the rental;

2. Applicable noise and use restrictions;

3. Location of off-street parking;

4. Directions that trash shall not be stored within public view, except within containers approved for the purpose of collection; information providing the trash collection schedule for the Town shall also be provided.

5. Contact information for the local property representative;

6. Evacuation routes;

7. Notification that the renter is responsible for complying with the regulations of this subsection and that the renter may be cited or fined for violating any provisions of this Ordinance.

F. **Insurance:** The property owner shall maintain on file with the Town an up-to-date certificate of insurance documenting that the dwelling is insured as a short-term or vacation rental.

3.4 SUPPLEMENTAL USE STANDARDS FOR OFFICE / SERVICE USES

USE	SECTION	PAGE
Bail Bondsman	3.4.1	8-9
Financial Services	3.4.2	9
Home Occupation	3.4.3	9-10
Medical Clinic	3.4.4	10
Personal Services	3.4.5	11
Personal Services, Restricted	3.4.6	11
Post Office	3.4.7	11
Small Equipment Rental / Repair	3.4.8	11-12
Veterinary Services	3.4.9	12

3.4.1 BAIL BONDSMAN (B-1, B-2, B-3)

A. As indicated in the Permitted Use Table, Bail Bondsman are permitted with a Conditional Use Permit in the B-1, B-2, and B-3 zoning districts.

B. Location

1. Such use shall not be located within 500 feet of a public or private school, as measured from any point of the outside walls of the building containing the business to the nearest property line of the school.

2. Such use shall not be located within 500 feet of any residential dwelling or property zoned for residential uses, as measured from any point of the outside walls of the building containing the business to the nearest property line of the property containing, or zoned for, residential uses.

3. Such use shall be located a minimum of 1,000 feet from any existing Bail Bondsman or Personal Service, Restricted, as measured from the outside walls containing the business to the nearest property line of the existing bail bondsman.

C. Operation and Development Standards

1. Lighting shall be provided to provide illumination of parking and building accesses. On-site lighting must meet the requirements of Chapter 10 of this Ordinance.

2. The windows of the structure containing the business shall not be tinted or obscured so as to block the view of the interior from the outside.

3. A sign must be placed on the exterior of the structure housing the use stating that no loitering is permitted per the Town of Wingate.

3.4.2 FINANCIAL SERVICES (B-2, B-3, HC, LI, RMU, UMU)

A. Drive-in / Drive Through: If a drive-in / drive-through facility is proposed in conjunction with the Financial Service, the drive-in / drive-through shall meet the standards provided in §3.8.1.

3.4.3 HOME OCCUPATIONS (ALL DISTRICTS)

A. General Standards

1. The home occupation shall be clearly incidental and secondary to the residential occupancy.

2. The use shall be carried on entirely within an enclosed structure on the premises.

3. The home occupation shall be operated by a resident of the residential dwelling.

4. A maximum of 25% of the gross floor area of the dwelling unit may be used for the home occupation.

5. A maximum of two full-time employees, that are not residents of the dwelling unit, may be employed by the home occupation.

6. Only one home occupation is permitted per dwelling unit.

7. No on-premises sales of goods not produced on-site are permitted.

B. Exterior Appearance

1. The use shall not change the residential character of the dwelling.

2. Storage of goods and materials associated with the home occupation must be within an enclosed structure. No outdoor storage of materials associated with the home occupation is permitted.

3. Parking must be provided so as not to create hazards or street congestions. All parking associated with the dwelling and home occupation shall be accommodated off the street. If the dwelling is served by a vehicle accommodation area, parking for the home occupation shall be provided within the programmed vehicle accommodation area.

4. No display of goods, products, or services shall be visible outside the dwelling. Signage in compliance with the requirements of Chapter 11 of this Ordinance is permitted.

5. No generation of dust, odors, noise, vibration, or electrical interference or fluctuation shall be perceptible beyond the property line.

3.4.4 MEDICAL CLINIC (B-2, RMU, UMU)

A. Emergency Services: If the proposed Medical Clinic is designed to accommodate emergency drop-off/pick-up, such emergency access locations shall be designed outside of vehicular, bike, and pedestrian travel ways. Emergency access areas shall be clearly marked with signage or pavement markings, or a combination of the two.

3.4.5 PERSONAL SERVICES (B-2)

A. Screening: Personal Services shall be screened from adjacent properties occupied by residential dwelling, or zoned for residential uses, with a Type B buffer as defined in Chapter 8 of this Ordinance.

3.4.6 PERSONAL SERVICES, RESTRICTED (HC)

A. As indicated in the Permitted Use Table, Personal Services, Restricted are permitted with a Conditional Use Permit in the HC zoning district.

B. Location

1. Such use shall not be located within 500 feet of a public or private school, as measured from any point of the outside walls of the building containing the business to the nearest property line of the school.

2. Such use shall not be located within 500 feet of any residential dwelling or property zoned for residential uses, as measured from any point of the outside walls of the building containing the business to the nearest property line of the property containing, or zoned for, residential uses.

3. Such use shall be located a minimum of 1,000 feet from any existing Bail Bondsman or Personal Services, Restricted, as measured from the outside walls containing the business to the nearest property line of the existing use.

3.4.7 POST OFFICE (RA-40, RA-20)

A. As indicated in the Permitted Use Table, Post Offices are permitted with a Conditional Use Permit in the RA-40 and RA-20 zoning districts.

B. Screening: Post Offices shall be screened from adjacent properties occupied by a residential dwelling, or zoned for residential uses, with a Type B buffer as defined in Chapter 8 of this Ordinance.

3.4.8 SMALL EQUIPMENT RENTAL / REPAIR (RA-40, RA-20, HC)

A. As indicated in the Permitted Use Table, Small Equipment Rental / Repair uses are permitted with a Conditional Use Permit in the RA-40, RA-20, and HC zoning districts.

B. Storage and Display

1. Outdoor storage associated with the use may not be located in the street or side yards. Outdoor storage areas must be screened by an opaque fence or wall at least 6 feet in height.

2. No outdoor display of goods is permitted.

C. Screening: Small Equipment Rental / Repair facilities shall be screened from adjacent properties occupied by a residential dwelling, or zoned for residential uses, with a Type A buffer as defined in Chapter 8 of this Ordinance.

3.4.9 VETERINARY SERVICES (RA-40, RA-20, B-1, B-3)

A. As indicated in the Permitted Use Table, Veterinary Services are permitted with a Conditional Use Permit in the RA-40 and RA-20 zoning districts.

B. **General Standards:** Only animals in veterinary care may stay overnight. No kennels or storage of animals shall be permitted outside unless otherwise permitted in the district in which it is located.

3.5 SUPPLEMENTAL USE STANDARDS FOR COMMERICAL / ENTERTAINMENT USES

USE	SECTION	PAGE
Adult Establishment	3.5.1	12-14
Amusement, Indoor	3.5.2	14
Amusement, Outdoor	3.5.3	14
Drive-In Theater	3.5.4	14-15
General Commercial	3.5.5	15
General Commercial, Development Greater than 100,000 SF	3.5.6	15
Internet Sweepstakes Facilities	3.5.7	15-16
Night Club	3.5.8	16
Open Air Retail	3.5.9	16
Outside or Display Sales	3.5.10	16
Pawnshops	3.5.11	17
Racetrack	3.5.12	17
Riding Stables	3.5.13	17-18
Shooting Range, Indoor	3.5.14	18-19
Shooting Range, Outdoor	3.5.15	19-20
Theater, Indoor	3.5.16	20
Theater, Outdoor	3.5.17	20-21
Temporary Uses	3.5.18	21-28

3.5.1 ADULT ESTABLISHMENT (B-6)

A. As indicated in the Permitted Use Table, Adult Establishments are permitted with a Conditional Use Permit in the B-6 zoning district.

B. **Advertisements and Sound:** No printed material, slide, video, photograph, written text, live show, or other visual presentation format shall be visible from outside the walls of any Adult Establishment, nor shall any live or recorded voices, music, or sound be heard from outside the walls of the Adult Establishment.

C. **Concentration:** No more than one Adult Establishment shall be located within any 2,000-foot radius. This radius shall be determined by a straight line and not street distance to any portion of the structure or vehicle accommodation area containing or serving the Adult Establishment.

D. Separation: No Adult Establishment shall be located within a 500-foot radius of any residential zoning district, residential dwelling, religious institution, school, day care, playground, or public park. This radius shall be determined by a straight line and not street distance to any portion of the structure or vehicle accommodation area containing or serving the Adult Establishment.

E. Single-Use: There shall be no more than one Adult Establishment on the same property or in the same building, structure, or portion thereof. There shall be no sleeping quarters or private rooms within an Adult Establishment.

F. Maximum Square Footage: There maximum floor area allowed for any Adult Establishment shall be 1,000 square feet.

G. Buffering: Screening and buffering is required in the following circumstances. The standards and suggested planting patterns for these buffers can be found in Chapter 8 of this Ordinance.

1. When a use located in the LI or HI zoning district abuts a lot in a residential district, a Type A buffer is required.

2. When a lot in the B-1, B-2, B-3, B-6 or HC district abuts a lot in a residential district, a Type A buffer is required.

3. When a lot in a residential district abuts a lot which contains a multi-family development, a Type B buffer is required.

4. When a lot located in the B-1, B-2, B-3, B-6, HC, LI, or HI zoning districts abuts a public street, a Type C buffer is required along the public right-of-way, with exclusion of driveway entrances. Such screening shall not interfere with motorist visibility in the sight distance triangle.

5. Additional buffering may be required by the Town Council as part of the approval of a Conditional Use Permit.

3.5.2 AMUSEMENT, INDOOR (B-1, B-6)

A. Outdoor Uses: No games, rides, activities, or other amusements may be located outside of any principal or accessory structures.

B. Screening: Indoor Amusement uses shall be screened from adjacent residential dwellings, or residentially zoned property, by a Type B buffer as defined in Chapter 8 of this Ordinance.

3.5.3 AMUSEMENT, OUTDOOR (RA-40, B-1, B-6, HC, UMU)

A. As indicated in the Permitted Use Table, Outdoor Amusements are permitted with a Conditional Use Permit in the RA-40 and UMU zoning districts.

B. **Separation Requirement:** No portion of an Outdoor Amusement (including equipment, machinery, or mechanical devices) shall be located closer than 250 feet to a property line shared with a residential use or residentially zoned property.

C. **Operation Standards**

1. Lights and loudspeaker systems shall not be operated between the hours of 10:00 PM and 8:00 AM.

2. Operation of the Outdoor Amusement is limited to the hours of 7:00 AM and 10:00 PM unless special permission is received from the Administrator (if located in the B-1, B-6, or HC zoning districts) or the Board of Commissioners (if located in the RA-40 or UMU zoning districts.)

D. **Screening:** Outdoor Amusement uses shall be screened from adjacent residential dwellings, or residentially zoned property, by a 100' buffer meeting the standards of a Type A buffer as defined in Chapter 8 of this Ordinance.

3.5.4 DRIVE-IN THEATER (HC, LI, UMU)

A. **Screening:** An 8-foot tall opaque screening (fence, wall, landscaping, or combination thereof) shall be required except at driveway access points.

B. **Orientation:** The viewing screen shall be oriented such that it cannot be seen from any public rights-of-way or private streets.

C. **Sound:** Sound shall be delivered to patrons by individual speakers to the vehicle of each patron or be broadcast on a radio frequency as allowed by State and Federal regulations.

D. **Stacking:** A minimum of 20 stacking spaces shall be provided on the property for vehicles awaiting admission into the Drive-in Theater. Required stacking must be provided on-site and shall not be designed to use areas on public or private streets.

3.5.5 GENERAL COMMERCIAL (B-2, B-3, RMU)

A. The maximum square footage permitted for General Commercial uses can be found on Chapter 2 of this Ordinance.

3.5.6 GENERAL COMMERCIAL, DEVELOPMENT GREATER THAN 100,000 SQUARE FEET (HC, UMU)

A. As indicated in the Permitted Use Table, General Commercial, Development Greater than 100,000 square feet are permitted with a Conditional Use Permit in the HC and UMU zoning districts.

B. **UMU District:** In the UMU zoning district, all parking and vehicle accommodation areas shall be located to the rear of any structures. No parking or vehicle accommodation areas except driveway accesses are permitted in required street or side yards.

3.5.7 INTERNET SWEEPSTAKES FACILITIES (HC)

A. As indicated in the Permitted Use Table, Internet Sweepstakes Facilities are permitted with a Conditional Use Permit in the HC zoning district.

B. **General Standards**

1. Selling and/or consuming alcoholic beverages is prohibited in Internet Sweepstakes Facilities.

2. Persons under the age of 16 are prohibited from admission to an Internet Sweepstakes Facilities during regular school hours, as defined by the Union County Board of Education.

C. **Separation:** All Internet Sweepstakes Facilities shall be located at least 500 feet from any school, daycare, playground, park, religious institution, or residential use. All Internet Sweepstakes Facilities shall be at least 1,600 linear feet from any other Internet Sweepstakes Facilities.

3.5.8 NIGHT CLUB (HC)

A. As indicated in the Permitted Use Table, Night Clubs are permitted with a Conditional Use Permit in the HC Zoning District.

B. **Memberships:** Night Clubs may only allow entrance to those patrons who are registered members of the facility.

C. Separation: All new Night Clubs shall be located no closer than 500 feet to any residential district or use, religious institution, school, park, playground, or existing Night Club.

D. Hours of Operation: In issuing a Conditional Use Permit for a Night Club, the Board of Commissioners may consider conditions of the approval that restrict the hours of operation of the business, if deemed warranted based on the proposed location of the facility.

3.5.9 OPEN AIR RETAIL (B-3)

A. Location: The use shall be conducted behind the required setbacks of the zoning district in which it is located.

B. Sidewalk Kiosks, Vendor Carts, Concession Stands, etc.: Such uses shall be permitted to operate within the right-of-way provided that adequate pedestrian clearance on the sidewalk is maintained. A minimum 5-foot clear zone shall be provided to allow for the free flow of pedestrian traffic. No such use shall be permitted in automobile and bicycle travel ways.

C. Parking: No permanent parking is required but the use must accommodate reasonable vehicular circulation and parking to preclude off-site impacts as determined by the Administrator.

3.5.10 OUTSIDE OR DISPLAY SALES (B-3, HC, TC, UMU)

A. Location: Outside or Display Sales shall be clearly secondary to the primary use within the associated primary structure and shall generally be located to the side or rear of the principal structure. Display of merchandise for sale outdoors in the street yard shall not exceed a maximum of 12 feet from the front face of the building. If the Outside or Display Sales are located on a public or private sidewalk, a minimum 5-foot pedestrian clear zone shall be maintained at all times.

3.5.11 PAWNSHOPS (HC, LI)

A. As indicated in the Permitted Use Table, Pawnshops are permitted with a Conditional Use Permit in the HC and LI zoning districts.

B. Separation: All new Pawnshops shall be located no closer than 1,000 feet to any existing Pawnshop.

3.5.12 RACETRACK (RA-40)

A. As indicated in the Permitted Use Table, Racetracks are permitted with a Conditional Use Permit in the RA-40 zoning district.

B. Buffering and Location

1. No portion of the Racetrack shall be permitted to be closer than 500 feet to any exterior lot line.

2. A 100-foot buffer meeting the standards of a Type A buffer as defined in Chapter 8 of this Ordinance shall be required along all property lines.

3.5.13 RIDING STABLES (RA-20)

A. As indicated in the Permitted Use Table, Riding Stables are permitted with a Conditional Use Permit in the RA-20 zoning district.

1. A Conditional Use Permit shall not be required for Riding Stables on properties 5 acres or greater within the RA-20 zoning district if associated with a residential use.

B. Lot Size: The tract must contain at least one acre for every horse kept thereon, provided that, if this density figure is exceeded as a result of a mare giving birth, the colt or filly may remain for weaning purposes for a period not to exceed six months.

C. Setback Requirements: The structure that houses a horse must meet the following minimum setback requirements:

1. 50 feet from all adjacent property lines.

2. 100 feet from pre-existing adjacent residences.

3. 30 feet from the principal structure when the structure that houses a horse is accessory to a residential structure. In addition, the structure that houses a horse must be located in the rear yard when accessory to a residential structure and the tract is less than 4 acres.

D. Maximum Number of Stalls: The number of horse stalls permitted shall not exceed the number of horses permitted by this Ordinance.

E. Lighting: Any outdoor lighting shall not shine directly into a public right-of-way or into residential structures.

3.5.14 SHOOTING RANGE, INDOOR (RA-40, RA-20, LI, HI)

A. As indicated in the Permitted Use Table, Shooting Ranges, Indoor are permitted with a Conditional Use Permit in the RA-40, RA-20, LI, and HI zoning districts.

B. **Applicability:** This use includes the shooting of firearms, bows, crossbows, and the like at, or in conjunction with, both for-profit and non-profit facilities. It does not include incidental target practice by individuals on private property in compliance with Town, State, and Federal requirements.

C. **Noise Mitigation:** The facility shall be designed such that sound generated at the facility shall not be detectable to the normal senses of any person not located on the property of the Shooting Range, Indoor.

D. **Shot Containment:** The range shall be designed to provide a totally controlled shooting environment that includes impenetrable walls, floor, and ceiling, adequate ventilation, lighting systems and acoustical treatment for sound attenuation suitable for the range's approved use.

E. **Design:** The design of the facility shall be guided by the design standards recommended by the National Rifle Association (NRA) for the appropriate caliber firearm(s) or weapon(s) being used on the site as described in "The NRA Range Source Book," published by the NRA, insofar as they do not conflict with any of the specific requirements contained within this Ordinance.

F. **Lead Recovery:** Firing range wastes are regulated under the Resource Conservation and Recovery Act (RCRA) and 40 Code of Federal Regulations (CFR) 260-266. All Shooting Ranges, Indoor shall comply with the regulations.

G. **Range Supervision:** A competent adult supervisor, approved by the owner/manager, shall be present at all times when the range is open to the public.

3.5.15 SHOOTING RANGE, OUTDOOR (RA-40)

A. As indicated in the Permitted Use Table, Shooting Ranges, Outdoor are permitted with a Conditional Use Permit in the RA-40 zoning district.

B. **Applicability:** This use includes the shooting of firearms, bows, crossbows, and the like at, or in conjunction with, both for-profit and non-profit facilities. It does not include incidental target practice by

individuals on private property in compliance with Town, State, and Federal requirements.

C. Separation: Shooting Ranges, Outdoor shall be located no closer than 1,000 feet from any religious institution, school, public park, playground, day care center, or residential dwelling as measured from the security fence described below to the property line(s) of the aforementioned uses. In addition, the range itself shall not cross or penetrate any public utility easement.

D. Noise Mitigation: The facility shall be designed such that sound generated at the facility shall not exceed the following levels (in decibels) measured at any off-site location:

USE	DECIBEL LEVEL
Residential Use	55 db
Institutional Use	55 db
Industrial Use	75 db
All Other Uses	65 db
Public Right-of-Way or Private Street	65 db

E. Shot Containment: The range shall be designed to contain the bullets, shot, arrows, or other projectiles on the range facility.

F. Hours of Operation: The Board of Commissioners may regulate the hours of operation as a condition of the Conditional Use Permit.

G. Design: The design of the facility shall be guided by the design standards recommended by the National Rifle Association (NRA) for the appropriate caliber firearm(s) or weapon(s) being used on the site as described in "The NRA Range Source Book," published by the NRA, insofar as they do not conflict with any of the specific requirements contained within this Ordinance.

H. Security: The facility shall be enclosed with a minimum 6-foot high security fence with locking gates. A sign, at least 2 square feet but not greater than 6 square feet in size, warning that a firing range is inside the fence shall be posted every 50 feet along the fence. These signs shall not count against permitted signage provided in Chapter 11 of this Ordinance as long as no advertising or logos are on the signs.

I. Range Supervision: A competent adult supervisor, approved by the owner/manager, shall be present at all times when the range is open to the public.

3.5.16 THEATER, INDOOR (B-6)

A. **Parking:** Required parking and vehicle accommodation areas shall not be located in required street or side yards. All parking and vehicle accommodation areas shall be located to the rear of the principal structure.

3.5.17 THEATER, OUTDOOR (RA-40, RA-20, HC, UMU)

A. As indicated in the Permitted Use Table, Outdoor Theaters are permitted with a Conditional Use Permit in the RA-40 and RA-20 zoning districts.

B. **Buffering and Location**

1. Outdoor Theaters shall be screened from adjacent residential dwellings, or residentially zoned property, by a Type A Buffer as defined in Chapter 8 of this Ordinance.

2. The performance and audience areas for any Outdoor Theater shall be located a minimum of 200 feet from any adjacent property occupied by a residential dwelling or within a residential zoning district.

C. **Access:** Primary access to all Outdoor Theaters shall be to a collector or higher order street as defined in Chapter 6 of this Ordinance.

D. **Operation Standards**

1. Lights and loudspeaker systems shall not be operated between the hours of 10:00 PM and 8:00 AM.

2. Operation of the Outdoor Amusement is limited to the hours of 7:00 AM and 10:00 PM unless special permission is received from the Administrator (if located in the HC or UMU zoning districts) or the Board of Commissioners (if located in the RA-40 or RA-20 zoning districts.)

3.5.18 TEMPORARY USES (ALL DISTRICTS)

All permitted Temporary Uses listed in this subsection shall require the approval of a Temporary Use Permit by the Administrator, subject to the standards below.

A. **Separation Requirement:** Except for yard sales, Christmas tree sales, and produce stands, no temporary use shall be located closer than 100 feet to a residential dwelling unless the owners of the residential

dwelling provide written consent of the temporary use to the Administrator.

B. Waste and Trash: The sponsor, owner, or manager of any temporary use shall be responsible for ensuring that the site remains free of waste and debris upon the conclusion of each day's sale or use.

C. Number Per Lot: No more than one temporary use shall be permitted per lot at any given time.

D. Exemption for Annual Fairs on County, Town, or School Property: Fairs or other special recreation or entertainment events which usually occur on an annual basis and are held in the following locations shall be allowed at these locations and are hereby exempt from the provisions of this subsection:

1. Public Parks, if authorized by the Administrator;
2. School or college grounds, if authorized by the School Superintendent or College President / Chancellor.

E. Property Owner Permission: The applicant must provide written permission to use the property for the proposed temporary use from the property owner, as listed in the Union County tax records.

F. Permitted Temporary Uses Allowed in All Districts

USE	MAXIMUM DURATION (PER SITE)	PERMITTED LOCATION / DISTRICT(S)
Yard or Garage Sales	2 days – 6 days per calendar year maximum	Any lot occupied by a residential dwelling – no temporary use permit is required
Civic/Cultural Events (sponsored by a government agency, non-profit group, or religious institution)	30 days per calendar year maximum – no renewal for 3 months of the previous use	All districts
Christmas Tree and Ornament Sales	45 consecutive calendar days – no renewal within 1 year of commencement of previous use	All districts
Farmers Markets and Produce Stands	No maximum duration – annual renewal required	All districts
Temporary uses associated with construction (contractor's office, equipment/storage sheds, security watchman temporary office/residence, and mobile office space for displaced worked during construction)	During construction period, permit valid for 1 year – annual renewal required (if warranted)	All districts, subject to the requirements of §3.5.18.G.1

Temporary Real Estate Office	See 3.5.18.G.2	All district, subject to the requirements of §3.5.18.G.2
Temporary Relocation Mobile Homes for Displaced Residents	1 year – permit extension approved by the Board of Commissioners	All districts, subject to the requirements of §3.5.18.G.3
Temporary Use Recreational Vehicle or Travel Trailer	1 year – 1 year extension permitted when approved by the Administrator	All districts, subject to the requirements of §3.5.18.G.4
Temporary Dependent Care Residences	6 months – successive 6-month extensions permitted until hardship ceases to exits	All residential districts HC District, subject to the requirements of §3.5.18.G.5

G. Temporary Uses Allowed in Form-Based and Non-Residential Districts

USE	MAXIMUM DURATION (PER SITE)	PERMITTED DISTRICT(S)
Circuses or Carnivals	14 days per year	All Form-based and Non-Residential District
Religious Services	30 calendar days – no renewal within 3 months of the commencement of the previous use	All Form-based and Non-Residential District
Annual Fairs, Festivals, etc.	14 days – no renewal within 1 year of commencement of the previous use	All Form-based and Non-Residential District
Special Recreational or Entertainment Events	1 day – no renewal within 1 month of the commencement of the previous use	All Form-based and Non-Residential District
Outdoor Bazaars or Tent Sales	3 days – no renewal within 6 months of the commencement of the previous use	All Form-based and Non-Residential District
Special Fundraising Sales for Non-Profit Organizations	3 days – no renewal within 1 month of the commencement of the previous use	All Form-based and Non-Residential District
Temporary Food Vendors on Private Property	90 days – no renewal within 1 month of the commencement of the previous use	All Form-based and Non-Residential District
Specials Sales or Seasonal Flea Markets[1]	5 days – no renewal within 6 months of the commencement of the previous use	All Form-based and Non-Residential District
Weekend Flea Markets[2]	Fridays, Saturdays, and Sunday only – annual renewal required	HC, LI, HI Districts only

[1]*When conducted exclusively as part of the permanent business or industrial use on the same lot, a Temporary Use Permit is not required. See additional standards in §3.5.18.G.6*
[2]*See additional standards in §3.5.18.G.7*

H. Temporary Uses with Specific Requirements

1. Temporary Uses Associated with Construction

a. The contractor's office, equipment/storage shed, security watchman's office/residence, and/or mobile office space for displaced worked may be placed in any district temporarily on the site of construction for a development for which Zoning Permit has been issued.

b. Temporary offices for displaced office workers shall be allowed only on the construction site and for the specific purpose of providing temporary relocation office space required during construction activities involving the renovation, expansion, or reconstruction of an existing facility.

c. Such uses shall be located at least 5 feet from other structures and 15 feet from adjacent property lines.

d. Placement of such temporary uses is limited to a period of time determined by an estimated project completion date with an option of extension of up to 1 year of approved by the Administrator. All temporary construction buildings and trailers shall be placed on the site no earlier than 90 days prior to construction and shall be completely removed from the site with 30 days of the issuance of a Certificate of Occupancy or completion of the project, whichever comes first.

2. Temporary Real Estate Office

a. A construction trailer, temporary modular unit, or model dwelling unit may be used as a real estate sales office in a new residential development of 20 or more units or lots.

b. Temporary real estate offices in a construction trailer, temporary modular unit, or model dwelling unit shall be allowed in any new construction project in any district, provided that such structure shall be used for the sale of units within that project only.

c. Only 1 such temporary structure per builder or developer shall be allowed for use as a real estate sales office.

d. Temporary real estate offices in construction trailers or modular units may remain on the site for no more than 1 year or until 80% of the units within the project are completed, whichever comes first.

3. Temporary Relocation Mobile Homes for Displaced Residents: Residents displaced as a result of a natural or manmade disaster, or a publicly-sponsored redevelopment project in a neighborhood or area, shall be allowed provided they meet the following requirements:

a. Temporary mobile homes may occupy designated disaster areas or redevelopment project areas only. Mobile homes shall only be allowed to occupy redevelopment areas, as designated by the Board of Commissioners, following an advertised public hearing.

b. The mobiles homes shall be permitted for not more than 2 years, except by an extension of time by the Board of Commissioners.

c. The mobile homes shall be properly installed according to state requirements and connected to public utilities.

d. The mobile homes shall be located at least 10 feet from one another and from other structures.

e. Each mobile unit shall be accessible to public service and emergency vehicles as determined and approved by the Administrator.

f. Adequate provision shall be made for parking and waste management in compliance with this Ordinance and other applicable Town policies.

4. Temporary Recreational Vehicle or Travel Trailer

a. This use is for a single temporary recreation vehicle or travel trailer (RV) located on a residential site during the construction / rehabilitation of the principal building when occupied by the owners of the principal building. Such temporary use requires the approval of a Temporary Use Permit by the Administrator.

b. An active building permit for the principal building on the property is a prerequisite for a permit to conduct this temporary use. Progress towards the completion of the project is essential in order to continue to hold this permit, and lack thereof over a period of 3 consecutive months or more shall be sufficient grounds for revocation of this Temporary Use Permit.

c. The RV may be used for dwelling purposes including, but not limited to, sleeping and major cooking activities.

d. The initial permit shall be valid for one calendar year, unless revoked for the reasons stated in §3.5.18.G.4.b. A one-year

extension may be authorized by the Administrator when it is determined circumstances warrant such extension.

e. The RV shall be completely located on private property and shall not impede access by emergency vehicles to the property or adjoining property.

f. The RV shall be occupied by the owner of record of the property on which it is located.

g. Connection to public utilities shall be in accordance with this Ordinance and all other town regulations and policies.

5. Temporary Dependent Care Residences

a. In all residential districts and the HC district, not more that once Class B manufactured home may be permitted in a rear yard on a temporary basis, provided the Town Board issues a Conditional Use Permit after finding that a personal hardship justifying such a permit exists. Such hardship shall involve the need to care for elderly parents or other dependents of the family occupying the principal building. Reasons justifying separate quarters shall be incompatibility, contagious disease, illness, or lack of adequate space within the principal; building. A monetary hardship does not qualify as a personal hardship.

b. Conditional Use permits authorizing the use may be issued in such cases for six months but may be renewed for successive six-month periods for so long as the hardship continues. Application for renewal of the permit shall be made at least 30 days prior to the expiration date.

c. All such manufactured home must have access to approved water and sewer systems and such manufactured homes must be maintained so as not to create nuisance conditions.

d. Temporary residences authorized under this section shall not be subject to the density limitations set forth in Chapter 2 of this Ordinance but shall be subject to the applicable setback requirements.

6. Special Sales or Seasonal Flea Markets

a. Exemption: When such uses are conducted exclusively as part of a business or industrial use on their lot, parking area,

or private sidewalk, a permit for the temporary use is not required. Such uses shall not be limited in length of time that they may be conducted except that they shall only be conducted on an occasional or seasonal basis. The following standards shall still apply:

i. Such uses shall be conducted or authorized by an existing permanent business or industrial use which is in a permanent structure.

ii. Such uses shall only be allowed on the lot with the permanent business or industrial use, except as provided in 3.5.18.G.5.a.iii below.

iii. Such uses may be allowed in vehicle accommodation areas on the same lot as the permanent business or industrial use, or on abutting property within parking areas that serve the permanent business or industrial use.

iv. Such uses may be conducted within the front yard and may include the occasional use of temporary tents, other similar structures, or vehicles used for purposes of displaying and selling merchandise.

7. Weekend Flea Markets

a. All such uses shall be located at least 250 feet from any property located within a residential or form-based zoning district.

b. Other uses to be housed within the confines of the flea market (such as restaurants, amusements, storage, etc.) must comply with the requirements of this Ordinance for that use.

c. Such uses may include the use of temporary tents, or other similar temporary structures, and/or vehicles for the purpose of displaying and selling merchandise. Temporary tents, tables, etc. shall be removed from the site after the close of business for the weekend.

d. Permanent accessory structures shall be limited to office and bathroom facilities.

e. No structures of any type shall be located within the required yards for the zoning district in which the flea market is located.

f. No vehicle shall be parked closer than 5 feet to any property line.

e. There is no minimum parking requirement, but at a minimum, adequate grass turf or other surfaced parking (gravel, concrete, or pavement) must be provided on-site. An un-stabilized surface is not permitted for parking.

f. Outdoor trash and recycling facilities shall be provided.

g. The site shall be maintained in a clean an orderly fashion at all times. Dumpsters or other waste containers must be emptied when full and at least once a week.

h. No overnight camping shall be permitted on-site.

i. A permit must be approved annually for the flea market. Conditions of the approval of the flea market temporary use permit may be added to renewed permits to address known issues with the flea market operation.

8. Temporary Uses Not Listed: If a permit is sought for a temporary use other than the specific uses listed in this subsection, the Administrator shall have the authority to determine which of the use categories above most closely resembles the use or activity in question. In the event that a particular use is not listed, and such is not listed as a prohibited use and is not otherwise prohibited by law, the Administrator shall determine whether a materially similar use exists in this Ordinance. Should the Administrator determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Administrator's decision shall be recorded in writing. Should the Administrator determine that a materially similar use does not exist, this Ordinance may be amended to establish a specific listing for the use in question through the text amendment process specified in Chapter 15 of this Ordinance.

3.6 SUPPLEMENTAL USE STANDARDS FOR CIVIC USES

USE	SECTION	PAGE
Cemetery, Standalone	3.6.1	28-29
Recreation Facility, Indoor	3.6.2	29
Religious Institution	3.6.3	29-30
Sports Arena / Stadium	3.6.4	30

3.6.1 CEMETERY, STANDALONE (ALL DISTRICTS)

A. As indicated in the Permitted Use Table, standalone Cemeteries are permitted with a Conditional Use Permit in the RA-20 zoning district.

B. **Minimum Lot Size:** A minimum of 3 contiguous acres shall be required to establish a cemetery, columbarium, or mausoleum not located on the same tract of land as a religious institution.

C. **Minimum Yard Requirements**

1. The minimum yard required for all burial plots, columbariums, mausoleums, and any other structures is 30 feet from any exterior property line, or the required yard in the zoning district in which the property is located, whichever is greater. Gatehouses shall be exempted from the minimum yard requirements as long as their placement meets the sight triangle requirement in Chapter 9 of this Ordinance.

2. Where graves or burial plots are closer than 50 feet to any adjacent public or private street, a hedge row that will reach a minimum of 8 feet in height within 3 years is required between the street and cemetery.

3.6.2 RECREATION FACILITY, OUTDOOR (RA-40, RA-20, HC, LI)

A. As indicated in the Permitted Use Table, Recreation Facilities, Outdoor are permitted with a Conditional Use Permit in the RA-20 zoning district.

B. **Applicability:** Golf courses that are part of a residential development shall be exempt from these requirements.

C. **Connectivity to Surrounding Neighborhoods:** Such facilities shall be connected to adjacent developed properties to the extent practical via street connections, driveways, and/or bicycle/pedestrian paths.

D. **Operational Standards:** Such facilities shall conform to the following operational standards except for athletic tournaments, festivals, or other special instances as determined by the Administrator.

1. Lights and outdoor speaker systems shall not be operated during the hours of 10:00pm and 8:00am.

2. Facility usage is limited to indoor activities between the hours of 10:00pm and 8:00am.

3. No equipment, machinery, or mechanical device of any kind may be operated within 200 feet of any residentially zoned property except as needed for the routine maintenance of the grounds or facility.

3.6.3 RELIGIOUS INSTITUTION (ALL DISTRICTS)

A. TC, RMU, and UMU Districts

1. **Prohibited Except as an Accessory Use:** Religious Institutions are prohibited from operation in a commercial or mixed-use building types except as an accessory use occupying less than 50% of the total first floor area of the building. Religious Institutions in these zoning districts shall be to the rear of the structure away from the public frontage or in upper stories. The use of upper stories of buildings by Religious Institutions is not limited.

2. **Operating Hours:** Commercial uses within the same building as a Religious Institution must be open for business during typical business hours (from 8:00am to 5:00pm on regular, non-holiday weekdays) in order to be considered as a primary use.

B. All Other Districts: Religious Institutions shall be buffered from adjoining residential uses with a Type A Buffer as defined in Chapter 8 of this Ordinance.

3.6.4 SPORTS ARENA/STADIUM (ALL DISTRICTS)

A. As indicated in the Permitted Use Table, Sports Arenas are permitted with a Conditional Use Permit in the RA-40, B-6, HC, LI, HI, TC, and UMU zoning districts.

B. Access: Primary access to all Sports Arenas/Stadiums shall be to a collector or higher order street, as defined in Chapter 6 of this Ordinance.

C. Buffering: Sports Arena/Stadium uses shall be screened from adjacent residential dwellings, or residentially zoned property, by a 100’ buffer

meeting the standards of a Type A buffer as defined in Chapter 8 of this Ordinance.

D. Operational Standards

1. Lighting and loudspeaker systems shall not be operated between the hours of 10:00pm and 6:00am unless special permission is received from the Administrator.

2. Facility usage is limited to indoor activities between the hours of 10:00am and 6:00am unless special permission is received from the Administrator.

3. No equipment, machinery, or mechanical device of any kind may be operated within 200 feet of any residentially zoned property except as needed for the routine maintenance of the grounds or facility.

3.7 SUPPLEMENTAL USE STANDARDS FOR EDUCATIONAL / INSTITUTIONAL USES

USE	SECTION	PAGE
Adult / Child Day Care Center (more than 8 persons)	3.7.1	31
Adult / Child Day Care Home (8 persons or less)	3.7.2	31-32
College / University	3.7.3	32
Community Support Facility	3.7.4	32
Correctional Institution	3.7.5	31-32
Halfway Houses	3.7.6	32-33
Hospital	3.7.7	33
Schools – Elementary & Secondary	3.7.8	33
Schools – Vocational & Technical	3.7.9	33
Studio – Art, Dance, Martial Arts, etc	3.7.10	34

3.7.1 ADULT / CHILD DAY CARE CENTER (MORE THAN 8 PERSONS) (RMU)

A. Outdoor Play Space for Child Care Centers (more than 8 persons)

1. Outdoor play space for Child Care Homes shall be provided in accordance with regulations of the North Carolina Department of Health and Human Services.

2. Outdoor play space shall be enclosed on all sides by building and/or fences and walls. The minimum height for such fences and walls shall be 4 feet.

3. Outdoor play space may not include driveways, vehicle accommodation areas, or land otherwise unsuitable for children's play space.

4. Outdoor play space shall not be located or established in the required street yard.

B. Adult Day Care Centers: Adult Day Care Centers shall meet the requirements of the North Carolina Department of Health and Human Service's "Adult Day Care and Day Health Services Standards for Certifications."

3.7.2 ADULT / CHILD DAY CARE HOME (8 PERSONS OR LESS)

A. As indicated in the Permitted Use Table, Child Day Care Homes (8 persons or less) are permitted with a Conditional Use Permit in the RA-20 zoning district.

B. Compliance with State Requirements: Child Day Care Homes shall meet the certification requirements of the North Carolina Department of Health and Human Services "Adult Day Care and Day Health Services Standards Certification" and/or the "Family Child Care Home Regulations." Such uses shall provide an organized program of services during the day in a community group setting.

C. Location: Child Day Care Homes shall be permitted only in a private residence occupied by the authorized operator.

D. Separation Requirement: All Child Day Care Homes shall be located at least 500 feet from another Child Care Home.

3.7.3 COLLEGE / UNIVERSITY (ALL DISTRICTS)

A. Separation: No building or non-residential vehicle accommodation area may be constructed within 200 feet of the lot line of any property that is not zoned B-6 unless:

1. The proposed use associated with the building or vehicle accommodation area is also permissible on the adjacent property in question; or

2. The permit application demonstrates that the proposed building or parking lot will not substantially injure the value of such property. If the applicant presents a petition, signed by the owners of all properties having one or more lot lines within 200 feet of the proposed building or vehicle accommodation area stating that such property owners believe that their property values will not be adversely impacted by the proposed use, this shall be sufficient evidence from which the permit issuing authority may make the required finding.

3.7.4 COMMUNITY SUPPORT FACILITY (ALL DISTRICTS)

A. As indicated in the Permitted Use Table, Community Support Facilities are permitted with a Conditional Use Permit in the HC zoning district.

B. No such use may be located within ¼ mile (1,320 feet) of another such use as measured by a straight line on a map unless as part of an accessory use to an existing Religious Institution.

3.7.5 CORRECTIONAL INSTITUTION (ALL DISTRICTS)

A. As indicated in the Permitted Use Table, Correctional Institutions are permitted with a Conditional Use Permit in the HI zoning district.

B. **Buffering:** Correctional Institutions shall be buffered from adjoining properties with a 100' buffer meeting the standards of a Type A Buffer as defined in Chapter 8 of this Ordinance.

3.7.6 HALFWAY HOUSES (ALL DISTRICTS)

A. As indicated in the Permitted Use Table, Halfway Houses are permitted with a Conditional Use Permit in the RA-40, RA-20, B-3, B-6, HC, and UMU zoning districts.

B. **Separation:** No such use shall be located within ½ mile (2,640 feet) of a Family Care Home, Residential Care Facility, or other such use measured as a straight line on a map.

3.7.7 HOSPITAL (ALL DISTRICTS)

A. As indicated in the Permitted Use Table, Hospitals are permitted with a Conditional Use Permit in the RA-40, RA-20, B-3, B-6, HC, and UMU zoning districts.

B. **Access:** Primary access to Hospitals shall be to a collector or higher order street, as defined in Chapter 6 of this Ordinance.

3.7.8 SCHOOLS – ELEMENTARY & SECONDARY (ALL DISTRICTS)

A. Athletic Fields: Athletic fields and vehicle accommodation areas must be buffered from adjacent residentially-zoned property with a Type B buffer as defined in Chapter 8 of this Ordinance.

B. Connectivity: Connectivity (vehicular and pedestrian) to surrounding residential areas is required. Where a full vehicular connection is impractical, a multi-use trail connection shall be provided.

C. Traffic Impact Analysis: Any School – Elementary & Secondary, designed to serve more than 50 students, shall be required to conduct an Enhanced Traffic Impact Analysis as set forth in Chapter 6 of this Ordinance.

3.7.9 SCHOOLS – VOCATIONAL / TECHNICAL

A. Buffering: Any vehicle accommodation area located within 50 feet of a property line shall be buffered from the adjacent property with a Type A buffer as defined in Chapter 8 of this Ordinance.

3.7.10 STUDIO – ART, DANCE, MARTIAL ARTS, ETC (B-2)

A. Operations: All operations and impacts shall be contained entirely within fully enclosed buildings.

3.8 SUPPLEMENTAL USE STANDARDS FOR AUTOMOTIVE USES

USE	SECTION	PAGE
Drive-thru / Drive-in Facility	3.8.1	34
Gas / Fueling Station	3.8.2	34-35
Parking Lot / Parking Structure	3.8.3	35
Vehicle Service – Major Repair / Body Works	3.8.4	35
Vehicle Services – Minor Maintenance / Repair	3.8.5	35-36

3.8.1 DRIVE-THRU / DRIVE-IN FACILITY (B-1, UMU)

A. Location: Such facilities shall be located behind any façade of a building facing a public street.

B. Circulation: Vehicle stacking/storage areas for drive-thru uses shall be located outside of and physically separated from the right-of-way of any

street and shall not cause interruption of any public sidewalk or bicycle facility.

3.8.2 GAS / FUELING STATION (TC, UMU)

A. Canopies / Pumps

1. Must be located to the side or rear of the principal building. In no circumstances may these facilities be located between the principal building and a public street, unless if the lot has frontage on two or more public streets.

2. Pump canopies must be located at least 50 feet from any interior side or rear property line that adjoins a property zoned or used for residential purposes. Pump canopies must be at least 25 feet from any public rights-of-way.

3. Must be buffered from adjoining property zoned or used for residential purposes with a Type B Buffer as defined in Chapter 8 of this Ordinance.

4. The maximum number of pumps permitted at a single gas/fueling station shall be 12.

B. Principal Buildings: A conforming principal building is required and shall be a minimum of 1,500 square feet.

3.8.3 PARKING LOT / PARKING STRUCTURE – PRINCIPAL USE (B-1, B-6)

A. Screening: When a parking structure fronts a public or private street, the ground level of the structure shall be screened or wrapped by retail, office, or multifamily uses in such a way that cars are not visible from the public way.

3.8.4 VEHICLE SERVICES – MAJOR REPAIR / BODY WORKS (B-1)

A. As indicated in the Permitted Use Table, Vehicle Services – Major Repair/Body Works are permitted with a Conditional Use Permit in the B-1 zoning district.

B. Outdoor Vehicle Storage: No outdoor storage of junk vehicles or parts shall be permitted unless outdoor storage is permitted in the zoning district in which the property is located. If permitted, a permit for the outdoor storage is required.

C. **Vehicle Bays:** Vehicle bays which are not perpendicular to the street must be screened from direct view with a hedge row or other landscaping. Bays facing the street must also incorporate awnings, windows, and other articulations sufficient to reduce the impact of the repair bays on the street.

D. **Repair Work:** All repair work shall be conducted entirely within an enclosed structure.

E. **Screening:** Vehicle Services – Major Repair Body Works uses shall be screened from adjacent residential dwellings, or residentially zoned property, by a 20-foot buffer meeting the standards of a Type A buffer as defined in Chapter 8 of this Ordinance.

3.8.5 VEHICLE SERVICES – MINOR MAINTENANCE / REPAIR (B-1)

A. As indicated in the Permitted Use Table, Vehicle Services – Minor Maintenance/Repair are permitted with a Conditional Use Permit in the B-1 zoning district.

B. **Outdoor Vehicle Storage:** No outdoor storage of junk vehicles or parts shall be permitted unless outdoor storage is permitted in the zoning district in which the property is located. If permitted, a permit for the outdoor storage is required.

C. **Vehicle Bays:** Vehicle bays which are not perpendicular to the street must be screened from direct view with a hedge row or other landscaping. Bays facing the street must also incorporate awnings, windows, and other articulations sufficient to reduce the impact of the repair bays on the street.

D. **Repair Work:** All repair work shall be conducted entirely within an enclosed structure.

E. **Screening:** Vehicle Services – Minor Maintenance/Repair uses shall be screened from adjacent residential dwellings, or residentially zoned property, by a 20-foot buffer meeting the standards of a Type A buffer as defined in Chapter 8 of this Ordinance.

3.9 SUPPLEMENTAL USE STANDARDS FOR INDUSTRIAL USES

USE	SECTION	PAGE
Excavation / Mining	3.9.1	36
Landfill	3.9.2	36-37
Materials and Waste Transfer Station Facilities	3.9.3	38
Recycling Collection Stations	3.9.4	38-39
Storage – Self-Storage	3.9.5	39

3.9.1 EXCAVATION / MINING (HI)

A. **Area:** The area for which the state or federal permit is granted must be greater than 10 acres.

B. **Purpose:** Mining shall be on an industrial extraction basis only and shall not be permitted by hobbyists or others not engaged in the mineral extraction business.

C. **Setback:** The edges of the extraction/mining operation shall be at least 50 feet from all property lines and at least 150 feet from any residence.

D. **Permitting:** If at any time the state and/or federal agencies revoke any of the required permits issued for the mining operation, said revocation shall cause any existing Town permits or approvals to become null and void.

3.9.2 LANDFILL (HI)

A. As indicated in the Permitted Use Table, Landfills are permitted with a Conditional Use Permit in the HI zoning district.

B. **Exemptions:** These requirements shall not apply to the following uses or activities:

1. Landfills classified as Land Clearing and Inert Debris (LCID) facilities operated in associated with an active building permit on the same or adjacent parcel.

2. Beneficial fill activities as defined in 15A NCAC 13B.0562.

C. **Minimum Size:** The minimum site size for solid waste landfills shall be 50 acres. The minimum site size for sites used only for the storage of scrap metals, junk vehicles, and other salvage materials shall be 2 acres.

D. **Separation Requirements:** All landfill uses must be located a minimum of 1,000 feet from residentially or form-based zoned properties.

E. Location: No such facilities shall be located in a designated water supply watershed, special flood hazard area, wetland area, or block a natural drainageway so that water is impounded.

F. Screening

1. Landfills shall be screened from all adjacent properties with a 100-foot buffer meeting the standards of a Type A Buffer as defined in Chapter 8 of this Ordinance.

2. A security fence, a minimum of 6 feet in height, shall enclose the entire site. This fence must be placed within the Type A Buffer area.

G. Vehicular Access: Vehicular access to the site shall be provided on a major or minor thoroughfare.

H. Reclamation Plan: Applicant shall file in the office of the Register of Deeds, prior to the issuance of a Certificate of Occupancy, a reclamation plan for the reuse of the site. Such plans shall indicate that the applicant, or other entity, shall remain the owner and be liable for the site forever, or until Town Council approval is given to release this requirement.

I. Burning Prohibited: No waste, junk, scrap materials, or vehicles shall be burned on the premises.

3.9.3 MATERIALS RECOVERY AND WASTE TRANSFER STATION FACILITIES (HI)

A. As indicated in the Permitted Use Table, Materials Recovery and Waste Transfer Station Facilities are permitted with a Conditional Use Permit in the HI zoning district.

B. Location: All such uses must be located a minimum of 500 feet from any residentially zoned property, or any property within a form-based zoning district.

C. Environmental Hazards: All establishments shall be maintained so as not to create environmental hazards (such as oil or gas leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife, and/or humans.

D. Screening

1. A minimum 150-foot development buffer area is required along all property lines and public rights-of-way. No materials recovery and waste transfer activities, including parking, access roads, buildings, or disposal shall occur in the buffer area. Roads for access to the site may cross the 150-foot area, and monitoring wells may be located within the 150-foot area. All existing trees within the buffer area shall be preserved, except to allow for construction of necessary road crossings and monitoring wells.

2. A Type A Buffer, as defined in Chapter 8 of this Ordinance, shall be required in the buffer area along all property lines and public rights-of-way regardless of the adjacent zoning. Existing plant material may be included in the computation of the required plantings with approval of the Administrator.

3.9.4 RECYCLING COLLECTION STATIONS (HI)

A. As indicated in the Permitted Use Table, Recycling Collection Stations are permitted with a Conditional Use Permit in the HI zoning district.

B. Location

1. All outdoor storage, collection, loading, and processing areas must be located a minimum distance of 500 feet from residentially zoned properties.

2. All outdoor storage, collection, loading, and processing areas must be located a minimum distance of 50 feet from any property line.

C. Environmental Hazards: All establishments shall be maintained so as not to create environmental hazards (such as oil and gas leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife and/or humans.

D. Vehicular Access: Vehicular access to the site shall be provided on a thoroughfare, as defined in Chapter 6 of this Ordinance.

3.9.5 STORAGE – SELF-STORAGE (UMU)

A. As indicated in the Permitted Use Table, Storage – Self-Storage facilities are permitted with a Conditional Use Permit in the UMU zoning district.

B. Separate entrances to individual storage units from outside the building are not permitted.

3.10 SUPPLEMENTAL USE STANDARDS FOR AGRICULTURAL USES

USE	SECTION	PAGE
Community and Private Garden	3.10.1	39-40
Nurseries / Garden Centers	3.10.2	40
Outdoor Kennels	3.10.3	40
Produce Stands	3.10.4	41
Swine Farms	3.10.5	41

3.10.1 COMMUNITY AND PRIVATE GARDEN (RA-20)

A. As indicated in the Permitted Use Table, Community and Private Gardens are permitted with a Conditional Use Permit in the RA-20 zoning district.

B. Site users or operator must have an established set of operating rules addressing the governance structure of the garden, hours of operation, maintenance, and security requirements and responsibilities. A garden coordinator must also be appointed to perform the coordinating role for the management of the garden and assignment of garden plots. The name and phone number and/or email address of the garden coordinator and a copy of the operating rules shall be kept on file with the Town.

C. The site shall be designed and maintained to prevent stormwater runoff from damaging adjacent properties and to prevent intrusion of fertilizers and pesticides into adjacent properties, storm sewers, etc.

D. Off-street parking is not required to serve the garden. However, any associated loading areas must be designed such that they do not impede the free flow of vehicular, pedestrian, and bicycle traffic on adjacent streets or access easements.

E. Gardens shall be exempt from landscaping and buffering requirements in Chapter 8 of this Ordinance.

3.10.2 NURSERIES / GARDEN CENTERS (RA-20)

A. As indicated in the Permitted Use Table, Nurseries/Garden Centers are permitted with a Conditional Use Permit in the RA-20 zoning district.

B. A Type A Buffer, as defined in Chapter 8 of this Ordinance, is required along property lines shared with a residential use or residentially zoned property.

3.10.3 OUTDOOR KENNELS (HI)

A. As indicated in the Permitted Use Table, Outdoor Kennels are permitted with a Conditional Use Permit in the HI zoning district.

B. General Standards

1. Any building or pen housing animals shall be located a minimum of 150 feet from any residential use or residentially zoned property.

2. Areas used for exercising or training of animals shall be securely fenced to prevent animals from straying off property.

C. Disposal of Waste

1. All animal refuse and food shall be kept in airtight containers and disposed of on a regular basis.

2. Animal waste shall not be stored within 150 feet of any property line or surface waters unless located indoors.

D. Buffering: A Type A Buffer, as defined in Chapter 8 of this Ordinance, is required along property lines shared with residential uses or residentially zoned property.

3.10.4 PRODUCE STANDS (RA-40, RA-20, B-1, HC, LI, HI, TC, UMU)

A. As indicated in the Permitted Use Produce Stands are permitted with a Conditional Use Permit in the RA-20 zoning district.

B. Produce Stands shall meet the applicable standards in §3.5.18 of this Ordinance.

3.10.5 SWINE FARMS (RA-40)

A. As indicated in the Permitted Use Table, Swine Farms are permitted with a Conditional Use Permit in the RA-40 zoning district.

B. Size: A minimum of 10,000 square feet per animal raised is required.

C. Minimum Setbacks: Minimum setbacks for waste lagoons or any other area where animal waste is collected shall be as follows:

1. 2,500 feet from schools, hospitals, or churches
2. 1,500 feet from the nearest residential dwelling unit
3. 100 feet from perennial streams
4. 100 feet from property boundaries
5. 100 feet from wells for drinking water or irrigation and septic tanks

D. Floodplains: Waste lagoons shall not be permitted within areas shown as Special Flood Hazard Areas on the most recently adopted Federal Emergency Management Agency Flood Insurance Rate Map.

3.11 SUPPLEMENTAL USE STANDARDS FOR INFRASTRUCTURE USES

USE	SECTION	PAGE
Airport / Airstrip	3.11.1	41-42
Class 1 Utility	3.11.2	42
Class 2 Utility	3.11.3	42-43
Class 3 Utility	3.11.4	43-44
Wireless Telecommunications Facility	3.11.5	44-52

3.11.1 AIRPORT / AIRSTRIP (HI)

A. As indicated in the Permitted Use Table, Airport/Airstrips are permitted with a Conditional Use Permit in the HI zoning district.

B. Screening: Hangars or open storage shall be screened with a Type B Buffer, as defined in Chapter 8 of this Ordinance, from all property lines, except those properties within the LI and HI zoning districts.

C. Noise: No outdoor public address system shall be permitted which can be heard beyond the boundaries of the property.

D. Hours of Operation: Hours of operation shall be limited to 6:00am – 10:00pm.

3.11.2 CLASS 1 UTILITY (ALL DISTRICTS)

A. Screening: A Type A Buffer, as defined in Chapter 8 of this Ordinance, shall be provided along all property boundaries.

B. Roof-Mounted Solar Systems: Roof-mounted solar systems are permitted as an accessor use in all zoning district when attached to a

lawfully permitted principal or accessory use or structure, subject to the following standards:

1. **Height:** The installation of a solar system shall not cause the structure to exceed the maximum building height restrictions for the zoning district in which it is located.

2. **Location:** Solar system equipment shall be installed inside walls and attic spaces where possible. If solar system equipment is visible from a public right-of-way, it shall match the color of the structure to which it is attached. Panels facing the street yard must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the roof and the highest edge of the panel. Solar panels affixed to a flat roof shall be placed below the line of sight from a public right-of-way.

3.11.3 CLASS 2 UTILITY (ALL DISTRICTS)

A. As indicated in the Permitted Use Table, Class 2 Utilities are permitted with a Conditional Use Permit in all zoning districts.

B. **Screening:** A 40-foot buffer meeting the standards of a Type A Buffer, as defined in Chapter 8 of this Ordinance, shall be provided along all property boundaries.

C. **Ground-Mounted Solar Systems:** Ground-mounted solar systems are considered a Class 2 Utility and, as such, are permitted with a Conditional Use Permit in all zoning districts, subject to the following standards:

1. **Location:** All ground-mounted solar panels in residential districts shall be installed in the side or rear yard.

2. **Setbacks:** Ground-mounted solar panels are subject to the setback requirements in the underlying zoning district.

3. **Height:** Ground-mounted solar panels are restricted to the following heights, based on their setback from the nearest adjacent property line:

GROUND MOUNTED SOLAR PANELS HEIGHT AND SETBACK REQUIREMENTS	
SETBACK FROM NEAREST PROPERTY LINE	MAXIMUM PERMITTED HEIGHT
6-10 feet	6'
11-15 feet	12'
15 feet or more	15'

3.11.4 CLASS 3 UTILITY (ALL DISTRICTS)

A. As indicated in the Permitted Use Table, Class 3 Utilities are permitted with a Conditional Use Permit in the HC, LI, and HI zoning districts.

B. **Parcel Size:** Class 3 Utilities shall be located on parcels of land that are 5 acres or greater in size.

C. **Minimum Setbacks:** Minimum setbacks for Class 3 Utilities shall be as follows:

1. 1,500 feet from the nearest residential dwelling unit
2. 100 feet from perennial streams
3. 100 feet from property boundaries
4. 100 feet from wells for drinking water or irrigation and septic tank.

D. **Large-Scale Solar Systems (Solar Farms):** Large-scale solar systems, also referred to as solar farms, are considered a Class 3 Utility and, as such, are permitted with a Conditional Use Permit in the HC, LI, and HI zoning districts, subject to the following standards:

1. **Height / Setback:** Large-scale solar systems shall adhere to the height and setback requirements of the underlying zoning district in which the property is located. Additional restrictions may be imposed as part of the approval of a Conditional Use Permit
2. **Lot Size:** Large-scale solar systems shall be located on parcels of land that are 25 acres or greater in size.
3. **Fencing:** All large-scale solar systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall place placed on the entrance and perimeter of the fencing. The height and type of fencing shall be determined as part of the Conditional Use Permit review process.
4. **Electrical Lines Underground:** On-site electrical interconnection and distribution lines shall be placed underground, unless otherwise required by the utility provider.

5. **Removal of Vegetation:** The removal of existing vegetation is limited to the extent necessary for the construction and maintenance of the solar farm installation.

3.11.5 WIRELESS TELECOMMUNICATIONS FACILITY (NON-TOWER) AND WIRELESS TELECOMMUNICATIONS FACILITY (ALL DISTRICTS)

A. **Purpose and Legislative Intent:** The Town of Wingate finds that Wireless Telecommunications Facilities (WTF) may pose significant concerns to the health, safety, public welfare, character and environment of the Town and its inhabitants. The Town also recognizes that facilitating the development of wireless service technology can be an economic development asset to the Town and significant benefit to the Town and its residents. In order to ensure that the placement, construction, or modification of WTFs is consistent with the Town's Land Use Policies, the Town is adopting a single, comprehensive, WTF application and permit process. The intent of this section is to minimize the impact of WTFs, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety, and welfare of the Town. The Town hereby adopts the following policies and related procedures with respect to the submittal, review, approval, and issuance of permits or administratively granted authority for WTFs for the express purpose of achieving the policies and goals set forth herein.

B. **Permit Required**

1. If it is determined that telecommunications providers cannot 1) provide an adequate service level from co-locating on an existing telecommunications tower, 2) locate on an existing electrical transmission tower or similar structure, or 3) locate camouflaged stealth antennae equipment on, within, or attached to an existing structure, then new telecommunications towers and equipment facilities will be allowed with the approval of a Conditional Use Permit in all zoning districts.

2. For providers that co-locate their antennae and equipment facilities on Town-owned property (such as water tanks/towers), on electrical transmission facilities, or on existing towers, the use shall be permitted by-right in all zoning districts, subject to the standards within this Section.

3. Distributed Antenna Systems (DAS) or Small Cell facilities are permitted by-right in all zoning district subject to the standards within this Section.

C. Exemptions: This section shall regulate all communications broadcasting, towers, support structures, antennas, broadcast receiving facilities and equipment, and any combination thereof, except for the following:

1. Television sets
2. AM and FM radio receivers
3. Amateur (HAM) radio receivers and transmitters
4. Citizen Band (CB) radio receivers and transmitters, cellular telephones, pagers, and similar personal communication devices.

D. Design

1. Within RA-40, RA-20, R-20, R-8, R-6, R-4, MHP, RMU, HC, LI, and HI, WTFs shall be of a monopole design and construction.
2. It is the intent of the Town to encourage co-locate facilities in an effort to reduce the number of telecommunications towers. New communications towers shall be capable of supporting up to three additional communications antennas, in addition to the first communications antenna array. Providers shall negotiate in good faith with other providers to lease space at a reasonable cost and for reasonable terms, and to publicize that space is available on a lease basis as part of the permit process.
3. The maximum allowable height of a new tower is 199.9 feet, including lighting, lightning rods, or any appendage in RA-40, RA-20, R-20, R-8, R-6, R-4, MHP, RMU, HC, LI, and HI. The height of the tower or structure shall be the vertical distance measured from the mean elevation of the finished grade at the front of the structure to the highest point of the structure.

4. Any planned increase in tower height to an existing approved telecommunication tower located within RA-40, RA-20, R-20, R-8, R-6, R-4, MHP, RMU, HC, LI, and HI can occur with approval of a Conditional Use Permit, up to 20 feet, of each occurrence. Similarly, normal maintenance and repair of the structure can be completed without the issuance of a new permit. Planned height increases for towers which were constructed prior to the adoption of these regulations, and located RA-40, RA-20, R-20, R-8, R-6, R-4, MHP, RMU, HC, LI, and HI, shall be required to apply for the permits required by this Ordinance.

5. Where a telecommunication tower is located on a lot with an existing principal use, the tower shall be located in the rear yard only. In addition, a recorded easement for an access road and utilities at least 20 feet wide shall be maintained by the property owner and/or the applicant from a public street to the tower for use by service and emergency vehicles. Minimum access road shall be at least 12 wide with a gravel surface.

6. Telecommunications antennae which can be placed in or on an existing structure or telecommunications towers which can be camouflaged to resemble a tree or to otherwise blend in with the surrounding area are encouraged. Towers located in stands of trees are encouraged over those located in open fields.

7. In non-residential districts (B-1, B-2, B-3, B-6, TC, and UMU), only stealth towers are permitted on roofs or walls with an approved permit after submittal of a report by a qualified and licensed professional engineer indicating the existing structure's suitability to accept the antenna, and the proposed method of affixing the antennae to the support structure. Complete details of all fixtures and couplings, and the precise point of attachment, shall be indicated. Stealth towers on roofs may be allowed given the tower height 1) does not exceed more than 30% of the height of the buildings, or 2) is no more than 50 feet above the building/structure, whichever is less. Stealth towers on roofs or walls shall be screened, constructed, and/or colored to match the structure to which they are attached.

8. All accessory structures on the ground which contain switching equipment or other related equipment shall be architecturally compatible with other buildings and land uses in the zoning district, or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical. The means structures with pitched roofs, made of local construction materials, such as brick, wood, stone, or vinyl lapped siding.

9. Freestanding telecommunications towers should be located to avoid a dominant silhouette on ridges or in open fields.

10. Towers shall not restrict or interfere with air traffic or air travel to and from any existing or proposed public or private airport. All proposed towers shall comply with FAA standards.

E. Radio Frequency: The Town recognizes that a telecommunications facility cannot be prohibited, nor can a Conditional Use Permit be denied, on the basis of environmental or health concerns relating to the radio emissions if the telecommunications equipment and facility complies with the Federal Radio Frequency Emission Standards (FRFES). The Town requires that each applicant for a permit must provide documentation proving that their telecommunications equipment complies with the FRFES.

F. Security: A minimum 8-foot high chain link fence is required around the telecommunications tower and any equipment buildings. Barbed wire shall be place along the top of the fence and access to the tower area and equipment shall be through a locked gate. The Administrator may waive fencing requirements for stealth towers and other types of structures if the fencing serves no useful purpose.

G. Screening

1. Landscape screening shall be required along the outside area of the perimeter fenced area to mitigate the visual impacts of the tower and equipment buildings from nearby viewers. Landscape screen shall meet the standards of a Type A Buffer, as defined in Chapter 8 of this Ordinance.

2. Where no equipment shelters, cabinets, or other structures will be located on the property, landscaping shall still be provided around the base of the tower. The landscape screen shall meet the standards of a Type A Buffer, as defined in Chapter 8 of this Ordinance.

3. Screening requirements shall not apply to telecommunications providers who use a camouflage tower or antennas within another structure, or providers who co-locate on an existing tower. Similarly, no screening requirements will apply when an antenna is located on a water tower/tank or similar structure.

4. The Administrator may waive any or all of the screening requirements upon determining that the existing topography or existing natural materials on site will screen the property as effectively as the required screening, provided that the spirit and intent of this subsection are met. The Administrator may also waive screening on those sides of the proposed tower that are located adjacent to undevelopable property. Such a waiver may not be sought to relieve the screening requirement for towers to be located adjacent to vacant properties or along any public right-of-way.

H. Setbacks

1. Minimum setbacks for free-standing towers shall be based on the zoning district in which the property is located.

2. For the purposes of establishing setbacks, the measurements shall be from the edge of the concrete base on which the tower is located to the property line unless the tower is located in a leased area. Setbacks for towers located on leased parcels shall be measured from the edge of the concrete base on which the tower is located to the edge of the parcel in which the lease area is located. Minimum setback requirements may be reduced by the Board of Commissioners to allow the integration of a tower into an existing or proposed structure such as a steeple, lighting poles, power line support device, or similar structure.

3. All towers shall be a minimum of 300 feet from the nearest residential dwelling unit, with the exception of any existing residential structure located on the same lot as the tower, at the time of application.

4. Telecommunications providers who are leasing a portion of a lot for the proposed telecommunications tower shall obtain a signed certification from the property owner that no future development of subdivision or leased portions will be made within the established setbacks of the telecommunication tower until such tower is removed from the site. This does not apply to telecommunication providers seeking to co-locate on an existing tower.

H. Operation and Removal

1. Towers and related facilities must be removed by the applicant and/or property owner upon abandonment of the tower for a period of 90 consecutive days. A tower is considered abandoned when it is no longer used for its original intent. Such removal shall take place within six months of the first day the tower was abandoned and be completed within the same six-month period.

2. The owner of each telecommunications tower must certify to the Administrator the operational status of each antenna located on an approved tower.

3. Speculative telecommunications towers, that do not have a committed wireless carrier or carriers to locate on the towers, are not permitted.

I. Lighting: Towers having a height of 199.9 feet or less shall not contain lights or fixtures at a height exceeding 15 feet unless so directed by the Federal Aviation Administration (FAA). Furthermore, lighting of all towers in any district shall be directed toward the tower and/or accessory uses to reduce glare on adjacent properties. It is recognized that towers over 200 feet in height require night lighting per FAA regulations.

J. Co-Location

1. Placement of additional antenna by a co-locater onto an existing telecommunications tower shall be permitted by-right provided that the tower height is not increased. If the co-locator or owner of the tower proposed to increase the height in RA-40, RA-20, R-20, R-8, R-6, R-4, MHP, RMU, HC, LI, and HI, the co-locator or owner shall submit an application for a new Conditional Use Permit.

2. Co-location applicants also must comply with any applicable requirements of an approved Conditional Use Permit.

3. Placement of antenna and equipment buildings on Town-owned water tanks/towers, or electrical transmission lines, or on any tower which has not received a permit from the Town requires the provider to apply for a zoning permit. Authorization from the owner of the supporting device is required documentation.

K. Signage: Freestanding signs are prohibited. Wall signs shall be limited to 1) identification signage allowed on equipment structures or fences surrounding the telecommunications tower/structure provided it does not exceed 9 square feet in size and 2) "No Trespassing" signs, "Danger – High Voltage" signs, and other similar warning signs shall be installed to discourage trespassing by unauthorized persons. Signs shall be installed on the perimeter fence or on the tower at its base.

L. Outdoor Storage: Outdoor storage of equipment or related items is prohibited, which the exception of equipment enclosed within sheds, cabinets, or other such structures.

M. Staffing: Associated telecommunications equipment buildings shall be unmanned. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.

N. Application Requirements: All applications for telecommunications towers must include the following information, in addition to any other applicable information required by this Ordinance:

1. Identification of the intended provider(s)

2. Documentation of a registered engineer that the tower has sufficient structural integrity to accommodate up to four wireless carriers.

3. A statement about the general capacity of the tower in terms of the number of additional providers, or co-locaters, it is designed to accommodate.

4. A statement from the provider indicating intent to allow shared use of the tower and how others will be accommodated, if applicable.

5. Documentation that all property owners of residentially zoned property within 300 feet of the edge of all sides of the property, as wells as adjacent property owners, have been notified by the applicant of the proposed tower height and design.

6. Documentation that the telecommunications equipment complies with the FRFES.

7. A site plan, drawn to scale, identifying the site boundaries, tower, existing and proposed structures, including equipment buildings, access, fencing, fall radius, and landscape screening. A site plan is not needed for providers who are seeking to co-locate on an existing tower when the equipment building is to be located within and existing fenced areas and the tower height is not increased.

8. Documentation of monopole tower collapse area, if applicable.

9. Documentation that a monopole tower is not available for the proposed height and that a lattice-type tower is required.

10. Expert testimony that demonstrates to the satisfaction of the Administrator that the provider has explored all co-location opportunities and stealth tower locations. Evidence may consist of the following:

a. Existing or approved telecommunications towers with available co-location space are not located within the search area.

b. Existing or approved towers or structures are not of sufficient height to meet the provider's specifications.

c. Existing or approved towers or structures do not have sufficient structural strength to support the applicant's propose antenna, and documentation that the existing tower cannot be structurally strengthened to accommodate an additional user.

d. The provider's proposed antenna would cause objectionable radio frequency interference with existing or planned antenna on an existing or planned tower.

e. Existing or approved towers lack co-location space.

CHAPTER 4: General Development Provisions

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CHAPTER 4: General Development Provisions

4.1 APPLICABILITY

The provisions of this chapter shall apply generally to all development regardless of the underlying zoning.

4.2 INTERPRETATION OF NUMERICAL STANDARDS

When any requirement of this Ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit and a fraction of less than one-half shall be disregarded. When the determination of the number of dwelling units permitted on a lot results in a fraction of a dwelling unit, any fractional component shall be disregarded and rounded down to the nearest whole number.

4.3 BASIC LOT AND USE STANDARDS

All provisions of this Ordinance shall apply within the corporate limits of Town of Wingate and within the extra-territorial jurisdiction, as identified on the Zoning Map of Town of Wingate, except for that property in the extra-territorial jurisdiction which is used for bona fide farm purposes is exempt from the requirements of this Ordinance, pursuant to NCGS §160A-360(k). The Zoning Map is on file with the Clerk of the Town of Wingate and with the Administrator of this Ordinance. The map and its boundaries shall be incorporated and made part of this Ordinance.

4.3.1 ALL LOTS AND BUILDINGS SHALL FRONT ON A PUBLIC STREET

A. Lot Requirements

1. All lots shall front on a public or private street. In no case shall a lot have less than 15 feet of frontage on a public or private street. Flag lots shall be permissible only under the following circumstances:

a. Flag lots may be created only to avoid providing direct access onto arterial or collector streets; or

b. When a property owner demonstrates that, because of issues with the shape or topography of a tract, the creation of a flag lot is reasonably necessary to avoid extreme hardship to the property owner and can be accomplished without creating substantially adverse impacts on neighboring properties or the public health and safety.

c. Under no circumstances may a flag lot be created if the effect is to increase the number of access points onto a major arterial street.

d. That portion of a flag lot between the street onto which it has access and the point where a lot dimension parallel to

the street first equals or exceeds the minimum lot width set forth in Chapter 2 of this Ordinance may be no longer than 200 feet.

2. Lots may front on park space, as described in Chapter 7.4, provided that the park space fronts on a public or private street. The entrance to the structure on the privately owned parcel may be no more than 50' from the public or private street.

B. Building Requirements

1. No building shall be erected on a lot that does not front on an unimproved public or private street, or on park space as described in Section 4.3.1.A.2.

4.3.2 NUMBER OF PRINCIPAL BUILDINGS PER LOT

In any zoning district, more than one building containing a permitted principal use may be erected on a single lot, provided that:

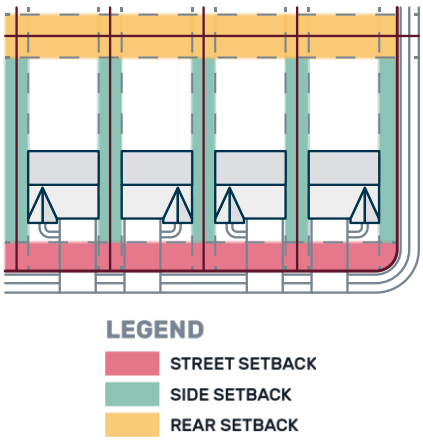
A. All non-residential principal buildings located within the Rural and Suburban Residential Districts meet the dimensional requirements set forth in Chapter 2.3.2 of this Ordinance.

B. In the Form-Based Zoning Districts, at least one building must meet the dimensional standards provided in Chapter 2.3.3 of this Ordinance.

C. The lot was not approved or recorded as a single-family residential lot.

4.3.3 DIMENSIONAL STANDARDS

A. Yard and Setback Requirements

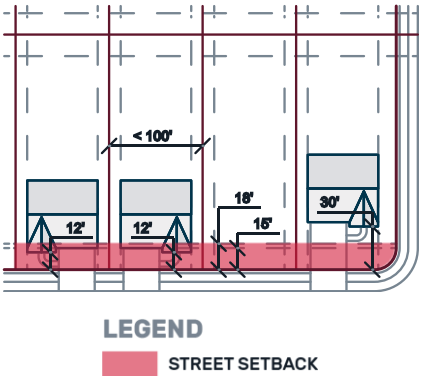


1. **General:** A building, structure, or lot shall not be developed, used, or occupied unless it meets the minimum yard requirements for the zoning district or overlay district in which it is located.

2. **Calculating Street Setbacks:** If the street right-of-way line is readily determinable by reference to a recorded map, set irons, or other means, the street setback shall be measured from such right-of-way line. If the right-of-way line is not readily determinable, the street setback shall be measured from the street centerline and the street setback distance shall be increase by fifteen feet plus one-half the width of the paved or travelled portion of the roadway.

3. **Calculating Side and Rear Setbacks:** The minimum setback is the space defined by measuring perpendicularly from and along the entire boundary of the lot to the building as shown in the diagram to the left.

4. **Orientation:** Side lot lines shall normally be perpendicular to street right-of-way lines.



5. **Infill Lot Standards:** The street setback requirements of this Ordinance for residential dwellings shall not apply to any lot where the average setback of existing buildings located wholly or partially within one-hundred feet on either side of the proposed dwelling and on the same side of the street in the same block and zoning district is less than the minimum required street setback. In such case, the street setback on such lots may be less than required in the subject zoning district, but not less than the average of the existing setbacks on the aforementioned lots or a distance of fifteen feet from the right-of-way, whichever is greater.

6. **Arterial or Collector Streets:** For properties located in the B-1, B-2, B-3, B-6, LI, and HI zoning districts within the Town of Wingate corporate limits that have frontage on an arterial or collector street per the Wingate 2020 Comprehensive Plan the following requirements shall apply:

   a. The minimum required street setback shall be 10 feet.

b. There shall be no off-street parking allowed within any portion of the street setback. The area that lies between the front of the building and the adjacent public street shall generally be landscaped with grass, trees, shrubs, and other natural plantings and/or contain other pedestrian-oriented amenities including sidewalks, walkways, benches, etc.

c. Parking lots in the side setback shall not occupy more than 35% of the width along the primary street.

d. All new principal buildings shall be substantially parallel to the public road upon which they front. When more than one principal building is located on site, this requirement shall apply to the principal building closest to the adjacent public street. When an expansion of an existing building occurs, the expansion shall be made to satisfy this requirement to the greatest extent feasible as determined by the Administrator.

4.3.4 ENCROACHMENTS

The features listed below may encroach into a required setback.

A. Uncovered Building Elements: The outermost four feet of any uncovered porch, step, eave, gutter, canopy, or similar fixture.

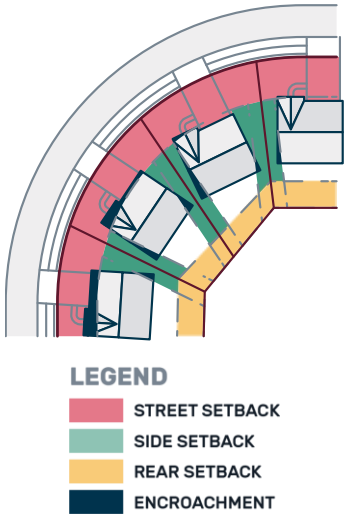
B. Deck or Patio: A deck or patio may extend into a required setback if no portion of the of the deck or patio is more than 12 inches above the nearest adjacent grade.

C. Appurtenances: Any feature that is an appendage to a building, such as a flagpole, mailbox, or the like.

D. Mechanical Units: Air conditioning or HVAC units.

4.4 IRREGULAR LOT SETBACKS

The location of required front, side, and rear setbacks on irregularly shaped lots shall be determined by the Administrator. The determination will be based on the intent and purpose of this Ordinance to achieve the appropriate spacing and location of buildings. Where questions arise as to the appropriateness, the applicant may be requested to provide additional design information.



4.5 MEASUREMENT OF BUILDING HEIGHT

4.5.1 CALCULATION OF BUILDING HEIGHT: Building height shall be calculated as the vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridges for gable, hip, and gambrel roofs.

4.5.2 ITEMS NOT INCLUDED IN BUILDING HEIGHT CALCULATIONS: The building height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, mechanical penthouses (provided they are set back 20 feet from the front elevation), observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles, masts, and antennas.

4.6 ACCESSORY USES AND STRUCTURES

The purpose of this section is to establish standards for accessory uses and structures in the Town of Wingate's jurisdiction. Except as provided elsewhere in this Ordinance, it shall be unlawful for any person to erect, construct, enlarge, move, or replace any accessory use or structure without first obtaining a zoning permit from the Administrator.

4.6.1 GENERAL

A. Accessory uses and structures may only be used for purposes permitted in the district in which they are located.

B. Not for Dwelling Purposes: Accessory structures shall not be used for dwelling purposes except as approved Accessory Dwelling Units in accordance with Chapter 3 of this Ordinance.

C. Building Permits May Be Required: Depending on the size of the structure and the incorporation of various improvements (e.g., electrical, plumbing) a building permit may also be required.

4.6.2 MAXIMUM NUMBER AND AREA

A. For parcels located in the Town of Wingate Town limits, the total square footage of accessory structures on any lot shall not exceed the total square footage of the principal building on the same lot.

B. For parcels located within the Town of Wingate ETJ, the following standards shall apply:

1. On lots less than two acres in size, the total square footage of accessory structures shall not exceed the total square footage of the principal building on the same lot.

2. On lots at least two acres but less than four acres in size, the total square footage of accessory structures on any lot shall not exceed 125% of the total square footage of the principal building on the same lot.

3. On lots at least four acres but less than seven acres in size, the total square footage of accessory structure on any lot shall not exceed 150% of the of the total square footage of the principal building on the same lot.

4. On lots at least seven acres but less than 10 acres in size, the total square footage of accessory structure shall not exceed 175% of the total square footage of the principal structure on the same lot.

5. On lots 10 acres or greater in size, the total square footage of accessory structures shall not exceed the 400% of the total square footage of the principal building on the same lot.

4.6.4 EXEMPT ACCESSORY STRUCTURES

A. Buffering: The following facilities are allowed as accessory structures provided they are “related to” and “customarily incidental” to the principal use or structure:

1. Television satellite dishes 24 inches or less in diameter,

2. Television antennas and their support structures (including combinations of the two) 60 feet in height or less.

4.7 TEMPORARY USES

As indicated in the Permitted Use Table, non-recurring uses that may involve the construction of a temporary or permanent structure not used for residential purposes are permitted in all zoning districts, subject to the supplemental standards in Chapter 3 of this Ordinance.

4.8 FENCES AND WALLS

Fences and walls are permitted as elements of site design and, in some locations, may be used to conceal storage or other unsightly or conflicting land uses. All fences and walls shall meet the following requirements:

4.8.1 MATERIALS

A. Fences and walls shall be constructed of wood, stone, brick, decorative concrete block, wrought iron, polyvinyl chloride (or products created to resemble these materials), or a combination of any of these materials. Chain link fencing is allowed provided it meets the standards of §4.8.A.4 of this Ordinance.

B. All fencing shall be finished on the side facing a public right-of-way or adjacent properties.

C. Materials such as, but not limited to sheet metal, concrete slabs, concrete barriers, plywood, particleboard, pallets, and salvage materials not intended for typical fence or wall construction shall not be used for fencing or walls. 4. Chain Link Fencing:

D. Chain Link Fencing

1. Chain link fencing used in non-residential districts shall be coated in black, brown, or dark green vinyl or equivalent, except that chain link fencing use in industrial zoning districts or for public utility purposes does not require vinyl coating.

2. In residential zoning districts, chain link fencing is only allowed in the side and/or rear yards of individual lots and is not allowed to be used by the developer of a subdivision for buffering and screening. Chain link fencing used for single-family residential recreational accessory uses such as, but not limited to, playgrounds, swimming pools, hot tubs, spas, tennis courts, volleyball courts, and basketball courts shall be vinyl coated in black, brown, or dark green.

E. Barbed-wire and similar fence materials may only be used in conjunction with a permitted agricultural use or in conjunction with the permitted keeping of livestock. Up to 2 inches of barbed wire can be erected on top of another fence type for safety purpose for commercial, industrial, and utility uses. The types of materials are not permitted in residential districts, except when used in conjunction with the agricultural uses mentioned above.

4.8.2 FENCE/WALL HEIGHT:

A. No fence or wall shall exceed 7 feet in height including piers, posts, and finials. Non-residential fences or walls may be higher for security and/or screening purposes with approval of the Administrator after taking into account topography, unique site conditions, and unique safety, security, and screening requirements for the property owner. Vinyl coated chain link fencing for single-family recreational accessory uses that typically require taller fencing, such as tennis and basketball courts, may be approved up to 10 feet in height by the Administrator, after taking into account site topography, existing and proposed vegetative screening, setbacks, unique conditions, and the nature of the single-family recreational accessory use.

B. Fences and walls in front yards shall not exceed 48 inches in height. Piers, posts, and finials may extend up to 6 inches higher than the finished fence or wall height.

C. **Fences/Walls Abutting Public Rights-of-Way:** Where fencing or walls will abut a public right-of-way, all parts of such shall be set back at least 4 feet from the right-of-way.

D. **Maintenance:** The owner of the property (or other party responsible for maintenance as depicted on the approved site plan) on which the fence or wall is located is required to maintain the fence or wall in a safe and attractive condition. This shall mean the following:

1. No fence or wall shall have more than 20% of its surface with disfigured, cracked, ripped, or peeling paint or other material;

2. A fence or wall shall not stand with bent or broken supports, including loose or missing appendages;

3. Fences and walls shall be plumb, vertically, to the ground; and

4. Replacement of non-conforming fences and walls shall comply with all the requirements of this Ordinance.

CHAPTER 5: Building and Site Design Standards

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CHAPTER 5: Building and Site Design Standards

5.1 PURPOSE AND INTENT

The purpose of establishing supplementary requirements for development is to ensure the physical characteristics of proposed development are compatible with the context of surrounding areas and to preserve the unique visual character of the Town of Wingate. These requirements seek to strike a balance between creativity and innovation in design while avoiding obtrusive, incongruous structures. The Town of Wingate strongly encourages architectural styles that build upon and promote the existing character of the Town and development that is well-designed and well-maintained.

5.2 APPLICABILITY AND ADMINISTRATION

The provisions outlined in this Chapter shall apply throughout the jurisdiction of the Town of Wingate, regardless of the underlying zoning district provisions and shall apply to all development, including renovations, remodels, face lifts, repainting, and additions to existing structures. However, the specific building design standards apply only to those buildings which are specified (e.g., a non-residential structure located in a form-based zoning district). This Chapter is comprised of quantitative, easily measurable standards for administrative review.

5.2.1 APPLICATION OF BUILDING TYPE REQUIREMENTS

Innovative planning or design ideas that do not meet the specific requirements of this Chapter but may meet the standard for desired high-quality development will be reviewed by the Board of Adjustment as described in §15.7.3 of this Ordinance.

5.2.2 ADOPTED PLANS OR HISTORIC GUIDELINES TAKE PRECEDENCE

Where specific architectural elements are required as part of an adopted plan or associated with local historic guidelines, these shall take precedence over the building design requirements of this Chapter. In the case of a contributing building to a National Register Historic District, the Secretary of the Interior's Standards for Rehabilitation will be used as a guideline for exterior work.

5.2.3 APPLICABILITY OF STANDARDS

The provisions of this Chapter shall apply to all new structures and expansions to existing structures in accordance with the following:

A. **New Structures:** All standards apply.

B. **Expansions of Less Than 50% of Existing Floor Area:** Standards apply to expansion area only and those areas necessary to visually tie expansion to existing structures.

C. **Expansions of 50% or Greater in Floor Area:** All standards apply to facades visible from the public right-of-way.

D. **Change of Use:** Any change of use of an existing non-conforming structure must be in compliance with §13.7.F of this Ordinance.

5.2.4 MODIFICATION OF STANDARDS/DESIGN EXCEPTIONS

The Administrator may make modifications to the standards in this section upon the written request of the applicant if the standard(s) in question conflicts with other requirements by law, as long as the proposal is in compliance with §5.1 of this Ordinance. If the applicant and Administrator cannot come to an agreement, the proposal shall be submitted to the Board of Adjustment in accordance with §15.7.2 of this Ordinance.

5.2.5 SUBMITTALS

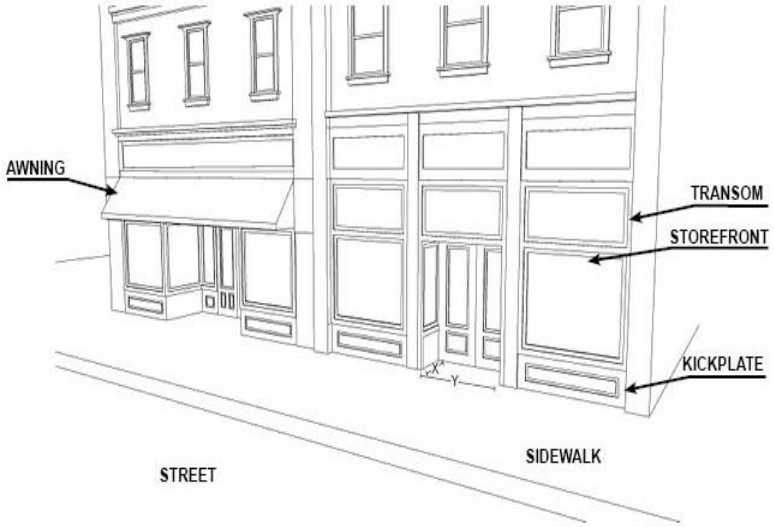
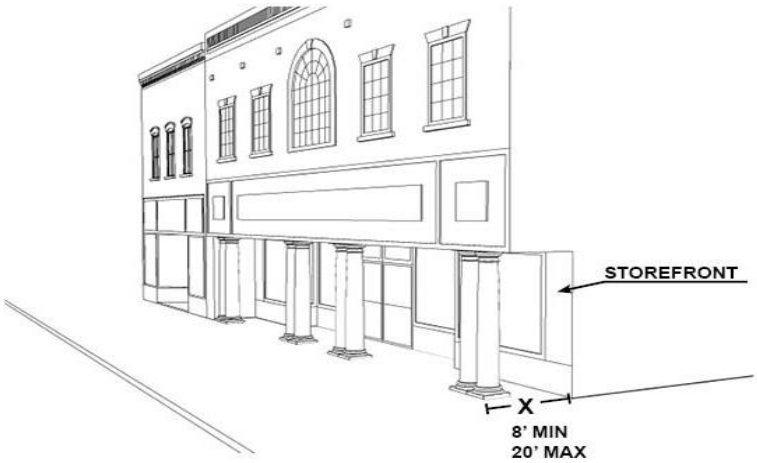
When the standards of this Chapter apply to a structure, as described in §5.2, color rendering and architectural elevations shall be provided to staff for review. No zoning permit or major development permit shall be approved until the building and site design standards of this Chapter have been met.

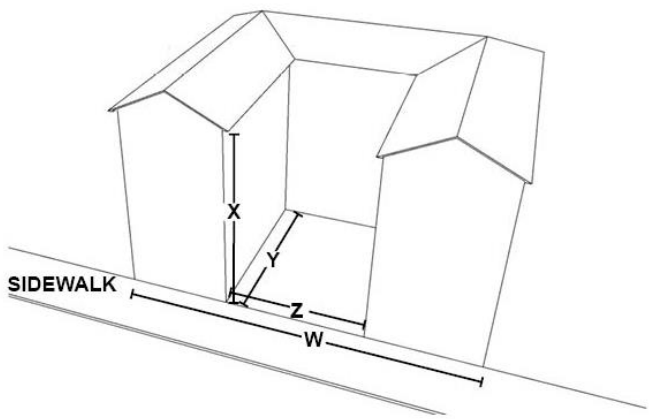
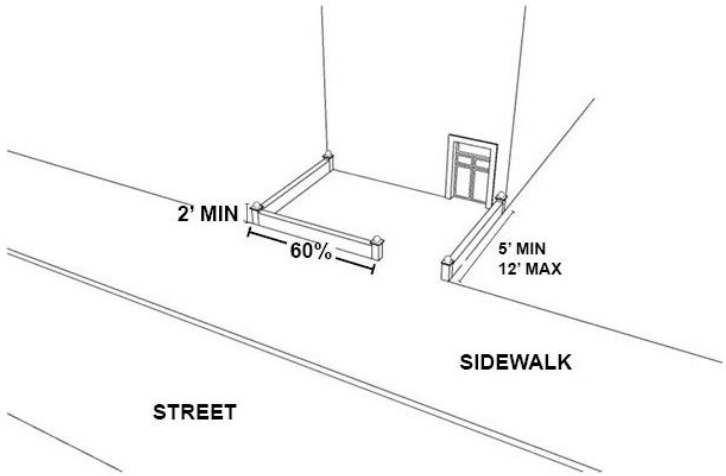
5.3 FORM BASED DISTRICT DESIGN STANDARDS

All structures located within the form-based districts (TC, RMU, UMU) shall be in compliance with the requirements of this section.

5.3.1 BUILDING FRONTAGE REGULATIONS

A. Private frontage regulations have been established for buildings in the form-based districts (TC, RMU, UMU). These frontage types apply to all building facades with frontage on public and private streets, existing and adopted light rail corridors, common access drives serving multiple parcels or primary entrances, and public open spaces such as parks and paved trails. Buildings in form-based districts shall conform to the private frontage type as described in the table below.

Storefront: A frontage where the façade is aligned close to the property line with the building entrance aligned with the grade of the adjacent sidewalk and substantial glazing at the pedestrian level.	
Arcade: A structure with a recessed ground floor façade that creates a linear passageway parallel to the street covered by the upper stories of the building which extend within the maximum street setback.	

Courtyard: A structure with a full recessed façade for a portion of the building frontage where the building creates an enclosure around an internal void.	
Forecourt: A structure with facades that are separated from a public or private street by an open court in front of the building.	
Stoop: A frontage wherein the façade is aligned close to the property line with the first floor elevated above the sidewalk sufficiently to secure privacy for the windows and doors. The entrance is usually an exterior stair and landing.	

B. A building can employ different frontage types along the same street frontage.

5.3.2 STOREFRONT DESIGN STANDARDS

The following standards shall apply to the Storefront frontage type.

A. A storefront window system shall be used at the ground floor.

B. A primary horizontal articulation shall be made between the ground floor and upper floors that include a change in material or change in plane.

C. A secondary, tripartite, horizontal articulation shall be made within the ground floor façade (e.g., kickplate, storefront, and transom.)

D. Ground floor entries shall be level with the adjacent sidewalk and not cause doors to extend into the clear zone of the sidewalk.

E. If entries are recessed:

1. The recessed area shall be proportionally wider than it is deep; and

2. The entry can face the street or face the side of the recessed area.

F. The Storefront frontage type may only be utilized for non-residential ground floor uses.

5.3.3 ARCADE FRONTAGE TYPE

The following standards shall apply to the Arcade frontage type.

A. The recessed area at the ground floor, or arcade, shall comply with the Storefront frontage standards in §5.3.2 of this Ordinance.

B. The depth of the arcade shall be a minimum of 8 feet and a maximum of 20 feet measured at the maximum street setback line.

C. Upper stories of the building shall be located within the maximum street setback.

D. Upper stories shall either be cantilevered or supported by columns.

E. When columns are used:

1. Columns shall be placed within the maximum street setback.

2. Voids between columns shall not be permanently filled in.

3. A maximum of 65% of the colonnade façade at the ground floor shall be open.

F. The Arcade frontage type may only be utilized for non-residential ground floor uses.

5.3.4 COURTYARD FRONTAGE TYPE

The following standards shall apply to the Courtyard frontage type.

A. Dimensional Standards

Requirement	Minimum	Maximum
Required street frontage of the lot	100 feet	-
Required Courtyard width within the maximum street setback (Z)	20% of the building frontage or 30 feet, whichever is greater	50% of the building frontage
Required courtyard depth (Y)	50% of the courtyard width or 30 feet, whichever is greater	-
Required courtyard width to building height ratio (X)	1:2 (width half of the building height)	2:1 (width double the building height
Required courtyard interval (defined as wing – courtyard opening – wing) (W)	-	200 feet

B. Courtyard openings shall not be placed on block corners.

C. Primary or Main Entrances:

1. Shall be placed at a maximum of 150-foot intervals along the frontage; and

2. Can be located in the courtyard instead of, or in addition to, entrances at the street.

D. Courtyard Amenities: The following amenities shall be located within a Courtyard in addition to the open space required per §2.3.3 of this Ordinance:

1. One understory tree per 1,000 square feet of courtyard shall be provided, with a minimum of one tree required.

2. Seating shall be provided at a rate of one linear foot per 100 square feet of courtyard, with a minimum of 2 seats. Ledges and/or walls can be used if the height is 18 to 30 inches and the wall is a minimum of 15 inches deep.

E. The Courtyard frontage type may be utilized for residential and non-residential ground floor uses. Entrances to ground floor residential uses must be a minimum of 20 feet from the nearest adjacent facility described in §5.3.1.A of this Ordinance.

5.3.5 FORECOURT FRONTAGE TYPE

The following standards shall apply to the Forecourt frontage type.

A. The required Forecourt shall be established within the maximum street setback.

B. **Depth:** The minimum depth of a Forecourt shall be 5 feet and the maximum shall be 12 feet.

C. **Fence or Wall:** A fence meeting the following standards is required to define the perimeter of a Forecourt:

1. A minimum two-foot high fence or wall is required at each Forecourt frontage.

2. The fence or wall shall be required for at least 60% of the Forecourt frontage.

D. **Access:** Access to Forecourts shall be provided as follows:

1. Each Forecourt shall be accessible from the dwelling unit to which it is attached. If a Forecourt spans more than one dwelling unit, each individual dwelling unit shall have an entrance to the Forecourt.

2. External access to the Forecourt from the street shall be required at a rate of one per 250 linear feet or portion thereof.

E. **Elevated Entrances:** If the entrance to residential ground floor use is located within 18 feet of a facility described in §5.3.1.A, entrances to residential uses must be elevated a minimum of 18 inches and a maximum of 36 inches above the grade of that facility.

F. The Forecourt frontage type may only be utilized by residential ground floor uses.

5.3.6 STOOP FRONTAGE STANDARDS

The following standards shall apply to the Stoop frontage type.

A. The Stoop shall be located within the maximum street yard setback.

B. Dimension: The Stoop shall consist of stairs and a landing leading to the entrance to a ground floor residential use. The landing associated with the Stoop shall have a minimum dimension of 5 feet in any direction.

C. Access: Each Stoop shall be connected to the adjacent sidewalk with a private sidewalk or similar pedestrian access.

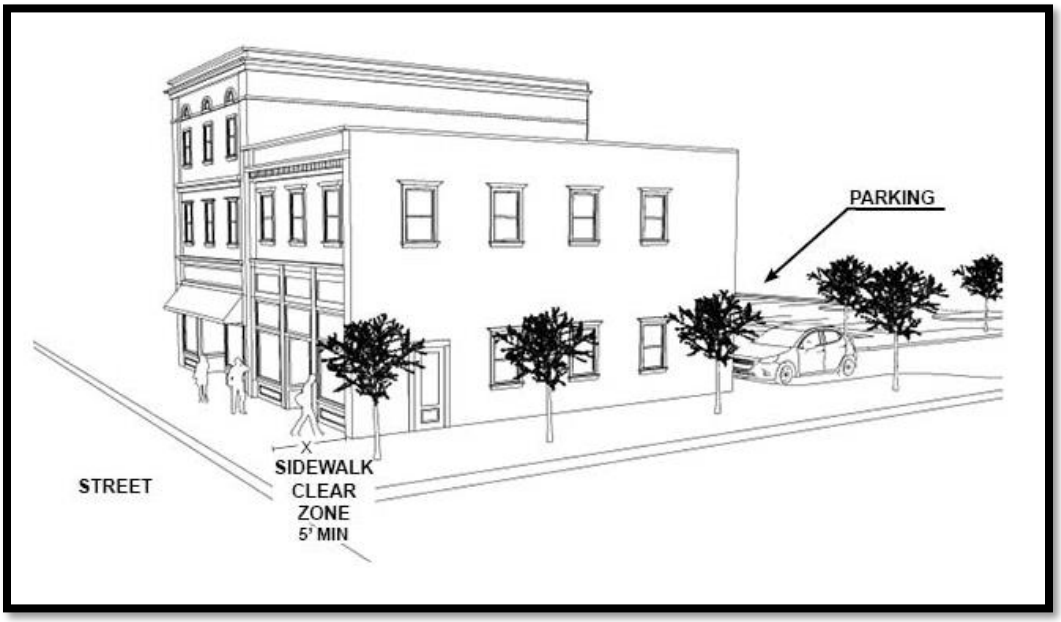
D. Elevated Entrances: If the entrance to a residential ground floor use is located within 18 feet of a facility described in §5.3.1.A of this Ordinance, entrances to the residential uses must be elevated a minimum of 18 inches and a maximum of 36 inches above the grade of that facility.

E. The Stoop frontage type may only be utilized by residential ground floor uses.

5.3.7 SITE DESIGN CRITERIA IN FORM BASED DISTRICTS

In addition to the regulations contained in the Ordinance, developments within a form-based district (TC, RMU, UMU) must conform with the following site design criteria.

A. Location of Parking: No surface parking areas are permitted between any proposed building and any facility described in §5.3.1.A of this Ordinance. All required surface parking shall be located behind the front façade of any structure.



1. Structured Parking: The following standards shall apply to structured parking, either as a stand-alone building or as a component of a greater development:

a. Parking shall not be exposed on the ground floor.

b. Ground floor frontages along any facility described in §5.3.1.A of this Ordinance must have actives uses, such as residential, commercial, office, or open space located between the parking structure and such facility.

c. No more than 30% of the parking structure materials along the ground floor shall be exposed concrete. Other high-quality materials, such as brick, stacked stone, stone and stone masonry units, cementitious fiber board, stone or masonry units, or architectural masonry units shall be the primary materials used on the ground floor of parking structures.

d. The sloping nature of the interior structure shall not be exposed, repeated, or revealed on the exterior of the façade. Ramping in parking structures shall be internalized or screened to avoid an angular geometry to the perimeter of the structure.

e. When developed in conjunction with another principal building or buildings, or as a component of a building, the exterior walls of the parking structure shall be finished with the same material to match the architectural design of the principal building.

f. Exterior walls or decorative screening measuring at least 4 feet in height from each floor level shall be required and be 100% opaque in order to screen the head and tail lights of vehicles.

g. All openings shall be screened with material that is at least 60% opaque with decorative screens, vegetative walls, or window frames and shall be articulated with columns or pilasters. Louvres shall not be used for screening.

B. Sidewalk Clear Zone: The primary structure, landscaping, parking, and all associated appurtenances shall be designed so as not to interfere with the clear and safe passage of pedestrians on the adjacent sidewalk. A 5-foot clear zone shall be maintained at all times to allow for the free flow of pedestrian traffic.

5.3.8 BUILDING FAÇADE REQUIREMENTS IN FORM BASED DISTRICTS

Facades of buildings within the form-based districts shall be designed in accordance with the standards below.

A. **Materials:** Acceptable exterior primary wall materials shall include brick, brick veneer, stacked stone, cementitious fiber board, stone and stone masonry units, and architectural concrete masonry units. Exterior Insulation Finishing Systems (EIFS), metal, and stucco may only be used as a secondary building material and may comprise no more than 20% of the total building exterior. No vinyl is permitted on structures located in a form-based district with the exception of window and roofing trim.

B. **Material Colors:** Façade colors shall be of low reflectance earth tone, muted, subtle, or neutral colors. Building trim may feature brighter colors as an accent. The use of high-intensity, metallic, fluorescent, day glow, or neon colors shall be prohibited. Variations in color schemes are encouraged in order to articulate entry ways and public amenities to give greater recognition to these features.

C. **Changes in Material:** Changes in exterior building materials shall only occur as defined lines, edges, or a minimum 3-inch change of plane. When vertical changes in exterior building materials occur at a corner, they shall occur at inside corners of the building façade.

D. **Balance of Materials:** When 2 or more materials are used on a façade, the heavier material shall be placed below the lighter material (e.g., siding over brick) to give a sense of support and grounding.

E. **Vertical Articulation:** All architectural elevations of principal buildings adjacent to any facility described in §5.3.1.A shall have a clearly discernible base, body, and cap. The base and cap shall be clearly distinguishable from the body through changes in material, color, pattern, profile, plane, or texture.

    1. **Base:** The base shall occupy the lowest portion of the elevation and shall have a minimum height of 3 feet and a maximum height of 6 feet.

    2. **Body:** The component of the building described as the body shall constitute a minimum of 50% of the total building height.

3. **Cap:** The cap shall occupy the highest portion of the elevation, excluding the roof, and shall have a dimension that does not exceed the height of the base. The cap shall consist of a cornice, parapet, canopy, eave, or other architectural treatment that visually performs in the same manner.

F. **Expression of Entries:** For non-residential ground floor uses, each entryway shall have one or more clearly defined, highly visible customer entrance. The entrance shall have one or more of the following: canopies or porticos, arches, wing walls, and/or planters.

G. **Articulation:** The frontage of buildings shall be divided into architecturally distinct sections or bays with each section taller than it is wide. Sections or bays shall be visually established by architectural features such as columns, ribs, pilasters, changes in plane, or an equivalent that otherwise visually subdivides the wall through at least 50% of its height.

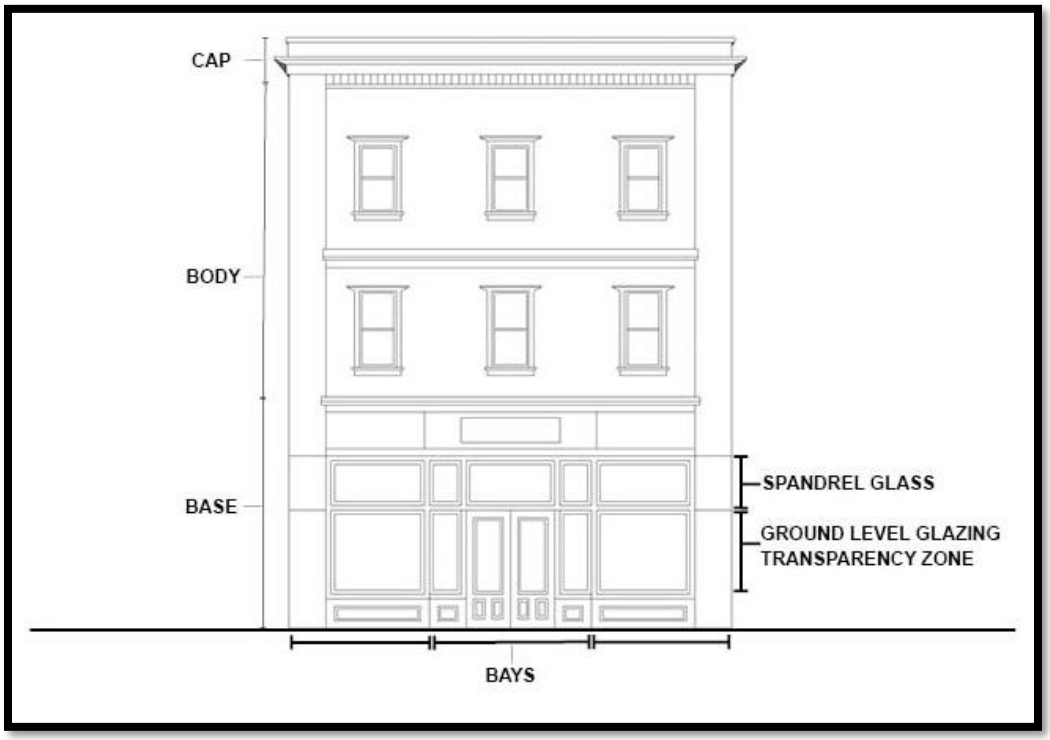
H. **Minimize Blank Walls:** Expanses of blank walls adjacent to any facility described in §5.3.1.A of this Ordinance may not exceed 20 linear feet. A blank wall is a façade that does not contain transparent windows or doors.

I. **Ground-Level Glazing:** Window glazing and doorways shall be the predominant feature along the portions of a façade adjacent to facilities described in §5.3.1.A. Exterior burglar bars, fixed riot shutters, or similar security devices shall not be visible. All ground level windows on the exterior of non-residential ground floor uses shall provide direct views to the building's interior extending a minimum of 6 feet behind the window. Window boxes, internal shelving, or similar fixtures may not be located in such a way that the view into the building is obstructed.

J. **Transparency Zone:** Glazing that is transparent under all lighting conditions shall extend from a base of contrasting material no more than 4 feet above the adjacent grade to the height of the door head of the primary entrance. Spandrel glass or colored glass may be used above the height of the door head. The table below lists the standards for the required percentage of square footage of glazing within the Transparency Zone.

	Percentage of Glazing in Transparency Zone	
	Primary Façade	**Side Façade**
Non-residential Ground Floor Uses	60% minimum	40% minimum
Residential Ground Floor Uses	15% minimum	N/A

K. Glazing to be Dispersed: Required glazing shall not be aggregated into a single undivided area of glazing treatment. Individual glazing areas shall not span more than 15 linear feet and must be separated by at least 1 linear foot of contrasting material.



L. Canopies / Awning: A building canopy, awning, or similar weather protection feature shall be provided at all building entrances and should project a minimum of 5 feet from the building façade.

M. Ventilation Grates and Emergency Exit Doors: Ventilation grates and emergency exit doors located on the ground floor and adjacent to any facility described in §5.3.1.A of the building façade shall be decorative.

N. Rooftop Equipment: All rooftop equipment shall be screened from view. If, due to the topography of the site, a physical screen would not suffice, alternative methods to minimize the negative aesthetics, such as painting the equipment to match the building, may be approved by the Administrator. In the event that the Administrator and applicant cannot come to agreement on an alternative method, the request would be heard by the Board of Adjustment as a variance and would be processed in accordance with §15.7.3 of this Ordinance.

O. Wall Mounted Equipment: No wall mounted building utility service equipment shall be placed on any side of a building adjacent to any facility described in §5.3.1.A.

P. Ground Mounted Equipment: No ground mounted equipment (e.g., electrical transformers) are permitted between the façade of a building and any facility described in §5.3.1.A unless such location is required by the utility service provider. If ground mounted equipment is required in these locations, it shall be fully screened from view through the use of landscaping, fencing, walls, or a combination thereof.

5.4 RURAL AND SUBURBAN DISTRICT DESIGN STANDARDS

5.4.1 NON-RESIDENTIAL STRUCTURES

The following standards shall apply to the design of non-residential buildings located in the rural and suburban zoning districts. For the purposes of these regulations, a structure shall be considered non-residential when 50% or more of the ground floor of a building is comprised of a use or uses from the use categories defined in Sections 2.4.1.B-J.

A. **Materials:** Acceptable exterior primary wall materials shall include brick, brick veneer, stacked stone, cementitious fiber board, stone and stone masonry units, and architectural concrete masonry units. Exterior Insulation Finishing Systems (EIFS), metal, and stucco may only be used as a secondary building material and may comprise no more than 20% of the total building exterior. No vinyl is permitted on structures located in rural and suburban districts with the exception of window and roofing trim.

B. **Material Colors:** Façade colors shall be of low reflectance earth tone, muted, subtle, or neutral colors. Building trim may feature brighter colors as an accent. The use of high-intensity, metallic, fluorescent, day glow, or neon colors shall be prohibited. Variations in color schemes are encouraged in order to articulate entry ways and public amenities to give greater recognition to these features.

C. **Changes in Material:** Changes in exterior building materials shall only occur as defined lines, edges, or a minimum 3-inch change of plane. When vertical changes in exterior building materials occur at a corner, they shall occur at inside corners of the building façade.

D. **Balance of Materials:** When 2 or more materials are used on a façade, the heavier material shall be placed below the lighter material (e.g., siding over brick) to give a sense of support and grounding.

E. **Vertical Articulation:** All architectural elevations of principal buildings adjacent to any facility described in §5.3.1.A shall have a clearly discernible base, body, and cap. The base and cap shall be clearly distinguishable from the body through changes in material, color, pattern, profile, plane, or texture.

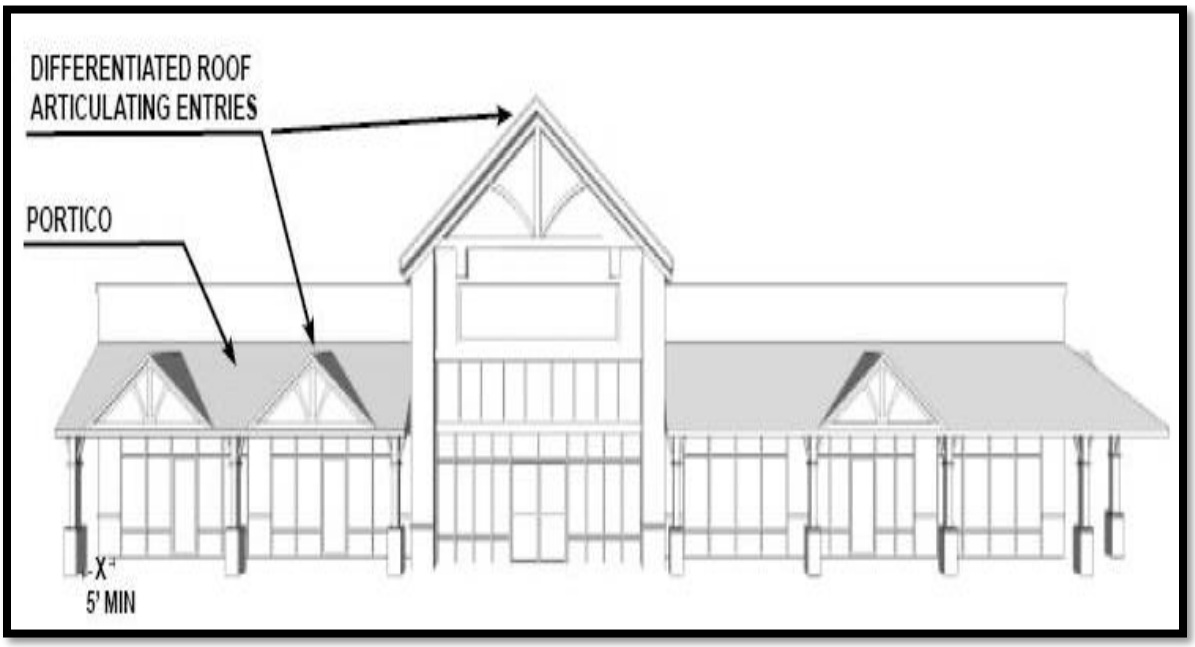
    1. **Base:** The base shall occupy the lowest portion of the elevation and shall have a minimum height of 3 feet and a maximum height of 6 feet.

    2. **Body:** The component of the building described as the body shall constitute a minimum of 50% of the total building height.

3. **Cap:** The cap shall occupy the highest portion of the elevation, excluding the roof, and shall have a dimension that does not exceed the height of the base. The cap shall consist of a cornice, parapet, canopy, eave, or other architectural treatment that visually performs in the same manner.

F. **Expression of Entries:** For non-residential ground floor uses, each entryway shall have one or more clearly defined, highly visible customer entrance. The entrance shall have one or more of the following: canopies or porticos, arches, wing walls, and/or planters.

G. **Articulation:** The frontage of buildings shall be divided into architecturally distinct sections or bays with each section taller than it is wide. Sections or bays shall be visually established by architectural features such as columns, ribs, pilasters, changes in plane, or an equivalent that otherwise visually subdivides the wall through at least 50% of its height.



H. **Minimize Blank Walls:** Expanses of blank walls adjacent to any facility described in §5.3.1.A of this Ordinance may not exceed 20 linear feet. A blank wall is a façade that does not contain transparent windows or doors.

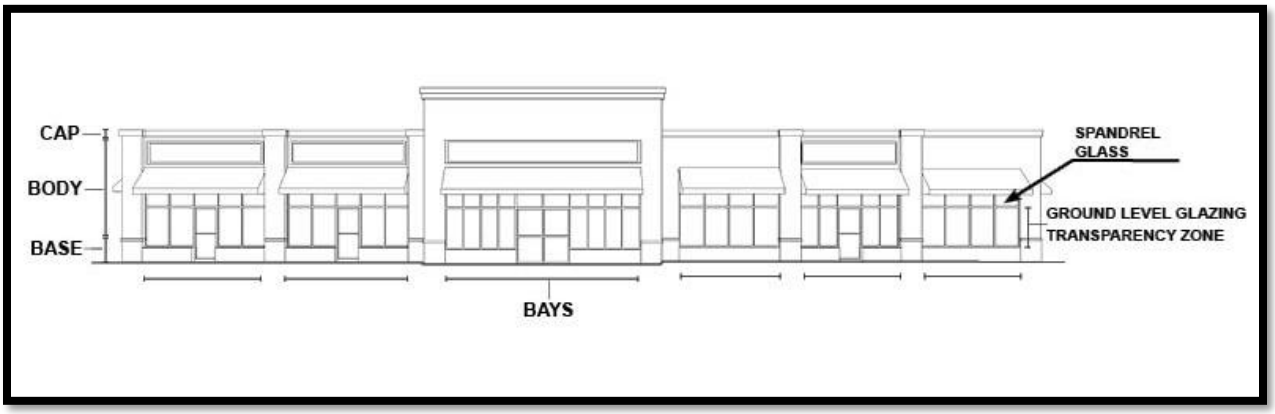
I. **Ground-Level Glazing:** Window glazing and doorways shall be the predominant feature along the portions of a façade adjacent to facilities described in §5.3.1.A. Exterior burglar bars, fixed riot shutters, or similar security devices shall not be visible. All ground level windows on the exterior of non-residential ground floor uses shall provide direct

views to the building's interior extending a minimum of 6 feet behind the window. Window boxes, internal shelving, or similar fixtures may not be located in such a way that the view into the building is obstructed.

J. **Transparency Zone:** Glazing that is transparent under all lighting conditions shall extend from a base of contrasting material no more than 4 feet above the adjacent grade to the height of the door head of the primary entrance. Spandrel glass or colored glass may be used above the height of the door head. The table below lists the standards for the required percentage of square footage of glazing within the Transparency Zone.

	Percentage of Glazing in Transparency Zone	
	Primary Façade	**Side Façade**
Uses less than 100,000 square feet	50% minimum	30% minimum
Uses Greater than 100,000 square feet	40% minimum	30% minimum

K. **Glazing to be Dispersed:** Required glazing shall not be aggregated into a single undivided area of glazing treatment. Individual glazing areas shall not span more than 15 linear feet and must be separated by at least 1 linear foot of contrasting material.



L. **Canopies / Awning:** A building canopy, awning, or similar weather protection feature shall be provided at all building entrances and should project a minimum of 5 feet from the building façade.

M. **Ventilation Grates and Emergency Exit Doors:** Ventilation grates and emergency exit doors located on the ground floor of the building façade and adjacent to any facility described in §5.3.1 shall be decorative.

N. **Rooftop Equipment:** All rooftop equipment shall be screened from view. If, due to the topography of the site, a physical screen would not

suffice, alternative methods to minimize the negative aesthetics, such as painting the equipment to match the building, may be approved by the Administrator. In the event that the Administrator and applicant cannot come to agreement on an alternative method, the request would be heard by the Board of Adjustment as a variance and would be processed in accordance with §15.7.3 of this Ordinance.

O. Wall Mounted Equipment: No wall mounted building utility service equipment shall be placed on any side of a building adjacent to any facility described in §5.3.1.A.

P. Ground Mounted Equipment: No ground mounted equipment (e.g., electrical transformers) are permitted between the façade of a building and any facility described in §5.3.1.A unless such location is required by the utility service provider. If ground mounted equipment is required in these locations, it shall be fully screened from view through the use of landscaping, fencing, walls, or a combination thereof.

Q. Site Design Standards: The requirements of §5.3.7 shall apply to any structure or structures located on property or properties with frontage or access on the following roads:

- Highway 74
- N. Main Street
- Austin Chaney Road
- N. Camden Road
- E. Wilson Street
- W. Wilson Street
- Ansonville Road

5.4.2 RESIDENTIAL STRUCTURES

The following standards shall apply to all multifamily structures. Single-family dwellings, duplexes, and townhomes subject to regulation under the North Carolina Residential Code for One and Two Family Dwellings are exempt from these regulations pursuant to NCGS §160A-381, unless located in an area designated as a local historic district, historical district on the National Register of Historic Places, or individually designated as a local, state, or national historic landmark. The standards of this section may be applied to single-family dwellings, duplexes, and townhomes upon consent of the owner at the time of application for zoning map amendments, conditional zoning districts, conditional use permits, special use district, and conditional use district.

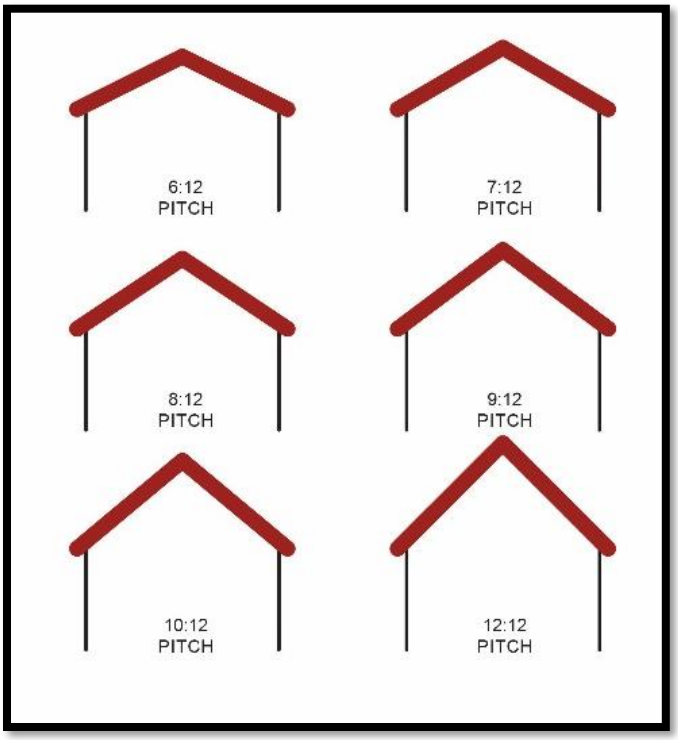
A. Roofs and Eaves:

1. All residential buildings shall have sloped roofs. Flat and shed roofs may be used if approved by the Board of Adjustment as a variance as described in §15.7.3 of this Ordinance.

2. Main roofs on residential buildings shall have a pitch between 6:12 and 12:12. Shed roofs are allowed only if they are attached to the wall of the main building and no shed roof shall have a pitch of less than 4:12.

3. Flush eaves shall be finished by profiled molding or gutters.

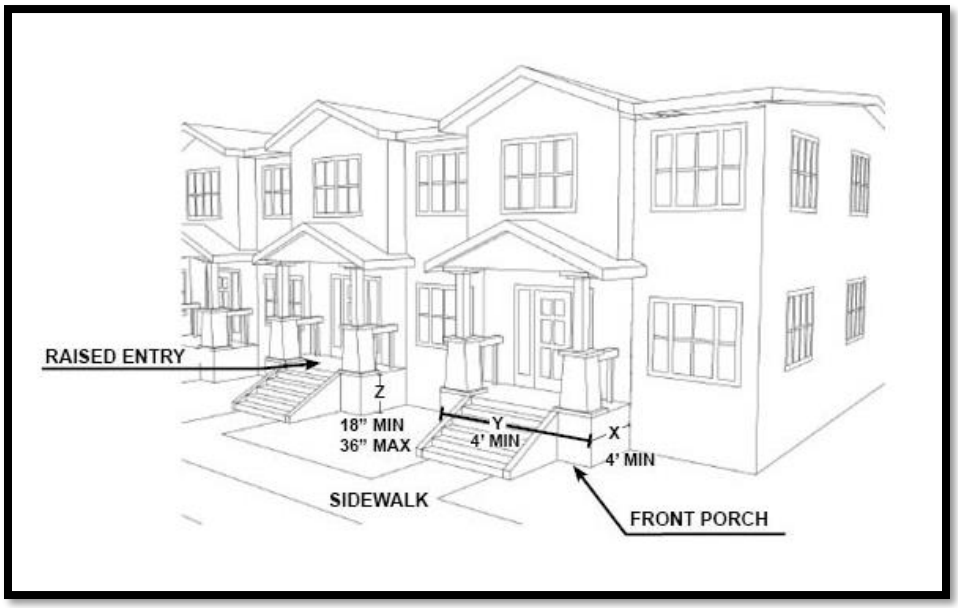
4. All rooftop equipment, except small items such as fans and vents, shall be screened from view from any facility described in §5.3.1.A.



B. Building Entrances:

1. **Porches:** Useable porches and stoops are recommended to form a predominant motif of the building design and be located on the front and/or side of the building. Front porches, if provided, shall have a dimension of at least 4 feet in any direction.

2. **Raised Entry:** To provide privacy, all residential entrances within 18 feet of the sidewalk paralleling the front property line shall be raised above the average finished grade of the sidewalk a minimum of 18 inches and no more than 36 inches.



C. **Garages:**

1. **Garage Door Setback from Façade:** Garages with front loading bays shall be recessed from the front façade of the house a minimum of 4 feet and shall be visually designed to form a secondary building volume. Garage doors shall be setback a minimum of 25 feet from any facility described in §5.3.1.A of this Ordinance.

2. **Garage Door Width:** At no time shall the total width of an attached garage door or doors exceed 50% of the total building façade. If more than one garage door is provided, the total width shall be measured from the inside frame of each garage door.

3. **Alleys:** For residential structures located on lots that are less than 50 feet in width, garages or off-street parking areas may be accessed from an alley, as recommended by the Administrator. Where alleys are used, driveways shall not be permitted to connect to the street fronting the lot.

D. Façade Design and Transparency: At least 15% of the area of each façade that faces a facility described in §5.3.1.A must be windows or main entrance doors. Windows used to meet this standard must allow views from the building to the public realm. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard, a door must be the main entrance and facing a property line with a facility described in §5.3.1.A.

E. Materials:

1. **Building Walls:** Building walls (including accessory structures greater than 144 square feet) shall be primarily clad in wood clapboard, cementitious fiber board, wood shingle, wood drop siding, primed board, wood board and batten, brick, stone, stucco, or synthetic materials superior in appearance and durability. Vinyl may only be used on buildings that are no closer than 20 feet from the next closest building and that do not contain mixed occupancy or multifamily dwelling units and not located in an area designated as a local historic district, historical district on the National Register of Historic Places, or individually designated as a local, State, or national historic landmark. The primary materials used for building walls should reflect the context of the surrounding area or neighborhood.

2. **Roof Materials:** Residential roofs shall be clad in wood shingles, standing seam metal, terne, slate, asphalt shingles, or synthetic materials superior in appearance and durability. The primary materials used for roofs should reflect the context of the surrounding area and neighborhood.

3. **Material Colors:** Façade colors should reflect the context of the surrounding area and should generally be of low reflectance earth tone, muted, subtle, or neutral colors. Variations in color scheme are encouraged in order to articulate entryways and public amenities as to give greater recognition to these features.

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CHAPTER 6: Subdivision and Infrastructure Standards

6.1 PURPOSE AND INTENT

The purpose of this Chapter is to establish criteria for the site development and subdivision of real property within the jurisdiction of the Town of Wingate. The standards set forth are intended to:

- Provide for the orderly growth and development of the Town of Wingate; and
- Coordinate proposed development with existing development and with officially adopted plans for the future development of the Town; and
- Provide for sustainable residential and non-residential development with adequate streets, utilities, and appropriate building sites; and
- Ensure the proper legal description, monumentation, and recordation of subdivided land; and
- Create conditions essential to the public health, safety, and general welfare.

6.2 APPLICABILITY

6.2.1 AUTHORITY AND APPLICABILITY

A. Authority: According to the provisions of NCGS §160A-371, the Town of Wingate has the authority to regulate the subdivision of land within its territorial jurisdiction.

B. Subdivision Defined: For the purposes of this Ordinance, "subdivision" shall mean all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of new streets or change in existing streets.

C. Statutory Exemptions: The following are not included within the definition for subdivision and are exempt from the regulations of this Ordinance. All such exempt documents or plats shall bear the notation "Exempt pursuant to the Town of Wingate Land Use Ordinance," and the signature of the Administrator shall be required before being presented for recordation.

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots meet or exceed the standards of this Ordinance; or

2. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved; or

3. The public acquisition of strips of land for the widening or opening of streets or for public transportation corridors; or

4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than 3 lots where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the minimum standards set forth in this Ordinance.

D. Major Development Permit / Major Subdivision Final Plan Defined: Major development permits and major subdivision plans are architectural and/or engineering drawings of proposed improvements for a specific location that depicts such elements as building footprints, driveways, parking areas, drainage, utilities, lighting, and landscaping. The specific elements required for major development permits, major subdivision plans, and zoning permits are outlined in Chapter 15 of this Ordinance.

E. Conformity Required: From and after the adoption of this Ordinance, no real property within the jurisdiction of the Town of Wingate shall be developed or subdivided except in conformance with all applicable provisions of this Ordinance.

6.2.3 PROVISION OF SERVICES AND ACCEPTANCE BY TOWN

A. No street shall be maintained by the Town, nor shall any water or sewer service be extended to or connected with any subdivision of land, nor shall any permit be issued by an administrative agent of the Town of Wingate for the construction of any building or other improvement requiring a permit, upon any land for which a plat is required to be approved, unless and until the requirements set forth in this Ordinance and all other applicable municipal, county, State, and Federal requirements have been complied with and the plat has been approved and recorded with the Union County Register of Deeds.

B. Utility Ownership and Easement Rights: In any case in which a developer installs or causes the installation of water, sewer, electrical power, telecommunication, or cable television facilities and intends that

such facilities shall be owned, operated, or maintained by an entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

6.3 PROVISION OF WATER AND SEWER SERVICES

6.3.1 EXTENSION OF PUBLIC WATER AND SEWER LINES

A. Whenever it is legally possible and practicable in terms of topography to connect a lot with a public water or sewer line by running a connecting line not more than the distance set forth below from the lot to such line, then no use requiring water or sewer disposal service may be made of such lot unless connection is made to such line.

1. If the tract in question is proposed to be developed with the number of dwelling units indicated in the left-hand column, or with a non-residential use that places a comparable demand on the water or sewer system, then the distance within which the tract must be connected is indicated in the right-hand column:

DWELLING UNITS	DISTANCE
0-5	200 feet
6-20	300 feet
21-50	600 feet
51-100	1,000 feet
More than 100	1,500 feet

2. In identifying the number of dwelling units proposed for a tract, the relevant inquiry relates to the number proposed for the entire tract rather than a single phase of the proposed project.

B. Connection to such water and sewer line is not legally possible if, in order to make connection with such line by connection line that does not exceed the distance prescribed above, it is necessary to run the connecting line over property not owned by the owner of the property to be served by the connection, and, after diligent effort, the easement necessary to run the connecting line cannot reasonably be obtained.

C. For the purposes of this Section, a lot is served by public water or sewer if a connection is required by this Section.

6.3.2 SEWAGE DISPOSAL FACILITIES REQUIRED

A. Every principal use and every lot within a subdivision shall be served by a sewage disposal system that is adequate to accommodate the

reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.

B. Primary responsibility for determining whether a proposed development will comply with §6.3.2.A may lie with an agency outside of the Town of Wingate, and the developer must comply with the detailed standards and specifications of such other agency. The relevant agencies are listed in §6.3.2.C of this Ordinance. Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed sewage disposal system, the authority issuing a permit under this Ordinance may rely upon a preliminary review by such agency of the basic design elements of the proposed sewage disposal system to determine compliance. However, construction of such system may not be commenced until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.

C. In the following table, the column on the left describes the type of development and the column on the right indicates the agency that must certify to the Town whether the proposed sewage disposal system complies with the standards of this Ordinance.

IF	THEN
The use is located on a lot that is served by a public sewer system or a previously approved, privately owned package treatment plant, and the use can be served by a simple connection (as in the case of single-family dwelling) rather than the construction of an internal collection system (as in the case of a shopping center or multi-family complex).	No further certification necessary.
The use, other than a subdivision, is located in a lot that is not served by a county or municipal system or previously approved, privately owned package treatment plant, but the developer proposed to extend lines to make such connection.	The appropriate public agency must certify that the proposed extension meets the local government's specification and will (if connection to the local government's system is proposed) be accepted by the local government. (A "Permit to Construct") must be obtained from the Division of Environmental Management)
The use (other than a subdivision) is located on a lot that is served by a public sewer system but service to the use necessitates construction of an internal collection system (as in the case of a shopping center or multi-family complex) and the internal collection system is to be transferred to and maintained by the public sewer agency.	The appropriate public agency must certify to the Town that the proposed internal collection system meets the local government's specifications and will be accepted by the local government (A "Permit to Construct" must be obtained from the Division of Environmental Management)

The use (other than a subdivision) is located on a lot that is served by a public sewer system but service to the use necessitates construction of an internal collection system (as in the case of a shopping center or multi-family complex) and the internal collection system is to be privately owned and maintained.	The appropriate public sewer agency must certify to the Town that the proposed internal collection system is adequate (A "Permit to Construct" must be obtained from the Division of Environmental Management)
The use (other than a subdivision) is not served by a public municipal system but is to be served by a privately operated sewage treatment system (that has not been previously approved) with 3,000 gallons or less design capacity, the effluent from which does not discharge to surface waters.	The County Health Department must certify to the Town that the proposed system complies with all applicable state and local health regulations. If the proposed use is a single-family dwelling unit (not a manufactured home), the developer must obtain an improvements permit from the County Health Department. If the proposed use is a manufactured home, the developer must present to the Town a certificate of completion from the County Health Department.
The use (other than a subdivision) is to be served by a privately operated sewage treatment system (not previously approved) that has a design capacity of more than 3,000 gallons or that discharges effluent into surface waters	The Division of Environmental Management must certify to the Town that the proposed system complies with all applicable state regulations (A "Permit to Construct" and a "Permit to Discharge" must be obtained from the Division of Environmental Management).
The proposed use is a subdivision and lots within the subdivision are to be served by simple connection to existing public lines or lines of a previously approved private system.	No further certification necessary.
The proposed use is a subdivision and lots within the subdivision are to be served by a public system but the developer will be responsible for installing the necessary additions to the public system.	The appropriate public sewer system agency must certify to the Town that the proposed system meets the local government's specifications and will be accepted by the local government. (A "Permit to Construct" must be obtained from the Division of Environmental Management)
The proposed use is a subdivision and lots within the subdivision are to be served by a sewage treatment system that has not be approved, that has a design capacity of 3,000 gallons or less, and that does not discharge into surface waters.	The County Health Department must certify that the proposed system complies with all applicable state and local health regulations. If each lot within the subdivision is to be served by a separate on-site disposal system, the County Health Department must certify that each lot shown on a major subdivision, preliminary, and final plat can probably be served by any on-site disposal system.
The proposed use is a subdivision and lots within the subdivision are to be served by a privately operated sewage	The Division of Environmental Management must certify to the Town that the proposed system complies with

treatment system (not previously approved) that has a design capacity in excess of 3,000 gallons or that discharges effluent into surface waters.	all applicable state regulations (A "Permit to Construct" and a "Permit to Discharge" must be obtained from the Division of Environmental Management.

6.3.3 WATER SUPPLY SYSTEM REQUIRED

A. Every principal use and every lot within a subdivision shall be served by a water supply system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.

B. Primary responsibility for determining whether a proposed development will comply with the standard set forth in §6.3.3.A often lies with an agency other than the Town, and the developer must comply with the detailed standards and specifications of such other agency. Whenever such agency requires detailed construction or design drawings before giving its official approval to the proposed water supply system, the authority issuing a permit under this Ordinance may rely upon preliminary review by such agency of the basic design elements of the proposed water supply system to determine compliance. However, construction of such system may not be commenced until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.

C. In the following table, the column on the left describes the type of development and the column on the right indicates the agency that must certify to the Town whether the proposed water supply system complies with the standards of §6.3.3.A

IF	THEN
The use is located on a lot served by a public water system or a previously approved, privately owned public water system and the use can be served by a simple connection to the system (as in the case of a single-family dwelling) rather than the construction of an internal distribution system (as in the case of a shopping center or multi-family complex).	No further certification necessary
The use (other than a subdivision) is located on a lot that is not served by a public water system or previously approved privately owned public water supply system, but the developer proposes to extend lines to make such a connection.	The appropriate public water system agency must certify to the Town that the proposed extension meets the local government's specifications and will (if connection to the local government's system is proposed) be accepted by the local government (A "Permit to Construct" must be obtained from the Division of Health Services).

The use (other than a subdivision) is located on a lot that is served by a public water system but service to the use necessitates the construction of an internal distribution system (as in the case of a shopping center or apartment complex) and the internal distribution system is to be transferred to and maintained by the public water system agency.	The appropriate public water agency must certify to the Town that the proposed internal distribution system meets the local government's specifications and will be accepted by the local government (A "Permit to Construct" must be obtained from the Division of Health Services).
The use (other than a subdivision) is located on a lot that is served by a public water system but service to the use necessitates the construction of an internal distribution system (as in the case of a shopping center or apartment complex) and the internal distribution system is to be privately maintained.	The public water system agency must certify that the proposed collection system is adequate.
The use (other than a subdivision) is located on a lot not served by a public water system or a previously approved, privately owned public water system and the use is to be served by a privately owned public water supply system that has not been previously approved.	The Division of Health Services must certify that the proposed system complies with all applicable state and federal regulations. (A "Permit to Construct" must be obtained from the Division of Health Services). The Division of Environmental Management must also approve the plans if the water source is a well and the system has a design capacity of 100,000 gallons per day or is located in certain areas designated by the Division of Environmental Management. The public water agency must also approve the distribution lines for possible future addition to the public water system.
The use (other than a subdivision) is located on a lot not served by a public water system or a previously approved, privately owned public water system and the use is to be served by some other source (such as an individual well).	The County Health Department must certify that the proposed system meets the all applicable state and local regulations.
The proposed use is a subdivision and lots within the subdivision are to be served by simple connection to existing public water line or lines of a previously approved public water supply system.	No further certification necessary
The proposed use is a subdivision and lots within the subdivision are to be served by a public water system but the developer will be responsible for installing the necessary additions to such system.	The appropriate public water agency must certify to the Town that the proposed system meets the local government's specifications and will be accepted by the local government (A "Permit to Construct" must be obtained from the Division of Health Services).
The proposed use is a subdivision and lots within the subdivision are to be served by a privately owned public water supply system that has not been previously approved.	The Division of Health Services must certify that the proposed system complies with all applicable state and federal regulations. (A "Permit to Construct" must be obtained from the

	Division of Health Services). The Division of Environmental Management must also approve the plans if the water source is a well and the system has a design capacity of 100,000 gallons per day or is located in certain areas designated by the Division of Environmental Management. The public water agency must also approve the distribution lines for possible future addition to the public water system.
The proposed use is a subdivision and lots within the subdivision are to be served by individual wells.	The County Health Department must certify to the Town that each lot intended to be served by a well can probably be served in accordance with applicable health regulations.

6.3.4 AS-BUILT DRAWINGS REQUIRED

Whenever a developer installs or causes to be installed any utility line in any public right-of-way, the developer shall, as soon as practicable after installation is complete, and before the acceptance of any water or sewer line, furnish the county with a copy of a drawing that shows the exact location of such utility lines. Such drawings must be verified as accurate by the utility service provider. Compliance with the requirement shall be a condition of the continued validity of the permit authorizing such development.

6.3.5 FIRE HYDRANTS

A. Every development (subdivided or unsubdivided) that is served by a public water system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such development.

B. The presumption established by this Ordinance is that to satisfy the standard set for in §6.3.5.A, fire hydrants must be located so that all parts of every building within the development may be served by a hydrant by laying no more than 500 feet of hose connected to such fire hydrant. However, the Administrator may authorize or require deviation from this standard if another arrangement more satisfactorily complies with the standards set from in §6.3.5.A.

C. The Administrator shall review all fire hydrant locations and fire hydrant specifications. Final approval of locations and specifications shall be by the Administrator.

D. Water lines that serve hydrants shall be at least 6-inch lines, and, unless no other practicable alternative is available, no such lines shall be dead-end lines.

6.4 STORM DRAINAGE

A. **Natural Drainage System Utilized:** To the extent practicable, all development shall conform to the natural contours of the land and natural and pre-existing man-made drainage ways shall remain undisturbed.

B. To the extent practicable, lot boundaries shall be made to coincide with natural and pre-existing man-made drainage ways within subdivisions to avoid the creation of lots that can be built upon only by altering such drainage ways.

C. All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:

1. The retention results from a technique, practice, or device deliberately installed as part of an approved sedimentation or stormwater runoff control plan; or

2. The retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such retention presents a danger to health or safety.

D. No surface water may be channeled or directed into a sanitary sewer.

E. Whenever possible, the drainage system of a development shall coordinate with and connect to the drainage system or drainageways on surrounding properties or streets.

F. Privates streets and access ways within unsubdivided developments shall utilize curb and gutter and storm drains to provide adequate drainage if the grade of such streets or access ways is too steep to provide drainage in another manner or if other sufficient reasons exist to require such construction.

6.5 STORMWATER MANAGEMENT

All developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments.

A. No development may be constructed or maintained so that such development impedes the natural flow of water from higher adjacent properties across such development, thereby causing damage to such higher adjacent properties; and

B. No development may be constructed or maintained so that surface waters from such development are collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause damage to lower adjacent properties.

6.6 SEDIMENTATION AND EROSION CONTROL

A. No zoning, conditional use, or major development permit may be issued with respect to any development that would cause land disturbing activity requiring prior submission of an erosion control plan to the NC Sedimentation Control Commission under NCGS §113A-57(4) unless the commission has certified to the Town, either that:

1. An erosion control plan has been submitted and approved by the commission; or

2. The commission has examined the preliminary plans for the development and it reasonably appears that an erosion control plan can be approved upon the submission by the developer of more detailed construction or design drawings. However, in this case, construction of the development may not begin, no building permits may be issued, and final plat approval for subdivisions may not be given until the commission approves the erosion control plan.

B. For the purposes of this section, land disturbing activity means any use of the land by any person in residential, industrial, educational, institutional, or commercial development, highway and street construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation except activities that are exempt under NCGS §113A-52.01. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, or ice from the site of its origin.

6.7 FLOOD DAMAGE PREVENTION

All development proposals shall be consistent with the need to minimize flood damage according to the provisions of Chapter 12 of this Ordinance. All development proposals shall have public facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage. All subdivisions and developments shall have adequate drainage to reduce exposure to flood hazards.

6.8 STREET NAME SIGNS

Appropriate street names signs which meet the standard Town of Wingate specifications shall be placed at all street intersections. The developer shall bear the expense for required street signs.

6.9 WASTE MANAGEMENT

The developer shall provide adequate waste collection and disposal as outlined in the Town of Wingate Code of Ordinances.

6.10 SUBDIVISION SURVEYS

Prior to the approval of a final plat, the following survey reference markers shall be installed:

A. Permanent Concrete Markers: Permanent concrete markers 4 inches in diameter or square, 3 feet long, shall be placed at not less than 2 corners of the subdivision and at all corners of all intersections, provided that additional monuments shall be placed as necessary so that no point within the subdivision lies more than 500 feet from a monument. Two or more of the required monuments shall be designated as control corners. The top of each monument shall have an indented cross, metal pin, or metal plate to identify properly the location of the point. All monuments shall be shown on the final plat.

B. Markers: All lot corners, all points where street lines intersect the exterior of the boundaries of the subdivision, and all angle points and points of curve in each street shall be marked with iron pipe either ¾ inches or one inch in diameter and 18-24 inches long, driven so as to be within one inch of the finished grade.

C. Property Corner Tie: One or more corners of the subdivision shall, by a system of azimuths or courses and distances, be accurately tied to a monument of some United States or State Agency Survey System, such as the United States Coast and Geodetic Survey Systems, where such monument is within 2,000 feet of said corner. Where the North Carolina Grid System coordinates of said monument have been published by the North Carolina Department of Environment and Economic Resources, the coordinates of the referenced corner shall be computed and shown X and Y ordinates on the map. Where such a monument is not available, the tie shall be made to some pertinent and permanent recognizable landmark or identifiable point.

D. Accuracy: The angular error of closure shall not exceed 25 seconds times the square root of the number of angles turned. The linear error of closure shall not exceed one foot per 10,000 feet of perimeter of the lot or tract of land. The accuracy of the survey shall be designated on the final plat.

6.11 TIME LIMIT FOR COMPLETION OF IMPROVEMENTS

A. Time Limit: Improvements must be completed by the developer for each phase of a development before any of the following occur:

1. 80% of the building construction work is complete in the recorded phase.

2. 2 years have passed since the final plat or major development permit, or phase thereof, has been recorded.

3. 1 year has passed since the approval of the performance guarantee, as outlined in §6.17.

6.12 STREET NETWORK AND CONNECTIVITY

All public streets shall be constructed with the standards established for the particular type of street in question by the North Carolina Department of Transportation, Division of Highways (NCDOT) unless a higher or more restrictive standard is established by this Ordinance, in which case the street shall meet that higher or more restrictive standard. The term "constructed", as used in this Section, in reference to NCDOT standards, refers to all standards of design and construction, including right-of-way widths. See §6.12.5 for additional details on required street sections.

6.12.1 ACCESS TO LOTS

A. Every lot shall have access that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property for its intended use.

B. The creation of new flag lots shall be permissible only under the following circumstances:

1. Flag lots may be created only:

   i. To avoid providing direct access onto a collector street, minor thoroughfare, or major thoroughfare; or

   ii. When a property owner demonstrates that, because of the irregular shape of a tract, its difficult topography, or for some other substantial reason, the creation of a flag lot is reasonably necessary to avoid extreme hardship to the property owner and can be accomplished without creating substantially adverse effects on neighboring properties or the public health and safety.

C. Under no circumstances may a flag lot be created if the effect is to increase the number of access points onto a major or minor thoroughfare.

D. That portion of a flag lot between the street onto which it has access and the point where the lot dimension parallel to the street first equals or exceeds the presumptive lot width set forth in Chapter 2 of this

Ordinance (or the widest part of the lot if the maximum width is less than the presumptive minimum) may not be longer than 200 feet.

6.12.2 ACCESS TO MAJOR OR MINOR THOROUGHFARES

A. Whenever a tract proposed for subdivision borders on or contains an existing or proposed major or minor thoroughfare, then all lots created out of such tract must have sufficient frontage on another street, either pre-existing or created as part of the subdivision, so that direct access to such lot need not be provided by the major or minor thoroughfare, unless compliance with this requirement is not reasonable due to the size and shape of the tract to be divided. The final plat creating the subdivision shall indicate a limitation of driveway access to the major or minor thoroughfare for those lots which have alternate access.

B. Traffic service and land access are necessary but conflicting functions of a highway system. Although major and minor thoroughfares must provide both traffic service and land access, access is a secondary function that should be controlled to avoid jeopardizing the primary traffic service function. The following provisions are an attempt to protect the public interest and safety of highway users by achieving access control when that objective is not achieved under §6.12.2.A either because a proposed development is not a subdivision or because compliance with that Section is not reasonably practicable.

1. The term "access control" refers to all techniques intended to minimize the traffic interference associated with driveway access, whether the use is commercial, industrial, or residential.

2. To separate basic conflict areas and gain some semblance of access control, techniques which allow the reduction of driveway numbers or directly increase the spacing between driveways or between driveways and intersections will be required to the extent reasonably practicable to achieve the following limitations for driveway access in relation to highway frontage:

NUMBER OF DRIVEWAYS	LINEAR FEET OF FRONTAGE
1	Less than 500 feet
2	Between 500 and 999 feet
3	1,000 feet or more

C. Where highway speed is 55 mph, driveway spacing shall be at 300-foot intervals or greater. Where highway speed is 45 mph, spacing shall be at 230-foot intervals or greater.

D. Adjacent or adjoining lots with highway frontages that do not meet the minimums described in this Section are encouraged to combine access to one driveway.

E. Where separate or single parcels are assembled under one purpose, plan, entity, or usage, consolidation of existing direct access shall be required to the extent feasible. Approval depends on the developers plans to use existing driveway(s), close other existing driveway(s), and/or redesign and rebuild some existing driveway(s). However, the number of access points should not exceed the limits set forth in §6.12.2.B.2.

F. **Deviations:** Deviations from the forgoing standards may be authorized. The Planning Board may allow some modifications where the technical feasibility (the geometric design and operational requirements for implementation) does not compromise the "access control" and where it is shown that the lot(s) in question could not be developed without such deviations. Deviations from these standards shall require a complete set of design and operational requirements available, and the NCDOT shall advise that a particular development design or technique can still achieve a satisfactory level of "access control" consistent with the objectives of this Section.

6.12.3 ENTRANCES TO STREETS

A. All driveway entrances and other openings onto streets shall be constructed so that:

1. Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling on the same and/or surrounding streets; and

2. Interference with the free and convenient flow of traffic on the same and/or surrounding streets is minimized.

B. All driveway entrances and other openings onto public streets shall, at a minimum, conform to the requirements set forth in the current edition of the NCDOT Manual on Driveway Entrance Regulations.

6.12.4 COORDINATION WITH SURROUNDING STREETS

The street system of a development shall be coordinated with existing, proposed, and anticipated streets outside the development or outside the portion of a single tract that is being divided into lots as provided in this section.

A. Collector streets, major thoroughfares, and minor thoroughfares shall intersect with surrounding collector streets, major thoroughfares, and

minor thoroughfares at safe and convenient locations.

B. Local streets shall connect with surrounding streets where necessary to permit the convenient movement of traffic between residential neighborhoods or to facilitate access to neighborhoods by emergency service vehicles or for other sufficient reasons, but connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.

C. Whenever connections to anticipated or proposed surrounding streets are required by this section, the street right-of-way shall be extended, and the street developed, to the property line of the property being developed (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. In addition, the Administrator may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles.

1. Where the construction of the street to the point described in §6.12.4.C is impracticable due to topography, environmental constraints such as floodways, floodplains, or stream crossing (and the street to be connected has not yet been constructed), a performance guarantee, as described in §6.17, may be provided in-lieu of the construction of the street to the property line.

D. Streets shall be related appropriately to the topography. In particular, streets shall be designed to facilitate the drainage and stormwater objectives set forth in Chapter 12 of this Ordinance and street grades shall conform as closely as possible to the original topography.

E. The maximum grade at any point on a street constructed without curb and gutter shall be 8%. Except as set forth herein, street grades shall be governed by NCDOT requirements.

6.12.5 STREET WIDTH, SIDEWALK, AND DRAINAGE REQUIREMENTS FOR PUBLIC STREETS

Street rights-of-way are designed and developed to serve several functions:

- To carry motor vehicle traffic, and in some cases, to allow on street parking;
- To provide a safe and convenient passageway for pedestrian traffic; and
- To serve as important links in the Town of Wingate and County's drainage systems.

In order to fulfill these objectives, all public streets shall be constructed to meet the standards set forth in this section. The following standards are intended to provide clarity for most

conditions in the Town of Wingate. Deviations to these standards may be granted by the Administrator subject to generally accepted safety and engineering practices.

A. **Rights-of-way:** The right-of-way should be the minimum required to accommodate the street, median, planting strips, sidewalk, utilities, and maintenance consideration.

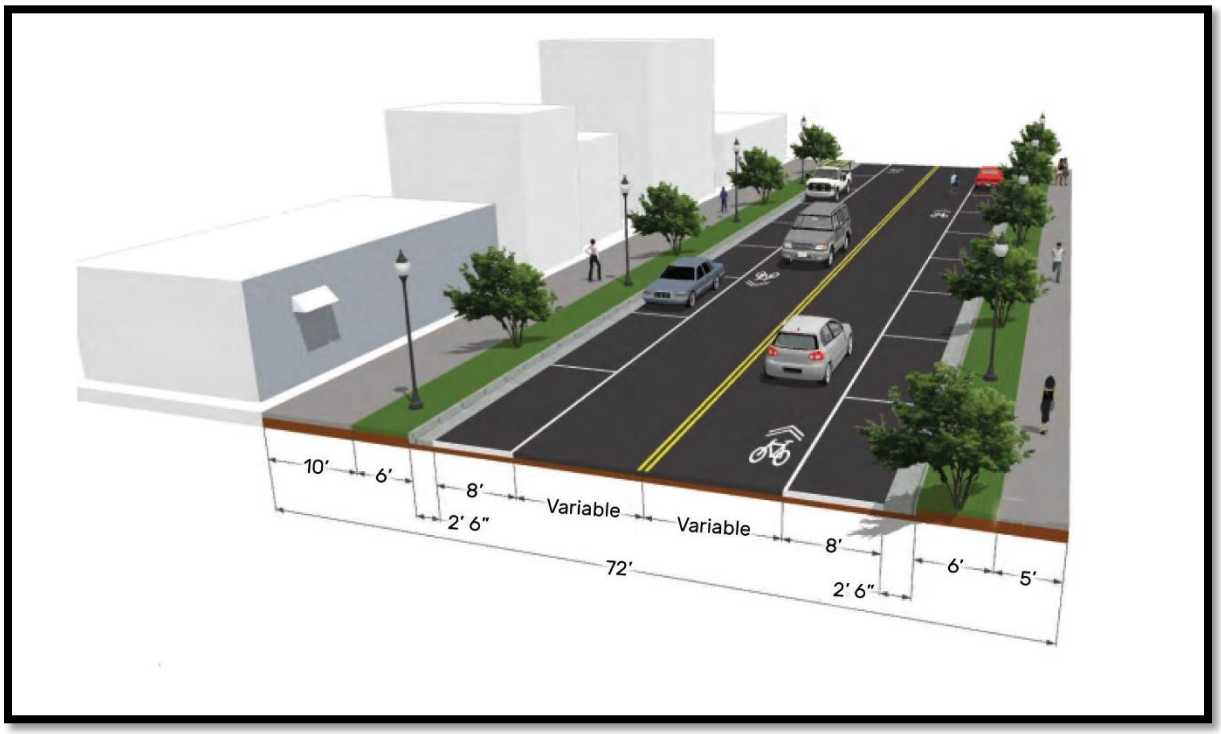
B. **Dimension Ranges:** Where ranges are given, the project designer should consult with the Administrator as to the appropriate detail.

C. **Consistency with Transportation Plan:** Unless otherwise indicated in a Town of Wingate adopted plan or policy, all streets, public or private, shall comply with the standards indicated on the following street sections from the Union County Multimodal Transportation Plan. Street sections may deviate from these standards where topographic and/or environmental conditions necessitate, as determined by the Administrator.

6.12.6 TOWN OF WINGATE STREET CLASSIFICATIONS

A. Streets in Form-Based Zoning Districts (TC, RMU, UMU)

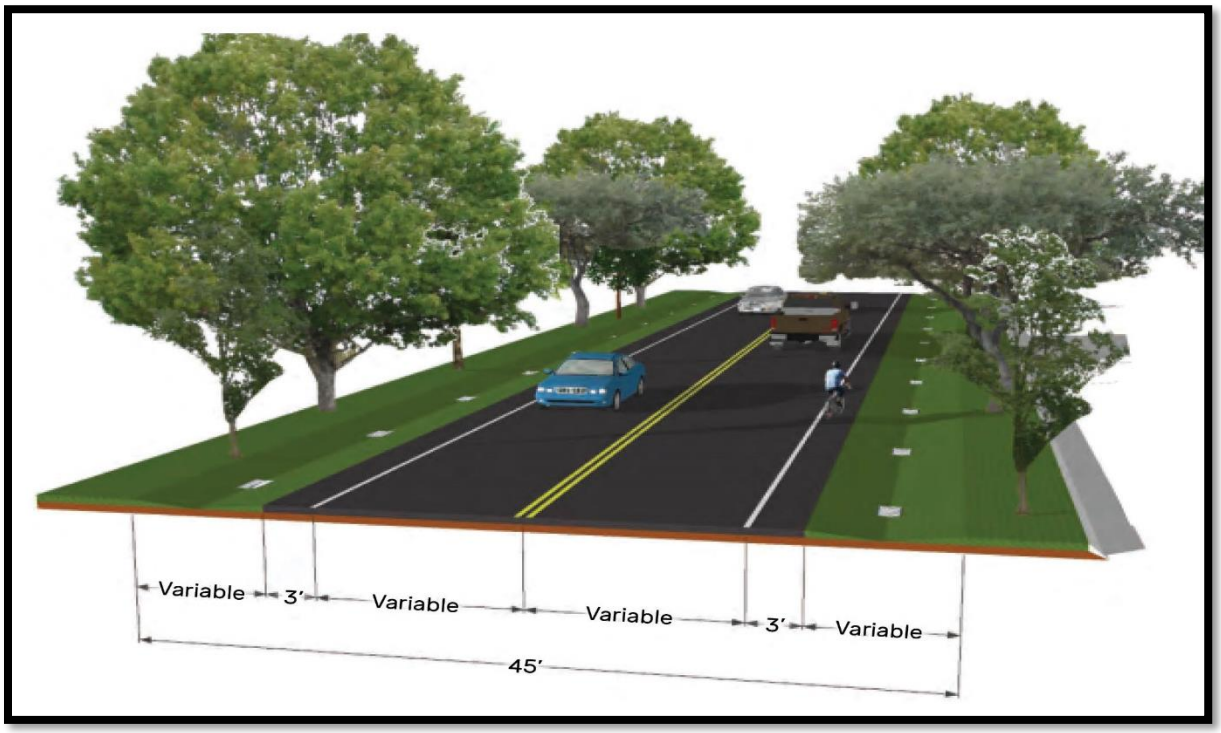
2. Urban 2-Lane Street (Collector Street)



Urban 2-Lane Street Type Specifications	
Right-of-Way Width	72 feet
Lane Widths	12 ft
Design Speed	25 mph
Traffic Lanes	2 lanes
Parking Lanes	Both sides – 8 feet wide, marked
Sidewalks	10' sidewalk on one side, 5' sidewalk on one side
Planter Type	6' continuous planting strips on both sides
Curb Type	Vertical curb & gutter
Landscaping	1 canopy tree per 50 feet of street frontage (See Chapter 8)
Bicycle Facilities	Informal – pavement markings
Anticipated Average Daily Traffic	10,000 to 18,000 trips

B. Streets in Rural and Suburban Districts

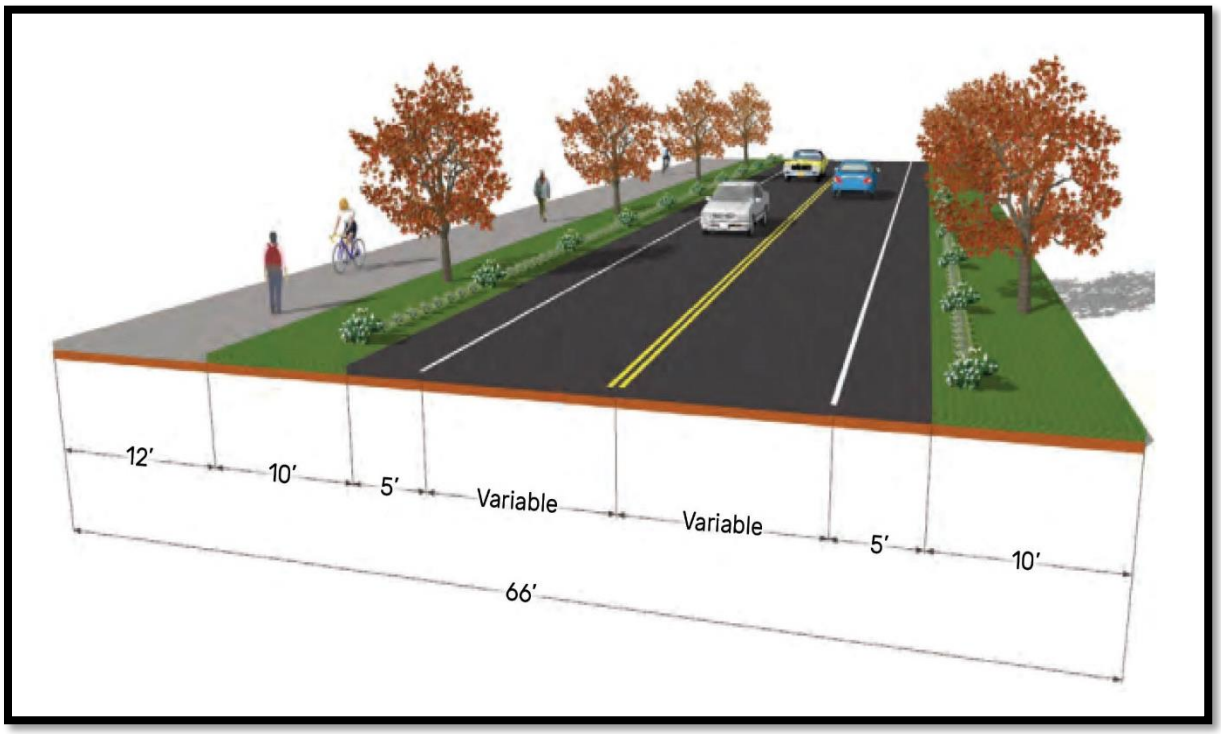
1. Rural 2-Lane Street (Rural Residential Street)



Rural 2-Lane Street Type Specifications	
Right-of-Way Width	46 feet
Lane Widths	Variable
Design Speed	35-45 mph
Traffic Lanes	2 lanes
Parking Lanes	N/A
Sidewalks	N/A
Planter Type	N/A
Curb Type	Swale or vertical curb[1]
Landscaping	N/A
Bicycle Facilities	Striped 3' bike lane
Anticipated Average Daily Traffic	2,500 to 15,000 trips

[1]Streets shall be constructed with curb and gutter in all zoning districts unless, a) the street is located within a residential district, and b) all lots within the residential subdivision are equal to or greater than 20,000 square feet.

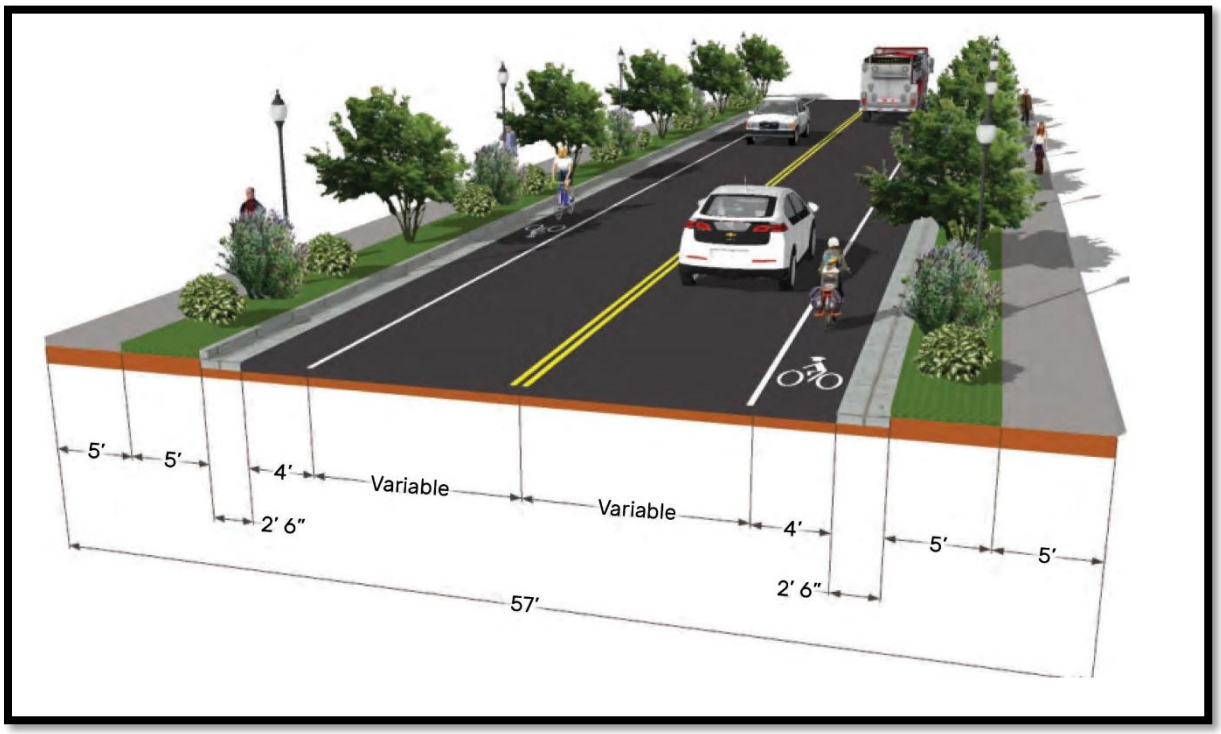
2. Suburban 2-Lane Street (Suburban Residential Street)



Suburban 2-Lane Street Type Specifications	
Right-of-Way Width	66 feet
Lane Widths	10-12 feet
Design Speed	25-35 mph
Traffic Lanes	2 lanes
Parking Lanes	N/A
Sidewalks	12' multi-use path on one side
Planter Type	10' continuous planting strip
Curb Type	Swale or vertical curb[1]
Landscaping	N/A
Bicycle Facilities	Striped 5' bike lane
Anticipated Average Daily Traffic	2,500 to 15,000 trips

[1]Streets shall be constructed with curb and gutter in all zoning districts unless, a) the street is located within a residential district, and b) all lots within the residential subdivision are equal to or greater than 20,000 square feet.

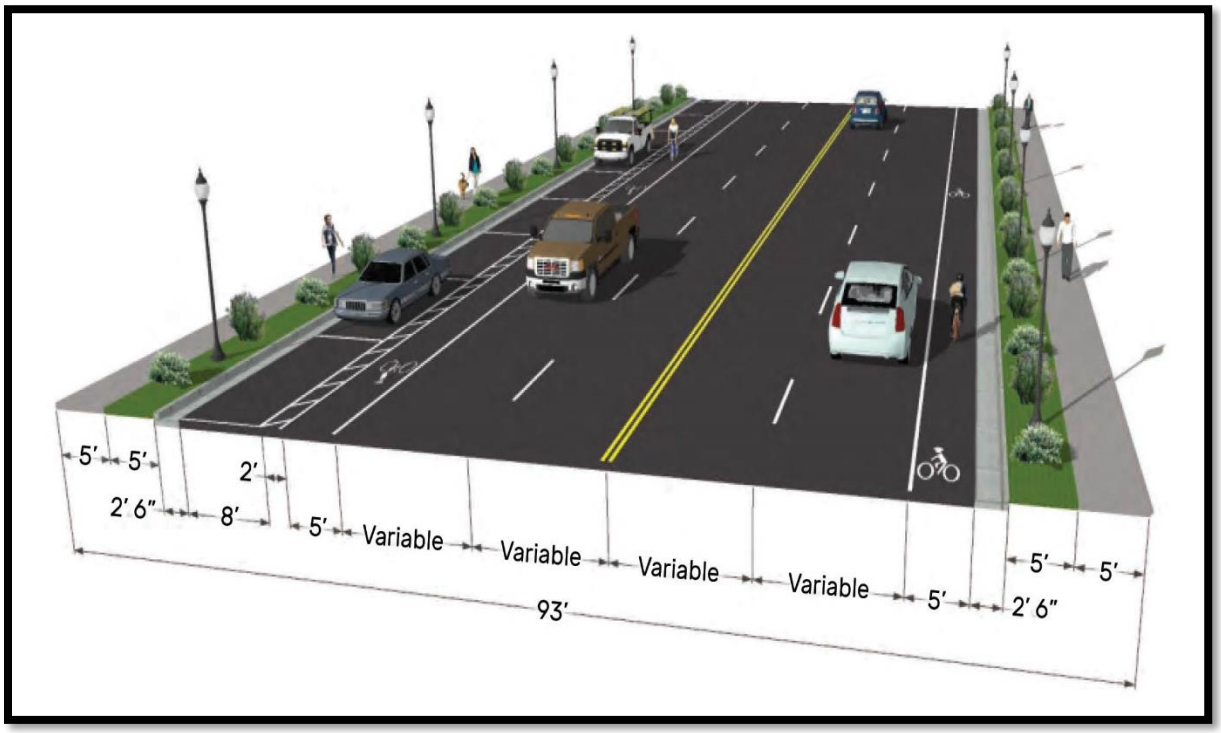
3. Urban 2-Lane Street (Local Residential Collector)



Urban 2-Lane Street Type Specifications	
Right-of-Way Width	57 feet
Lane Widths	10-12 feet
Design Speed	25 mph
Traffic Lanes	2 lanes
Parking Lanes	N/A
Sidewalks	5' sidewalk on both sides of street
Planter Type	5' continuous planting strip
Curb Type	Vertical curb
Landscaping	Type C Buffer (See Chapter 8)
Bicycle Facilities	Striped 4' bike lane
Anticipated Average Daily Traffic	Up to 1,000 trips

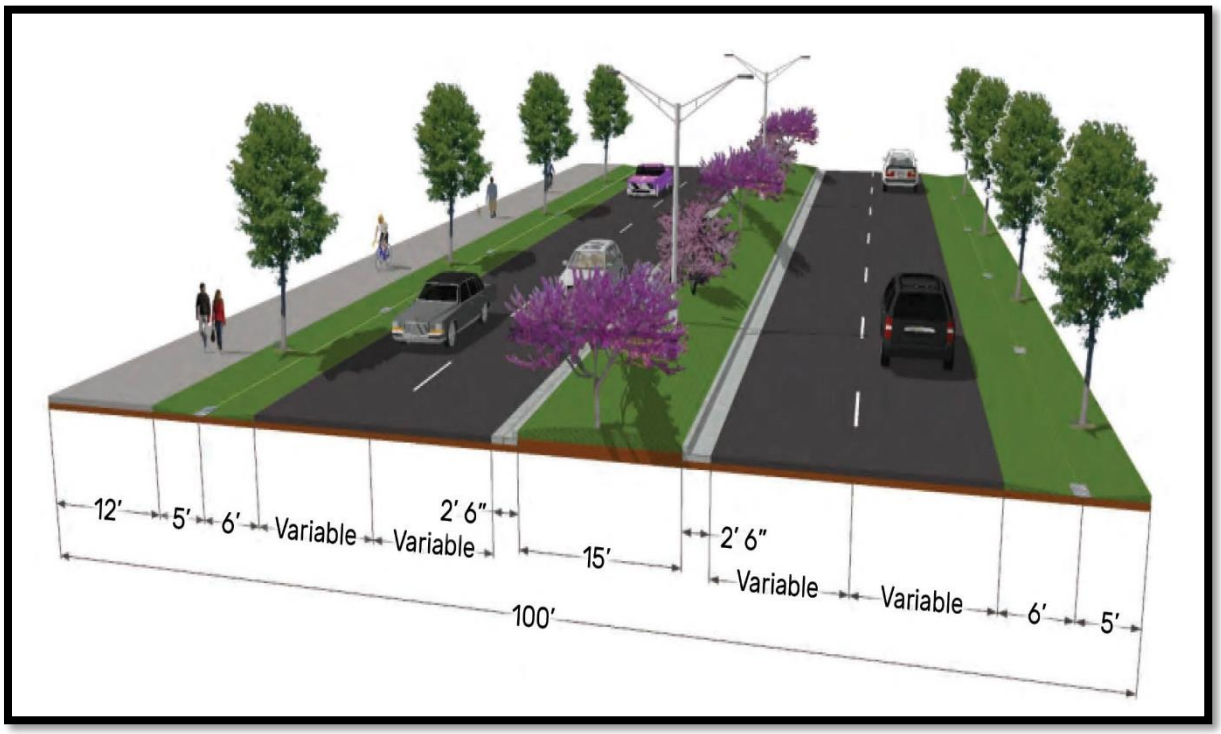
C. Minor Thoroughfares

1. 4-Lane Suburban Thoroughfare (Minor Thoroughfare)



4-Lane Suburban Thoroughfare Street Type Specifications	
Right-of-Way Width	93 feet
Lane Widths	12 feet
Design Speed	35-45 mph
Traffic Lanes	4 lanes
Parking Lanes	One side, 8' wide – marked
Sidewalks	5' sidewalk on both sides of street
Planter Type	5' continuous planting strip
Curb Type	Vertical curb
Landscaping	1 canopy tree per 50 feet of street frontage (See Chapter 8)
Bicycle Facilities	Striped 5' bike lane
Anticipated Average Daily Traffic	15,000 to 30,000 trips

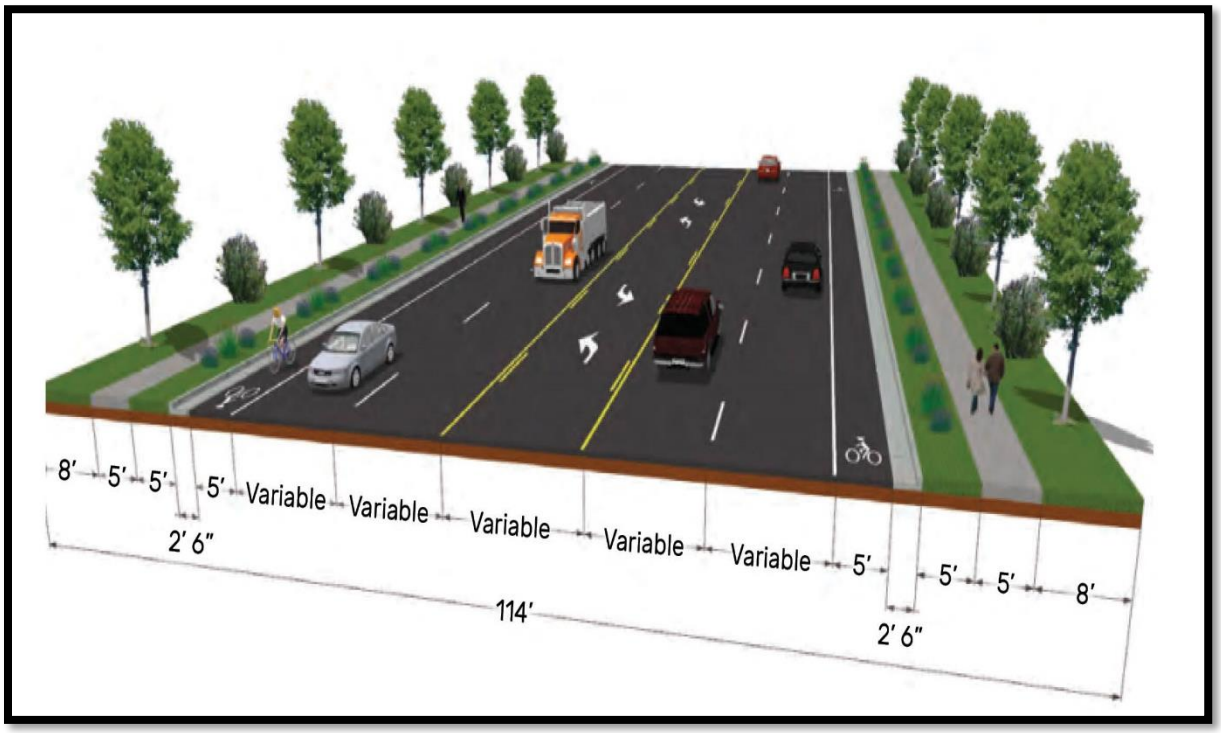
2. 4-Lane Thoroughfare, Divided (Minor Thoroughfare)



4-Lane Suburban Thoroughfare, Divided Street Type Specifications	
Right-of-Way Width	100 feet
Lane Widths	10-12 feet
Design Speed	35-45 mph
Traffic Lanes	4 lanes
Parking Lanes	N/A
Sidewalks	12' multi-use path on one side
Planter Type	5' continuous planting strip
Curb Type	Vertical curb
Landscaping	1 canopy tree per 50 feet of street frontage (See Chapter 8)
Bicycle Facilities	N/A
Median	15 feet
Anticipated Average Daily Traffic	15,000 to 30,000 trips

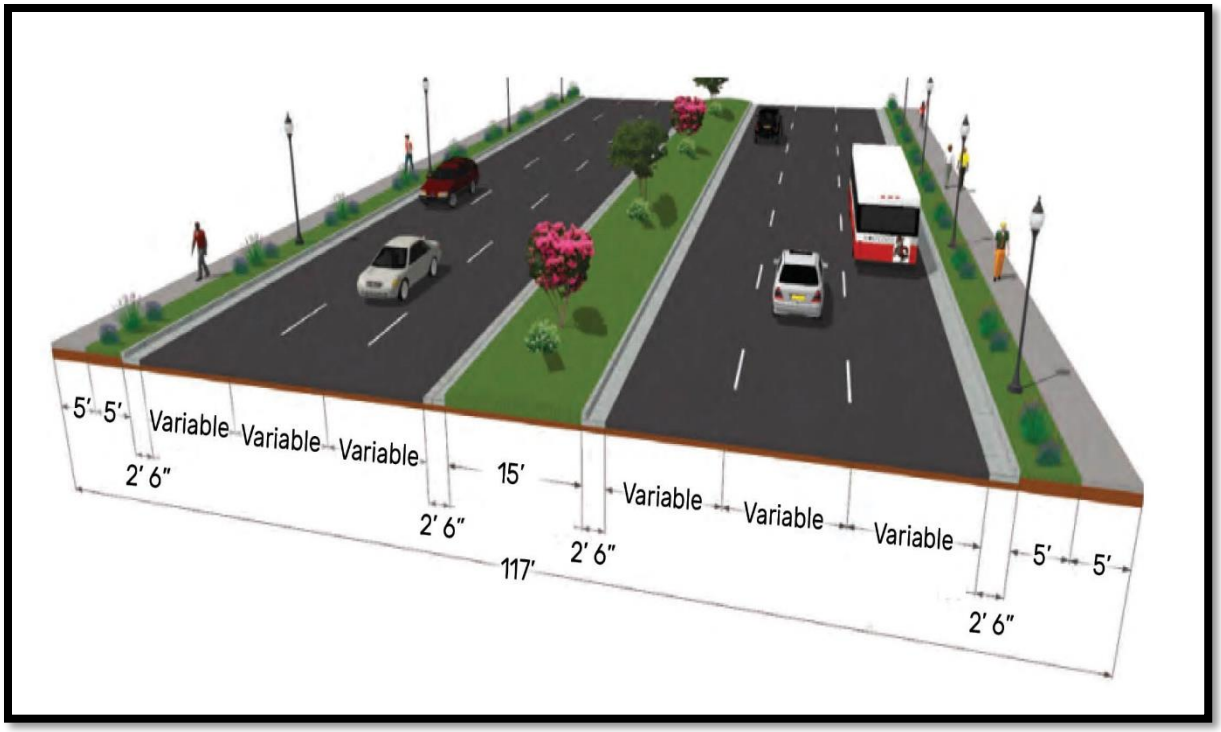
D. Major Thoroughfares

1. 5-Lane Thoroughfare (Major Thoroughfare)



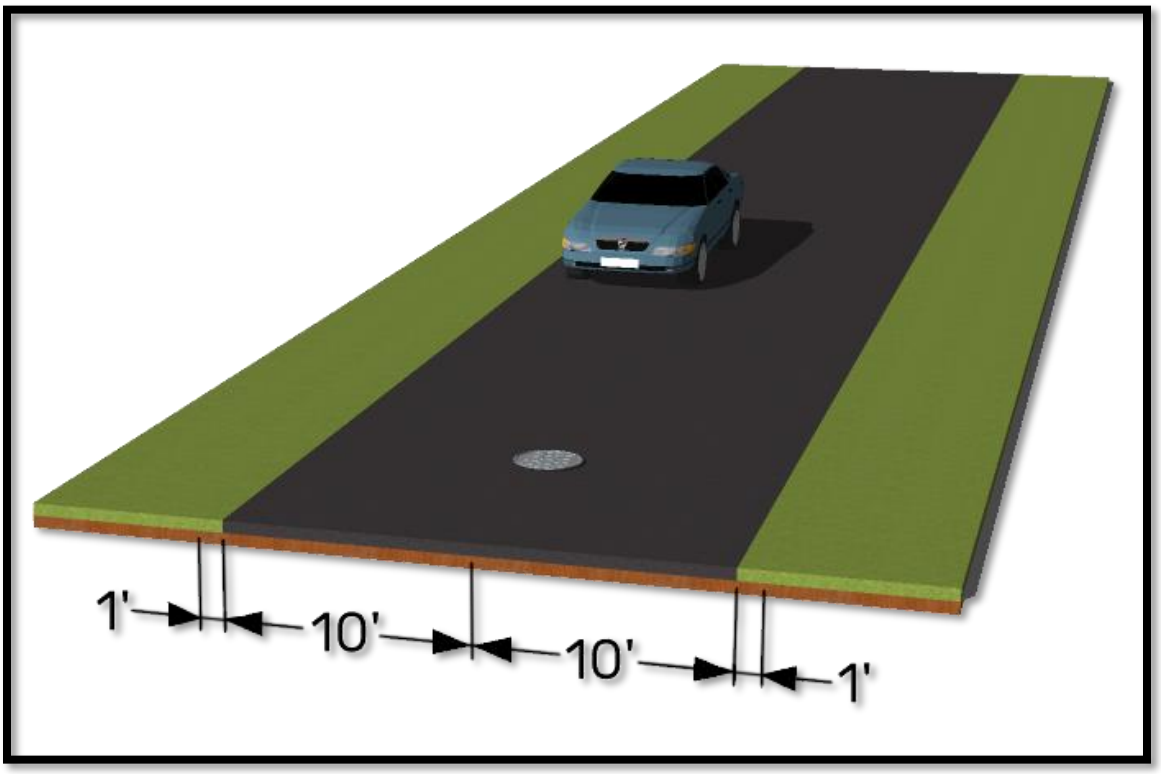
5-Lane Thoroughfare Street Type Specifications	
Right-of-Way Width	114 feet
Lane Widths	12-14 feet
Design Speed	35-45 mph
Traffic Lanes	4 travel lanes with a center-turn lane
Parking Lanes	N/A
Sidewalks	5' sidewalk on both sides of street
Planter Type	8' continuous planting strip
Curb Type	Vertical curb
Landscaping	1 canopy tree per 50 feet of street frontage (See Chapter 8)
Bicycle Facilities	Striped 5' bike lane
Anticipated Average Daily Traffic	15,000 to 30,000 trips

2. 6-Lane Thoroughfare, Divided (Major Thoroughfare)



6-Lane Thoroughfare, Divided Street Type Specifications	
Right-of-Way Width	117 feet
Lane Widths	12 feet
Design Speed	45 mph
Traffic Lanes	6 lanes
Parking Lanes	N/A
Sidewalks	5' sidewalk on both sides of street
Planter Type	5' continuous planting strip
Curb Type	Vertical curb
Landscaping	1 canopy tree per 50 feet of street frontage (See Chapter 8)
Bicycle Facilities	N/A
Median	15 feet
Anticipated Average Daily Traffic	25,000 to 55,000 trips

E. Alleys



Alley Street Type Specifications	
Right-of-Way or Easement Width	22 feet
Lane Widths	10 feet – inverted crown
Parking Lanes	None permitted
Sidewalks	N/A
Curb Type	None
Landscaping	None
Bicycle Facilities	None
Maximum Length	400 feet unless approved by the Administrator

6.12.7 GENERAL LAYOUT OF STREETS

A. Local streets shall be curved whenever practicable to the extent necessary to avoid uniformity of lot appearance.

B. Driveway access to collector streets, minor thoroughfares, and major thoroughfares shall be minimized to facilitate the free flow of traffic and avoid traffic hazards.

C. All permanent dead-end streets (as opposed to temporary dead-end streets) shall terminate in cul-de-sacs.

D. Half streets (i.e., streets of less than the full required right-of-way and pavement width) shall not be permitted except where such streets, when combined with a similar street (developed previously or simultaneously) on the property adjacent to the subdivision, creates or comprises a street that meets the right-of-way and pavement width requirements of this Ordinance.

6.12.8 STREET INTERSECTIONS

A. Streets shall intersect as nearly as possible at right angles, and no two streets may intersect at less than 60 degrees. Not more than two streets shall intersect at any one point, unless NCDOT certifies to the Administrator that such intersection can be constructed with no extraordinary danger to public safety.

B. Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. In any event, where a center line offset occurs at an intersection, the distance between centerlines of the intersecting streets shall not be less than 150 feet.

C. Except where no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance of less than 400 feet measured from centerline to centerline of the intersecting street. When the intersected street is a collector, minor thoroughfare, or major thoroughfare, the distance between intersecting street shall be at least 1,000 feet unless no other alternative is practicable.

6.12.9 PUBLIC STREETS AND PRIVATE STREETS IN SUBDIVISIONS

A. Except as otherwise provided in this Ordinance, all lots created after the effective date of this Ordinance shall abut a public street at least to the extent necessary to comply with the access requirements set forth in

§6.12.1. For the purposes of this Section, the term "public street" includes a pre-existing public street as well as a street created by the subdivider that meets the public street standards of this Ordinance and is dedicated for public use. Unless the recorded plat for a subdivision clearly shows a street to be private, the recording of such plat shall constitute an offer of dedication of such street.

B. A subdivision in which the access requirement of §6.12.1 is proposed to be satisfied for all lots within the subdivision by a single new private street that does not meet the public street standards may be approved if the proposed subdivision will not result in the minimum level of density established by NCDOT for the proposed street to be accepted into the state system, even if otherwise constructed according to NCDOT standards, so long as:

1. Since the effective date of this Ordinance, no other lots served only by a private street have been created out of the tract that is proposed to be subdivided; and

2. The proposed private street is not planned or likely to be expanded to serve property outside that development; and

3. The street is constructed in accordance with the right-of-way and other design standards established by NCDOT and this Ordinance except that a four-inch layer of crusher run rock is provided in lieu of paving.

C. A subdivision in which the access requirement of §6.12.1 is proposed to be satisfied by a new private street that does not meet public street standards may be approved if 90% or more of the proposed lots are 4 acres or more in size (fractions shall be rounded to the next higher whole number), so long as:

1. No street intended to be private is planned to be extended to serve property outside that development; and

2. The street is constructed in accordance with the right-of-way and other design standards established by NCDOT and this Ordinance except that a four-inch layer of crusher run rock is provided in lieu of paving.

D. A subdivision in which the access requirement of §6.12.1 is satisfied by a private street (whether pre-existing or newly created) that does not meet public street standards may be developed so long as:

1. Since the effective date of this Ordinance, not more than two lots have been created out of the same tract; and

2. Alternative access to the property to be divided is not reasonably available under circumstances that would allow for the creation of a public street to serve the subdivided property.

i. The intent of this subsection is primarily to allow the creation of not more than two lots developed for single-family residential purposes. Therefore, the permit-issuing authority may not approve any subdivision served by a private street authorized by this subsection in which one or more of the lots thereby created is intended to be used for duplex, townhome, or multi-family dwelling units, or any other residential or non-residential use that would generate more traffic than that customarily generated by two single-family residences.

ii. To ensure that the intent of this subsection is not subverted, the permit-issuing authority may, among other possible options, require that the approved plans show the types and locations of buildings on each lot or that lots in a residential subdivision served by a private street be smaller than the permissible size of lots on which duplex, townhome, or multi-family developments could be located or that restrictive covenants limiting the use of the subdivided property in accordance with this Section be recorded prior to final plat approval.

E. In a major subdivision, one private street serving not more than two lots may be created for every 25 lots within the subdivision served by the newly created public street.

F. When a private street is created under the circumstances set forth in §6.12.8.C, the developer shall, before receiving final plat approval, establish a homeowner's association and convey to that association title to the right-of-way of such streets, and obligate the homeowner's association to maintain such streets.

G. No final plat that shows lots served by private streets authorized by this subsection may be recorded unless the final plat contains the following notation: *"Further subdivision of any lot shown on this plat as served by a private street may be prohibited by the Wingate Land Use Ordinance unless the private streets shown on the plat are improved to the standards of that Ordinance and NCDOT."*

H. The recorded plat of any subdivision that includes a private street shall clearly state that such street is a private street. Further, the initial purchaser of a newly created lot served by a private street shall be furnished by the seller with a disclosure statement outlining the maintenance responsibilities for the street as provided in NCGS §136-102.6.

I. Subdivision of a tract that does not border a public street may not be approved if the lots so created are proposed to be served by a newly created street or streets designed and intended for public dedication unless the private street that provides access from such tract to a public street is improved to public street standards.

6.12.10 STREET AND SIDEWALK REQUIREMENTS IN UNSUBDIVIDED DEVELOPMENTS

A. Within unsubdivided developments, all private streets and access ways shall be designed and constructed to facilitate the safe and convenient movement of motor vehicle and pedestrian traffic. Width of streets, use of curb and gutter, and paving specifications shall be determined by the provisions of this Ordinance dealing with parking (Chapter 9) and drainage (Chapter 12). To the extent not otherwise covered in the foregoing Chapters, and to the extent that the requirements set forth in this Section for subdivision streets may be relevant to the streets in unsubdivided developments, the requirements of this Chapter may be applied to satisfy the standard set forth in the first sentence of this subsection.

B. Whenever a street in an unsubdivided development connects two or more collector streets, minor thoroughfares, or major thoroughfares, in such a manner that any substantial volume of traffic is likely to make use of the street, such street shall be constructed in accordance with the standards applicable to subdivision streets and shall be publicly dedicated.

C. In all unsubdivided residential development, sidewalks shall be provided linking the dwelling units with other dwelling units, the public street, and on-site activity centers such as parking areas, laundry facilities, recreational areas and facilities, and recreation and open spaces. Notwithstanding the foregoing, sidewalks shall not be required where pedestrians have access to a street that serves not more than 9 dwelling units.

D. Whenever the Administrator finds that a means of pedestrian access is necessary from an unsubdivided development to schools, parks, playgrounds, or other streets or facilities and that such access is not conveniently provided by sidewalks adjacent to the streets, the

developer may be required to reserve an unobstructed easement of at least 10 feet to provide such access.

E. The sidewalks required by this Section shall be at least 4 feet wide and constructed in accordance with the design and construction standards promulgated by the NCDOT, Division of Highways, unless a more restrictive standard is established herein, in which case the more restrictive standard shall apply. The Administrator may permit the installation of walkways constructed with other suitable materials when it concludes that:

1. Such walkways would serve the residents of the development as adequately as concrete sidewalks; and

2. Such walkways could be more environmentally desirable or more in keeping with the overall design of the development.

6.12.11 ATTENTION TO ACCESSIBILITY IN STREET AND SIDEWALK CONSTRUCTION

A. As provided in NCGS §136-44.14, whenever curb and gutter construction is used on public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with NCDOT standards.

B. In unsubdivided developments, sidewalk construction for the handicapped shall conform with the North Carolina State Building Code.

6.12.12 PUBLIC AND PRIVATE STREET NAMES AND HOUSE NUMBERS

A. Public and private street names shall be assigned by the developer subject to the approval of the Administrator. Proposed streets that are obviously in alignment with existing streets shall be given the same name. Newly created streets shall be given names that are neither duplicate nor are phonetically similar to existing streets within the county, regardless of the use of different suffixes.

B. Public and private street names shall include a suffix such as the following:

1. Avenue: A major or minor thoroughfare

2. Circle: A short street that returns to itself

3. Court or Place: A cul-de-sac or dead-end street

4. Drive: A collector street

5. Loop: A street that begins at the intersection with one street and circles back to end at another intersection with the same street.

6. Street, Lane, or Road: All public or private streets not designated by another suffix.

6.13 SIDEWALKS, GREENWAYS, AND OTHER PEDESTRIAN FACILITIES

Sidewalks, greenways, pedestrian paths, and other required pedestrian amenities shall be required infrastructure for all new development, where applicable.

6.13.1 SIDEWALKS

A. **General Standards / Location:** Sidewalks are required in accordance with the Town of Wingate Comprehensive Pedestrian Plan and the Town of Wingate Street Classifications in §6.12.6. Alternative facilities or a payment in lieu may be considered in accordance with this section.

B. **Design Standards**

1. The sidewalks required by this section shall be at least 5 feet in width and constructed in accordance with the design and construction standards promulgated by the NCDOT Division of Highways, unless a more restrictive standard is established herein, in which case the more restrictive standard shall apply. In addition, there shall be a planting strip that, at a minimum, contains grass and/or other natural plant materials, that is at least 6 feet in width and located between the edge of the sidewalk and the curb. Landscape materials installed in the planting strip shall meet the requirements of Chapter 8 of this Ordinance. The Administrator may permit the installation of walkways constructed with other suitable materials when it concludes that:

   i. Such walkways would serve the residents of the development as adequately as concrete sidewalks; and

   ii. Such walkways would be more environmentally desirable or more in keeping with the overall design of the development.

In addition, the Administrator shall have the authority to waive or modify the necessary installation standards or requirements of the sidewalk and or greenway as required by this Chapter when it is determined that such installation:

iii. Such installation would not contribute to the public's general health, welfare, and safety.

2. Whenever the Administrator finds that a means of pedestrian access is necessary from a subdivided development to schools, parks, playgrounds, or other streets or facilities and that such access is not conveniently provided by sidewalks adjacent to the streets, the developer may be required to reserve an unobstructed easement of at least 10 feet in width to provide such access.

3. Where existing sidewalks abut an area where new sidewalk is to be developed, the new sidewalk shall be the same width as the existing sidewalk, or meet the standards of §6.12.6, whichever standard is greater.

4. Where the existing sidewalk is substandard, the fronting property owner shall be required to dedicate the appropriate amount of right-of-way (as measured from the centerline of the existing street) as well as install all noted sidewalk improvements including expanded sidewalks and street trees.

5. Where a sidewalk is required on only one side of the street in accordance with §6.12.6 , the Administrator shall determine which side of the street the sidewalk will be constructed.

6. Within commercial areas and places with high pedestrian volumes, sidewalks should be designed to meet the anticipated pedestrian traffic volume as well as accommodate outdoor seating areas.

7. Multi-family and mixed-use developments shall provide sidewalks for interior movement of pedestrians and to connect to the public sidewalk system.

8. Sidewalks shall be constructed of concrete or other approved materials and built in accordance with applicable ADA provisions.

9. Where a sidewalk abuts a curb because of right-of-way, topographic or existing building limitation, or by Administrator discretion, the minimum width of the sidewalk shall be 6 feet. Where a sidewalk abuts a wall, the minimum width shall increase by 1 foot.

C. **Alternative Compliance:** Alternative provisions for pedestrian movement meeting the intent of this section may be used where unreasonable or impractical situations would result from the strict application of these requirements. Such situations may result from significant street trees, impending street widening, topography, utility easements, lot configuration, or other unusual site conditions. In such instances, the Administrator may approve an alternate plan that proposes different pedestrian amenities provided that the intent of this section is met.

D. **Payments in Lieu:** In lieu of compliance with §6.13.1.C above, the Administrator may approve a payment in lieu where any one or a combination of factors render compliance impractical:

1. Steep slopes

2. Absence of existing sidewalks along the corridor and in the general neighborhood

3. Where sidewalks are not shown on the Town of Wingate Comprehensive Pedestrian Plan.

6.13.2 GREENWAYS

When required by the Town of Wingate Comprehensive Pedestrian Plan, greenways and multi-use paths shall be provided as part of development according to the provisions below.

A. **Standards for Greenway Types:** Greenway widths and surface treatment shall comply with the standards in Appendix A of the Town of Wingate Comprehensive Pedestrian Plan.

B. **Connections to Sidewalks:** Trail stubs at property lines should be placed in areas that are easily accessible for the future connectivity through adjacent parcels.

6.13.3 PEDESTRIAN CROSSWALKS

Mid-block crossings, bulb-outs, raised crosswalks, and similar crossing techniques should be used to accommodate pedestrians where appropriate for traffic conditions and site-specific situations as determined by the Administrator. All designs shall be consistent with the Town's adopted Comprehensive Pedestrian Plan.

6.13.4 CLUSTER MAIL BOX UNITS

Cluster mail boxes shall be provided in accordance with the United States Postal Service Regulations. Units may not encroach into the public right-of-way and shall be placed in an easement on private property.

6.14 BICYCLE FACILITIES

6.14.1 REQUIREMENT FOR INSTALLATION

A. Bike lanes or separate off-street multi-use paths shall be installed on new or modified roadways where designated for such by the Town of Wingate Comprehensive Pedestrian Plan and/or as specified in §6.12.6 of this Ordinance.

B. Where a proposed development does not include new or widening of existing collectors, minor thoroughfares, or major thoroughfares, the developer shall reserve right-of-way sufficient to accommodate the appropriate bicycle facility.

6.14.2 DESIGN STANDARDS

Bike lanes and bike paths shall be designed according to the North Carolina Bicycle Facilities Planning and Design Guidelines published by NCDOT and shall include all appropriate signage and pavement markings. Variations from the NCDOT standards may be allowed subject to approval from the Administrator.

6.15 EASEMENTS AND DEDICATIONS

6.15.1 EASEMENT WIDTH

Easements shall be conveyed to the Town or other appropriate agency for underground and overhead utility installation, stormwater drainage, pedestrian/bicycle access, and other purposes as required by the Town. Easements shall be centered along the side or rear of lot lines. The minimum width of easements is set out in the table below. The Administrator may vary easement widths if the topography along the proposed right-of-way is such that maintenance equipment or other necessary access cannot be reasonably achieved with the minimum width specified in the table.

EASEMENT TYPE	MINIMUM WIDTH
Greenway	30 feet
Pedestrian / Bicycle Accessway	20 feet
Underground Storm Drainage	20 feet
All Other Easements	20 feet
Public Utility Access Easement	5 feet (envelope on all lots)
Utility (Water and Sewer)	Per Public Works Department

6.15.2 DEDICATION OF STORMWATER INFRASTRUCTURE

A. **Stormwater Management Facilities:** The Town of Wingate in its discretion may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all requirements of this Ordinance and includes adequate and perpetual

access and sufficient area, by easement or otherwise, for inspection and regular maintenance. This section is subject to §6.15.2.C.

B. Limits on Public Ownership and Maintenance Responsibilities: The following components of the drainage infrastructure will not be maintained by the Town of Wingate:

1. All drainage easements shall be public to the end of any storm drainage pipe system device. All drainage beyond that point shall be carried in drainage easements which are private and will be owned and maintained by the individual property owner. The Town of Wingate assumes no responsibility or liability for adjudicating disputes between property owners regarding non-publicly generated stormwater.

2. Drainage systems on private property that do not have dedicated easements.

3. Drainage systems maintained by NCDOT as part of its State Highway System.

C. Private Detention / Retention / Water Quality Pond Areas: The Town will not accept these areas for maintenance; however, the Town reserves the right to enter these areas and remove any debris or blockage that is adversely affecting the Town's drainage system. This will be done in an emergency situation without notice. Under normal conditions, the Town will contact the owner/developer to have said blockages removed. If unable to do so within a reasonable time, the Town reserves the right to charge the owner/developer for any expense incurred by the Town.

D. Natural Water Courses: Natural ditches, streams, creeks, and rivers shall not be maintained by the Town of Wingate except to remove debris or blockages that are adversely affecting the Town's drainage system.

E. Limitations of Consequential Damage to Private Facilities Located on Public Easements: All public easements, including storm sewers, are to remain clear of obstructions. No buildings, fences, trees, shrubs, or other obstructions shall be placed in any easements; however, the Town reserves the right to remove such asphalt, concrete, base course, and sod as necessary to access its facility in the case of emergency. Pavement or concrete will be replaced with a patch. Sod will be replaced with Fescue or Rye seeding. The Town will not be responsible for replacing a property owners sod after repairing a drainage line.

6.16 TRAFFIC IMPACT ANALYSIS

The Traffic Impact Analysis (TIA) is a specialized study that evaluates the effects of a development's traffic on the surrounding transportation infrastructure. The TIA helps identify where the development may have a significant impact on safety, traffic and transportation operations, and provides a means for the developer and government agencies to mitigate these impacts. Ultimately, the TIA can be used to evaluate whether the scale of development is appropriate for a particular site and what improvements may be necessary, on and off the site, to provide safe and efficient access and traffic flow.

6.16.1 WHEN REQUIRED

A TIA shall be required for any development that contains more than 100 residential lots or units, for any development that generates 100 or more peak hour trips, or for any development that generates 1,000 or more daily trips. The trip generation shall be based on the latest edition of the Institute of Transportation Engineers Trip Generation Manual.

6.16.2 TIA REQUIREMENTS

A TIA shall include the following elements:

A. **Abstract or Summary:** Summarize description of proposed development, location, traffic generation, existing and future conditions (level of service), and recommended improvements.

B. **Description of Development:** Describe acreage included in the development, existing and proposed land use, existing and proposed zoning, and proposed density of the development (number of lots/units, square feet of development, etc.).

C. **Study Area:** ¼ to ½ mile from each proposed site access along streets accessed by the site. This area may, in a few cases, be greater if the site is on a street with no intersection within that distance or in the case of larger developments, as determined by the Administrator.

D. **Site Location:** Include location map showing site in relation to major streets and at least one-mile radius from the site.

E. **Traffic Generation:** Indicate the number of trips generated by site daily, AM peak hour, PM peak hour (AM peak hour may be omitted for retail uses which are not expected to generate trips during this period). Indicate internal or pass-by traffic generation if appropriate. For rezoning, indicate traffic generation under existing zoning as well as proposed zoning. Indicate source of trip generation rate, land use code, and units used to derive generation.

F. **Trip Distribution:** Indicate percentage distribution of trips, by direction, within study area and method used to obtain.

G. **Access Location(s):** Show Location of planned streets or driveways and access to existing streets. Indicate other streets or driveways within the study area, including those across the street. Indicate coordination with NCDOT where appropriate.

H. **Existing Street and Traffic Conditions:** Show Street lanes and classification, traffic control devices, and existing daily traffic volumes within study area. Show traffic volumes and level of service of signalized intersections and propose site access points within the study area during AM and PM peak hour (AM peak hour may be omitted for retail uses which are not expected to generate trips during this period). Include worksheets or computer printouts showing counted traffic volumes and level of service. Illustrate in figures showing peak hour volumes, lanes, and level-of-service. For unsignalized intersections, show level-of-service for individual movements. Discuss transit if applicable. Discuss accident history, if applicable. Levels of service shall be based on the NCDOT definitions, as outlined in the table below:

LEVEL OF SERVICE (LOS)	DEFINITION
LOS A	Describes primarily free flow conditions. The motorist experiences a high level of physical and psychological comfort. The effects of minor incidents or breakdowns are easily absorbed. Even at maximum density, the average spacing between vehicles is about 528 feet, or 26 car lengths.
LOS B	Represents reasonably free flow conditions. The ability to maneuver within the traffic stream is only slightly restricted. The lowest average spacing between vehicles is about 330 ft, or 18 car lengths.
LOS C	Provides for stable operations, but flows approach the range in which small increases will cause substantial deterioration in service. Freedom to maneuver is noticeably restricted. Minor incidents may still be absorbed, but the local decline in service will be great. Queues may be expected to form behind any significant blockage. Minimum average spacing is in the range of 220 ft, or 11 car lengths.
LOS D	Borders on unstable flow. Density begins to deteriorate somewhat more quickly with increasing flow. Small increases in flow can cause substantial deterioration in service. Freedom to maneuver is severely limited, and the driver experiences drastically reduced comfort levels. Minor incidents can be expected to create substantial queuing. At the limit, vehicles are spaced at about 165 ft, or 9 car lengths.
LOS E	Describes operation at capacity. Operations at this level are extremely unstable, because there are virtually no usable gaps in the traffic stream. Any disruption to the traffic stream, such as a vehicle entering from a ramp, or changing lanes, requires the following vehicles to give way to admit the vehicle. This can establish a disruption wave that propagates through the upstream traffic flow. At capacity, the traffic stream has no ability to dissipate any disruption. Any incident can be expected to produce a serious breakdown with extensive queuing. Vehicles are spaced at approximately 6 car lengths, leaving little room to maneuver.

LOS F	Describes forced or breakdown flow. Such conditions generally exist within queues forming behind breakdown points.

I. **Planned Improvements:** Discuss and describe any planned street improvements in the study area which could affect future traffic. Note whether project is shown on the Union County Multimodal Transportation Plan, or NCDOT TIP.

J. **Future Conditions:** Same as for existing conditions, plus site traffic as assigned to driveways or access points, for condition with full build-out of project at build-out year. Include growth and background traffic due to other approved developments or to general growth in area. May show more than one phase if the project is to be phased. Discuss any conflicts with other driveways or street, queuing problems, and potential safety problems.

K. **Pedestrian Facilities:** Indicate the location of existing and proposed sidewalks, crosswalks, and internal pedestrian paths.

L. **Recommended Improvements:** Indicate improvements required for access points and signalized intersections within study area to operate at and acceptable level-of-service (D or better). These may include site access, internal site circulation, signalization, signal modifications (retiming, additional phases), lane modifications or additions, or street widening. A signal warrant study is not required but may be included as supporting documentation where a traffic signal is requested. Showing recommended improvements does not necessarily indicate responsibility for improvement. Report may indicate which improvements are due to development and which are due to existing problems or other growth in traffic and may suggest responsibility of developer and other parties for improvements. Proposed improvements should be shown schematically.

M. **Engineer's Seal:** All TIAs are to be prepared and sealed by an engineer registered in the State of North Carolina and specializing in traffic or transportation.

N. **Internal Circulation:** Review internal circulation patterns and note recommended changes.

O. **Trip Distribution:** Use of a computer model for trip distribution may be requested by the Administrator for larger projects.

6.16.3 IMPROVEMENTS MAY BE REQUIRED

Based on the findings of the TIA, if the proposed development does not meet the applicable level-of-service standards, the applicant shall be required to upgrade the facilities in accordance with the adopted level-of-service program. Mitigation measures may involve strategies other than street construction or other physical improvements such as changes to traffic signal timing or phasing, and transportation management strategies.

6.16.4 THRESHOLDS FOR MITIGATION

The Town requires consideration of streets and/or operational improvements when the proposed development increases the intersection Volume-to-Capacity Ratio (V/C) beyond the thresholds indicated in the table below. The Town evaluates the impacts of proposed developments at intersections (primarily under existing year conditions) based on the increase in V/C ratio as a result of projected site traffic. The increase is determined by comparing the V/C ratio under existing development conditions and proposed development conditions. For the purposes of this comparison, all unsignalized intersection are analyzed as signalized intersections.

EXISTING V/C	ALLOWABLE INCREASE IN V/C BY DEVELOPMENT
0.00 – 0.60	.10
0.61 – 0.70	.07
0.71 – 0.80	.05
0.81-0.90	.03
0.91 – 1.00+	.02

6.16.5 PAYMENT-IN-LIEU OF IMPROVEMENTS

The Town may, at its discretion, accept either mitigation measures to be completed by the developer or a fee paid to the Town in lieu of mitigation. The fee shall be equal to the cost of the required mitigation measures, as determined by the Administrator. A combination of mitigation measures and payments-in-lieu of improvements may be permitted.

6.17 IMPROVEMENT GUARANTEES AND PERFORMANCE SECURITIES

6.17.1 IMPROVEMENT GUARANTEES

A. **Applicability:** In lieu of construction of permanent improvements required by this Ordinance, the developer shall guarantee that such improvements will be carried out according to the Town of Wingate's specifications at the developer's expense. At a minimum, improvements such as public utilities and initial surface of street right-of-way shall be installed and inspected by the Administrator for compliance. The remaining improvements shall be built or bonded prior to the recording of the final plat.

B. **Amount of Guarantees:** Such guarantees shall be in an amount of not less than 125% of the estimated cost of the construction of the required

improvements. The amount of the guarantee shall be approved by the Administrator based on a Professional Engineers certified cost estimate and shall be provided in the manner outlined in §6.17.3.

C. Release of Improvement Guarantees: The Administrator shall authorize the release of all or a portion of any guarantee posted as the improvements are completed. Such funds shall be released within 32 days after submittal of an improvement completion certification from a Professional Engineer and approval of applicable improvements by the Administrator.

D. Warranty Against Defects

1. Upon completion of new streets, stormwater controls, or other required utilities, the developer shall request a warranty inspection. Once all the improvements are deemed acceptable by the Administrator and pass the warranty inspection, the developer shall submit the following to the Administrator:

i. A set of acceptable as-built drawings;

ii. A written warranty against defects which shall guarantee the material and workmanship of required improvements for a period of not less than one year from the date of such acceptance;

iii. A financial guarantee payable to the Town equal to at least 25% the cost of the installation of such improvements as determined by the Administrator. Such financial guarantee shall be in a form as provided for in §6.17.3.

2. Upon approval of these materials and acceptance of the improvements by the Town, a one-year warranty period shall commence. During the 1-year warranty period, the developer shall repair any latent defects that occur. For the purposes of this Section, the term "defect" refers to any condition in publicly dedicated facilities, utilities, or streets that requires the Town to make repairs to such improvements over and above the normal amount of maintenance that they would require. If such defects appear, the warranty period may be enforced regardless of whether the facilities, utilities, or streets were constructed in accordance with the requirements of this Ordinance. At the end of the one-year warranty period, the developer shall request a final inspection. Upon successful completion of all warranty items, the developer shall be released from maintenance responsibility for the warranted construction.

3. Warranty repairs shall be corrected in accordance with the recommendations of the Administrator.

4. If a developer fails to complete warranty items, future projects of the developer may not be reviewed by the Town. In addition, the Town may take appropriate legal action against the developer.

6.17.2 PERFORMANCE SECURITIES

A. **Applicability**: Performance guarantees shall be required as follows:

1. **Stormwater Structures:** The Town of Wingate may, at its discretion, require the submittal of a performance security in order to ensure that the stormwater control measures are maintained by the owner as required by the operation and maintenance agreement.

2. **Temporary Erosion, Sedimentation, and Stormwater Controls:** Performance securities must be provided to the Town for all projects of ½ acre or more in surface area.

B. Amount of Performance Security

1. **Stormwater Structures:** The amount of a performance security for the maintenance of stormwater control measures, as required in Chapter 12 of this Ordinance, shall be the present value of the annuity in perpetual duration based on a reasonable estimate of the annual cost of inspection, operation and maintenance of the stormwater control measure approved under the permit, at a discounted rate that reflects the jurisdiction's cost of borrowing minus a reasonable estimate of long-term inflation. Such security shall be provided in the manner outlined in §6.17.3.

2. **Temporary Erosion, Sedimentation, and Stormwater Controls:** The amount of a performance security for temporary erosion, sedimentation, and stormwater controls shall be 125% of the cost to remove, maintain, or repair all such facilities. Such security shall be provided in the manner outlined in §6.17.3.

C. Cost in Excess of Established Amounts: If the Town of Wingate takes action upon failure by the owner or applicant, the Town shall collect from the applicant or owner any difference should the amount of the reasonable cost of action exceed the amount of the performance security held.

D. Release of Performance Securities

1. **Stormwater Control Structures:** Not applicable.

2. **Temporary Erosion, Sedimentation, and Stormwater Controls:** Securities will be released upon issuance of a Certificate of Compliance and final Land Disturbance Permit closeout.

6.17.3 TYPES OF GUARANTEES AND SECURITIES

Improvement guarantees and performance securities shall be made in one or more of the following forms:

A. A surety bond made by a surety company licensed to do business in North Carolina, or

B. A certified check drawn in favor of the Town of Wingate, or

C. Cash deposited with the Town of Wingate.

6.17.4 FORFEITURE AND DEFAULT

A. All improvement guarantees and performance securities shall contain a forfeiture provision for failure, after proper notice, to complete work within the specified time, or to initiate or maintain any actions which may be required by the applicant or owner in accordance with this Ordinance, or an operation and maintenance agreement established pursuant to this Ordinance.

B. Default by Developer

1. Upon default, meaning failure on the part of the developer or surety to make timely completion of the required improvements, or to maintain privately owned improvements in accordance with the approved operations and maintenance agreement, the Town may require the developer, the surety, or the financial institution holding the escrow account to pay all or any portion of the bond or escrow account fund to the Town.

2. Upon payment, the Town, at its discretion, may expend such portion of the funds as it deems necessary to complete all or any portion of the required improvements.

3. Such expenditure of funds shall only be made after requesting the owner to comply with the permit or maintenance agreement.

6.18 PROVISION OF SERVICES AND ACCEPTANCE BY TOWN

The following shall not occur upon any land for which a plat is required to be approved, unless and until the requirements set forth in this Ordinance have been complied with and the final plat has been approved and recorded with the Union County Register of Deeds:

- No street shall be maintained or accepted by the Town, and
- No water or sewer shall be extended or connected with any subdivision of land, and
- No permit shall be issued by an administrative agent or department of the Town of Wingate for construction of any building or other improvement requiring a permit.

6.19 OWNERSHIP AND MAINTENANCE OF COMMON AREAS

All developments containing land, amenities, or other facilities under private common ownership shall provide for the ownership and maintenance of such areas. Multi-family developments that are subject to fee-simple lot and/or unit ownership shall convey all such common areas to a non-profit corporate homeowners' association with membership of 100% of the lots/units within the development. At the time of final plat recordation, the developer shall file with the Union County Register of Deeds a "dedication of covenants" and must meet the following criteria:

- The homeowners' association must be established before the sale of the first unit;
- The homeowners' association is established as the responsible entity for the liability insurance, pertinent local taxes, and maintenance of all recreation and other facilities;
- Sums levied by the homeowners' association that remain unpaid shall become a lien on the delinquent property;
- For condominium development, documents must meet the requirements of NCGS §47A Unit Ownership; and
- All easement over common areas for access, ingress, egress, and parking shall be shown and recorded on a final plat with the Union County Register of Deeds.

CHAPTER 7: Recreation and Open Space

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CHAPTER 7: Recreation and Open Space

7.1 PURPOSE AND INTENT

It is the intent of this Chapter to require that each new development contribute to the parks and open space critical to the quality of life for each resident and visitor. It is expected that all new residential development provides centrally located, unencumbered land as neighborhood park space for human use and/or unimproved open space. Open space serves numerous purposes, including preservation and protection of natural areas and sensitive environmental features, as well as opportunities for passive and active recreation.

7.2 APPLICABILITY

Any person developing and/or subdividing property for purposes subject to this Ordinance shall be subject to the standards contained in this Chapter.

7.3 NEIGHBORHOOD RECREATION AND OPEN SPACE DEDICATION REQUIREMENTS

All new development shall dedicate neighborhood parks and undisturbed open space, as applicable. The intent is to ensure that each new home or dwelling unit has a range of parks and open spaces within a typical walking or biking distance of ¼ to ½ mile.

7.3.1 REQUIRED OPEN SPACE CONSERVATION / RECREATION SPACE DEDICATION TABLE*

Zoning District	Required Park Space - Improved (See Standards in Section 7.4)	Required Open Space – Unimproved (See Standards in Section 7.5)	Total Dedicated Space
RA-40	2.5%	2.5%	5%
RA-20, R-20	3.5%	3.5%	7%
R-8, R-6, R-4, B-3, B-6	5%	7.5%	12.5%
MHP	400 sf per home site	N/A	400 sf per home site
TC	N/A	N/A	N/A
RMU, UMU	2.5%	5%	7.5%

Dedication of Park and Open Space is only required for those developments containing residential uses.

7.3.2 CREDIT FOR PROXIMITY TO EXISTING PARK SPACE

Developments that are proximate to an existing town-owned, publicly-accessible park space may count all such lands in their park space dedication requirement up to 25% of the required total, subject to the provisions below:

A. The existing park or parks must be within ½ of the development, as measured along a road or pedestrian path, to be considered proximate.

B. Adequate pedestrian access from the development to the existing park space must be provided as determined by the Administrator.

7.3.3 CREDIT FOR CONSTRUCTED NEIGHBORHOOD AMENITIES

Developments that provide neighborhood amenity facilities will receive a credit of 25% of the required Recreation and Open Space dedication, subject to the provisions below:

A. The facilities are open to all residents of the neighborhood and are not subject to a private membership separate from any related HOA dues.

B. Such facilities shall, at a minimum, include a clubhouse or other conditioned structure a minimum of 1,000 square feet and either athletic courts (basketball, pickleball, tennis, etc.; minimum 2 courts) or a pool / waterpark / sprayground (minimum of 2,500 square feet in water surface area)

7.3.4 EXEMPTIONS

A. Very Low-Density Developments: Recreation and Open Space dedication is not required for any residential development with an overall density of 1 unit / acre or less.

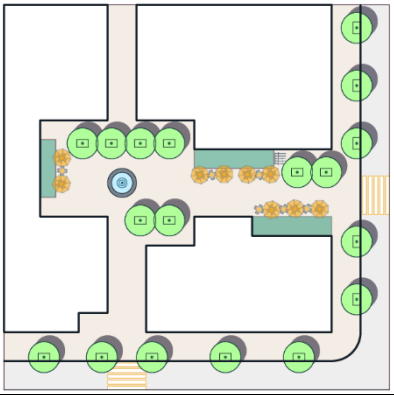
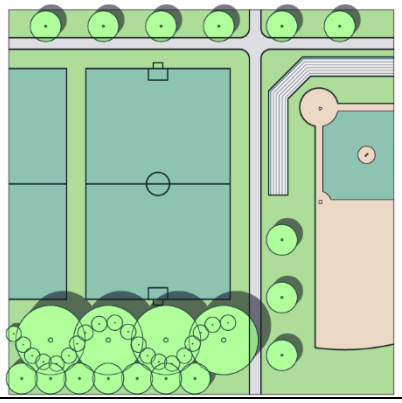
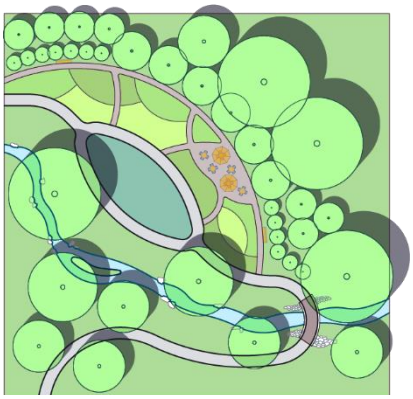
B. Small Developments: Developments with 25 units or less in all phases combined shall not be subject to the requirements of this Chapter.

C. Non-Residential & Mixed-Use Developments: Neighborhood parks are required only for those areas that are exclusively residential. Commercial and vertically mixed-use buildings are exempt from the requirements of this Chapter.

7.4 REQUIRED NEIGHBORHOOD PARK DESIGN STANDARDS

7.4.1 REQUIRED NEIGHBORHOOD PARK TYPES

Neighborhood parks, as required by the district provisions, shall conform to one or more of the typologies defined on the following page.

A. Park / Greenway / Natural Preserve: A nature preserve for unstructured recreation. Its landscape shall consist of paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. These types of open space may be linear, following the trajectories of natural corridor. The minimum size shall be 2 acres (except Greenways for which there is no minimum.)	
B. Urban Open Space: An open space available for unstructured recreation. This category of open space includes pocket parks, plazas, squares, and greenbelts. These areas may be spatially defined by landscaping or building frontages. Landscaping shall consist of lawn and trees, naturalistically disposed. The minimum size for an urban open space shall be ¼ acre and the maximum size shall be 2 acres.	
C. Outdoor Recreation Centers / Facilities: An open space designed and equipped for structured uses. These open spaces may include playgrounds, sports courts, athletics fields, and other programmed outdoor activities. These open spaces may be interspersed within residential areas and may be placed within a block. There shall be no minimum or maximum size for these types of open spaces.	
D. Gardens: This type of open space includes community gardens, butterfly gardens, rock gardens, and similar types of uses. These open spaces may be designed to attract wildlife while encouraging passive recreation. Accommodation for storage sheds for gardening equipment should be made when designing this type of open space. There shall be no minimum or maximum size for these types of open spaces.	

7.4.2 LOCATION

A. Land for neighborhood park spaces shall be centrally and internally located to as to serve the needs of the residents of the neighborhood.

B. Required neighborhood parks shall provide focal points for the development.

C. Areas described in Town of Wingate adopted plans or policies, such as greenways, or publicly maintained parks and open space, shall be preserved and dedicated. All such dedication shall also be in conformance with all applicable federal and state rules and/or interlocal agreements. For developments that abut or include areas designated as future greenways on an adopted plan, the administrator shall require a dedicated 20-foot minimum public pedestrian and non-motorized vehicle easement to be dedicated along all such areas. Construction of greenways shown on an adopted plan shall be considered required infrastructure for all new development and shall be constructed by the developer.

7.4.3 ACCESSIBILITY / VISIBILITY

A. All recreation spaces shall be conveniently accessible to all residents of the development and shall have at least 20 feet of frontage on at least one public street within the development.

B. No residential unit within a development shall be further than ¼ mile (1,320 feet), as measured along a road or pedestrian path, from a recreation space as defined above or other publicly-accessible park facility.

C. All recreation spaces shall be visible from dwelling units that are adjacent to the neighborhood park. This includes dwelling units on properties that share a property boundary with the neighborhood park or front the neighborhood park from directly across a street.

7.4.4 USABILITY

A. At least one-quarter of the total land dedicated shall be located outside of special hazard areas, watercourses, and required stream buffers. All land dedicated shall be outside of wetlands and waters subject to State or Federal regulatory jurisdiction. Within the area proposed for dedication, sufficient engineering data and / or detail shall be indicated to ensure compliance with this section.

B. Areas including ponds, lakes, wetlands, or easements for public utility transmission lines shall not exceed more than 50% of the required neighborhood recreation space.

7.4.5 MINIMUM AMENITIES

Required recreation space shall be planned, improved, and useable by persons living nearby. Improved shall mean cleared of underbrush and debris and shall contain 2 or more of the following amenities: landscaping, walls or fences, walks or pathways, lighting and electricity, fountains, ball fields, and / or playground equipment.

A. Minimum Amenities (All Neighborhood Park Types)

1. **Public Seating:** Provide seating areas appropriate to the intended use of the space (e.g. park benches and durable theft / vandalism-resistant chairs in formal active spaces and garden wall seats in informal passive spaces).

2. **Supplement Tree Planting / Significant Species Preservation:** A minimum of 1 tree (2-inch caliper minimum) to be planted in at least 350 square feet of soil or 1 preserved existing canopy tree, a minimum of 12-inches in caliper, for every 2,500 square feet of required park space.

3. **Trash Receptacle:** Garbage and recycling receptacles shall be required for each park space.

4. **Bicycle Parking:** At least one bicycle rack shall be required for every ¼ acre of neighborhood park space and every ½ mile of greenway. Bicycle parking shall meet the requirements in Chapter 9 of this Ordinance.

7.5 UNIMPROVED OPEN SPACE DESIGN STANDARDS

Pursuant to 7.3.1, unimproved open space is required in conjunction with improved park spaces in new development. Public accessibility to unimproved open space is not required but is permitted. When practical, the following priority list shall be used for the identification and dedication of unimproved open spaces:

- Primary Conservation Areas – includes riparian buffer corridors, special flood hazard areas, unique geological formations, rock outcroppings, rare plants, rare plant communities, rare habitats, wetlands, and prime agricultural areas and farmland.

- Secondary Conservation Areas – includes unbuildable areas, such as those with highly erodible soils or slopes in excess of 60%.

- Other Conservation Areas – includes any portions of a development to remain undeveloped. These areas may be graded during development but no use of the property is intended or permitted.

7.6 OWNERSHIP AND MAINTENANCE

Dedicated recreation or open space land shall be separately deeded to either a homeowner's association, a non-profit land trust, the Town of Wingate, Union County, or may be held in private ownership with conservation easements recorded in the Union County Register of Deeds in a form approved by the Town. A metes and bounds description of the space to be preserved and limits on its use shall be recorded on the development plan, in homeowner covenants, and on individual deeds when open space lands are not held entirely in common. Alternative means of permanent open space preservation may include acceptance by a land conservation trust or a unit of government. Private management alternatives will also be permitted. Non-public ownership strategies must be accompanied by a long-term maintenance plan.

CHAPTER 8: Landscaping, Screening, Buffering, and Tree Protection

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CHAPTER 8: Landscaping, Screening, Buffering, and Tree Protection

8.1 PURPOSE AND INTENT

It is the intent of this Chapter to protect, refurbish, and improve the aesthetic appeal, scenic beauty, and economic value of properties within the Town of Wingate. The regulations in this chapter seek to maintain an overall coverage of trees and landscaping for the community in order to:

- Maximize the economic vitality and positive community image associated with the Town's vegetation;
- Protect and enhance property values;
- Maintain the aesthetic quality of the community as a whole;
- Mitigate the negative impacts of noise, glare, air and water pollution, and soil erosion on the environment of the Town and its inhabitants.

8.2 APPLICABILITY

8.2.1 GENERAL PROVISIONS

The requirements of this Chapter shall apply to all land, public and private, in the Wingate zoning jurisdiction. Certificates of Occupancy for uses authorized by this Ordinance shall not be issued until such requirements are installed, unless provided otherwise in this Chapter.

8.2.2 EXEMPTIONS

The following conditions are exempt from the provisions of this Chapter:

A. Improvements or repairs to interior and exterior features of existing structures or buildings which does not result in expansions or changes in the type of occupancy set forth in the North Carolina Building Code.

B. A single-family detached dwelling on an individual lot of record.

C. Property covered in an active forestry management plan written by a North Carolina Registered Forester, provided such documentation has been furnished to the Town.

8.2.3 PRE-EXISTING DEVELOPMENT

A. Non-conforming pre-existing development is subject to these standards as follows:

1. A change in the type of occupancy, as set forth in the North Carolina Building Code;

2. A change in land use which required an increase in the number of off-street parking spaces or the provision of a buffer yard;

3. Additions or expansions which singularly or collectively exceed 25% of the land or gross building area existing at the effective date of this Ordinance.

B. The Town of Wingate recognizes that designing pre-existing development to meet new regulations is more difficult and more expensive than applying these standards to undeveloped properties. Therefore, greater flexibility will be afforded pre-existing development in meeting the requirements of this Chapter in that:

1. A waiver of up to 25% may be granted by the Administrator for planting area and dimension requirements where compliance presents a hardship due to building locations, lot size, or vehicular area configuration.

2. A credit for reducing required off-street parking by one space shall be given for the construction of each landscape island.

8.2.4 PROCEDURES

A. When an application is made for a development approval on any land to which the requirements of this Chapter apply, a landscape plan shall be prepared as part of major development permits, zoning permits, and conditional use permits as outlined in Chapter 15 of this Ordinance.

B. All planting materials specified by the approved landscape plan shall be installed prior to the issuance of a Certificate of Occupancy. An exception may be granted for a period not to exceed 180 days for the following circumstances, as determined by the Administrator:

1. The unavailability of specified plant material;

2. Weather conditions that prohibit the completion of the project or jeopardize the health of the plant material;

3. Actions or directives issued by any governing body with jurisdictional authority.

8.3 ALTERNATE METHODS OF COMPLIANCE

A. Alternate landscape plans, plant materials, planting methods, or reforestation may be used where unreasonable or impractical situations would result from application of landscaping or tree preservation

requirements. Such situations may result from streams, natural rock formations, topography, or other physical conditions; or from lot configuration, utility easements, unified development design, or unusual site conditions.

B. The Administrator may approve an alternate plan, which proposes different plant materials or methods provided that quality, effectiveness, durability, and performance are equivalent to the standards of this section.

C. Decisions of the Administrator regarding alternate methods of compliance for landscaping and tree preservation may be appealed to the Board of Adjustment according to the provisions of §15.7.2.

8.4 RETENTION AND PROTECTION OF LARGE TREES

A. The Town of Wingate encourages the retention and protection of existing large trees to the maximum extent possible, consistent with the development process. A minimum of 10% of existing Large Shade Trees and Small Trees on a property shall be maintained and preserved for all development that qualifies for major subdivision or major development permit review. Any existing vegetation may be preserved and credited towards meeting the requirements of this Chapter if sufficiently detailed in the landscape plans.

B. Excavation or other subsurface disturbance or the placement of any impervious surface within the drip line of any tree with a diameter of 18 inches or more is prohibited. The drip line of a tree is defined as the perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.

C. No credit will be allowed for any invasive exotic tree, dead tree, tree in poor health, or tree subject to grade alterations as identified on the required tree survey.

D. **Tree Survey Required:** A tree survey shall be submitted as part of any application for development, except for development proposed on vacant sites more than 30 acres in size that are 100 percent covered in existing tree canopy (based on the most recent orthophotography). The tree survey shall include:

1. The latest aerial photograph of the development site; and

2. A plan depicting:

a. The location, area, predominant species, general health, estimated number, and average diameter at breast height (DBH) of stands of trees;

b. The proposed tree protection boundary area, including any areas where replacement trees are proposed;

c. The location of the drip line and tree trunks associated with trees bordering the tree protection area;

d. Known dead or diseased trees; and

e. The percentage of lot area (excluding all proposed street rights-of-way, existing utility easements, and natural water surface areas) that is covered by existing tree canopy.

8.4.1 PROTECTION OF TREES DURING CONSTRUCTION

A. The permit recipient shall be responsible for ensuring that all existing trees shown on approved plans as being retained are protected during the construction process from removal, destruction, or injury. Without limiting the foregoing, the permit recipient shall ensure that, before any excavation takes places on the site, a barrier is erected around the drip line of all such trees sufficient to put on notice all construction personnel that the area within the dripline of such trees shall not be disturbed.

B. If a violation of this Section occurs and as a result a tree is removed or dies within 2 years after a Certificate of Occupancy is granted for that portion of a development where such tree is or was located, then the permit recipient, or successor, shall be required to replace the tree with one that is a minimum of 8’ tall and has a minimum caliper of 3 inches measured at six inches above the ground. Such replacement must take place within one year after the death or removal of that tree occurs and this obligation shall be a continuing condition of the validity of the permit.

8.5 MINIMUM TREE CANOPY COVERAGE REQUIREMENTS

All parcels, regardless of use, shall maintain a minimum tree canopy coverage according to their zoning district classification. This minimum tree canopy coverage can be met through the retention and preservation of existing vegetations, the planting of new plant materials, or a combination thereof.

ZONING DISTRICT	TREE CANOPY COVERAGE REQUIREMENT
Rural and Suburban Districts	2 large shade trees per 10,000 square feet of parcel area -or- 1 large shade tree and 1 small tree per 8,000 square feet of parcel area
RMU, UMU	1 large shade tree per 10,000 square feet of parcel area
TC	1 large shade tree per 10,000 square feet of parcel area – *this requirement may be waived or altered by the Administrator depending on lot coverage of the proposed development and adequate street tree installation*

8.6 SHADE TREES IN PARKING AREAS

A. Vehicle accommodation areas that are required to be paved, as described in Chapter 9 of this Ordinance, must be shaded by Large Shade trees (either retained or planted by the developer) that have or will have, when fully mature, a trunk at least 12 inches in diameter. When trees are planted by the developer, the developer shall choose trees that meet the standards of the Town of Wingate "List of Recommended Trees and Shrubs."

B. There shall be a minimum of 10 deciduous trees per one acre of parking area. In calculating the number of trees required, any fraction of a tree shall count as requiring a full tree. No portion of any parking space may be located more than 60 feet from the trunk of any Large Shade tree.

C. No paving may be placed within 12 ½ feet (measured from the center of the trunk) of any tree retained to comply with §8.5. Newly planted trees shall be located so that they are surrounded by at least 100 square feet of pervious surfaces. No tree shall be placed closer than 3 ½ feet from the end of head-in parking spaces in order to prevent damage from car overhangs.

D. **Size of Landscape Islands:** If required shade trees in parking areas are planted in a landscape island, the landscape island shall meet the minimum planting area requirements:

NUMBER OF TREES IN LANDSCAPE ISLAND	MINIMUM SIZE OF LANDSCAPE ISLAND
1	300 square feet
2	600 square feet
3 or more	300 square feet per tree

E. **Width of Landscape Islands:** A minimum horizontal distance of 8 feet measured from back of curb, sidewalk, or other separating structure is required for all landscape islands.

F. Barriers: Barriers, such as wheel stops or standard 6-inch curb, must be provided between vehicular accommodation areas and landscaped areas.

8.7 STREET TREES

A. Location: Street trees should be planted in the location specified for the corresponding street classification in Chapter 6 of this Ordinance. Where not practical due to the location of utilities or other site constraints, street trees may be planted on private property upon dedication of a public street tree easement. Public street tree easements shall have a minimum width of 8'.

B. Minimum Number of Street Trees: Street trees shall be installed according to the following minimum standards. Linear feet of planting area shall exclude permitted or approved driveways.

1. At least one large shade tree for every 50 linear feet of planting area, or fraction thereof equal to or greater than 25 feet; or

2. Only when planting large shade trees is not practical due to the location of utilities, one small tree for every 35 linear feet of planting area, or fraction thereof equal to or greater than 18 feet.

C. Minimum Spacing: Arrangement of and distance between trees is at the owner's option, except that the minimum spacing between trees should correspond to the expected mature spread of the adjacent trees and in no instance shall be less than:

1. 30 feet between large shade trees,

2. 20 feet between large shade trees and small trees,

3. 15 feet between small trees.

8.8 BUFFERING AND SCREENING

8.8.1 GENERAL SCREENING STANDARD

A. Every development shall provide sufficient screening so that:

1. Neighboring properties are shielded from any adverse external effect of that development;

2. The development is shielded from the negative impacts of adjacent uses such as streets or railroads.

B. If a proposed use is to develop next to an undeveloped or vacant property, the proposed use will be required to designate one-half of the required buffer yard, but not less than 10 feet in width, based on the previous use or potential use of the adjacent property. The potential use of the adjacent property will be determined by the Administrator according to the existing zoning of the undeveloped property.

C. If a proposed use is to develop next to an existing land use which was not previously required to create a buffer yard, the proposed use will be required to plant the entire required buffer yard.

D. Perpendicular encroachments by driveways, pedestrian ways, and utilities are permitted, but should be minimized to the extent feasible.

E. **Credit for Existing Vegetation:** Existing vegetation in buffer yard areas shall qualify for the screening requirements. Where existing vegetation is insufficient to meet the minimum buffer yard standards, either width or quantity of material, new plantings shall be used to supplement any existing vegetation in order to meet the minimum screening requirements.

F. **Ownership of Buffer Yards**

1. Any required buffer yard, including those required as a zoning condition, for a single-family or two-family residential development shall not be credited towards meeting the minimum lot size standards.

2. Any disturbance, modification, removal, or damage to the buffer yard by an adjacent homeowner or resident is prohibited.

3. Buffer yards may be included within residential lots only when all of the following conditions are met:

   a. The subdivision is limited in size and has no homeowner's association; and

   b. There is no reason for the formation of a homeowner's association other than to retain ownership and maintenance responsibilities for the buffer yard; and

c. The buffer is placed within a permanent conservation easement or other legal instrument dedicated to the Town of Wingate.

8.8.2 BUFFER YARD REQUIREMENTS

The following table illustrates the required buffer yard types between zoning districts:

ZONING OF SUBJECT PROPERTY		ZONING OF ADJACENT PROPERTY				
		RA-40, RA-20, R-20, R-8, R-6, R-4	B-1, B-2, B-3, B-6	HC	LI, HI	TC, RMU, UMU
	RA-40, RA-20, R-20, R-8, R-6, R-4	X	X	A	A	X
	B-1, B-2, B-3, B-6	B	X	B	A	X
	HC	A	B	X	C	C
	LI, HI	A	A	A	X	A
	TC, RMU, UMU	C	X	C	A	X

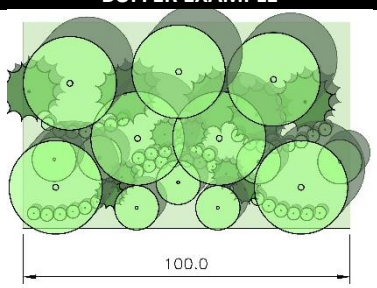
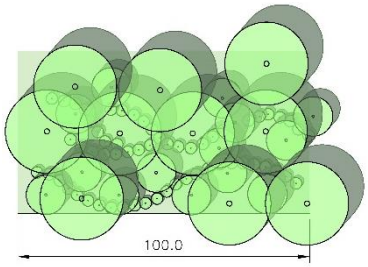
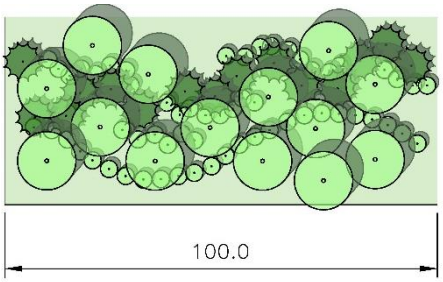
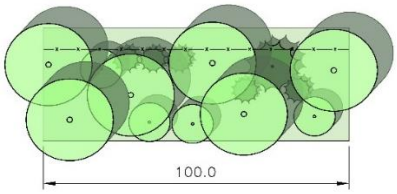
A = Type A Buffer **B = Type B Buffer** **C = Type C Buffer** **X = No buffer required**

A Type B Buffer a minimum of 30' in width shall be required along the all streets classified as a thoroughfare.

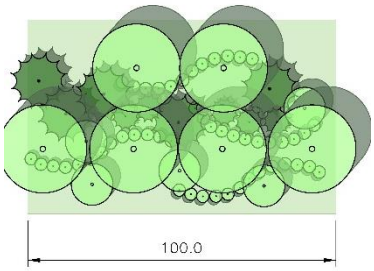
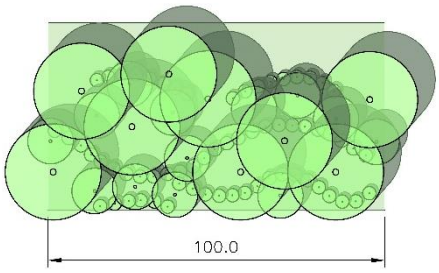
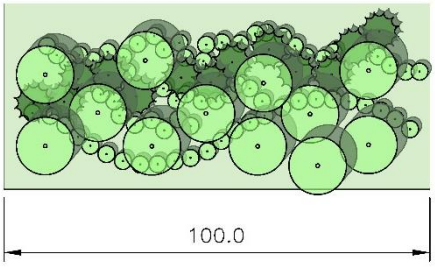
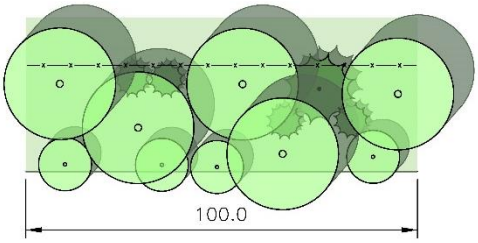
8.8.3 DESCRIPTION OF BUFFER TYPES

The following buffer types are hereby established and shall be used for screening between zoning districts as described in §8.9.2.A.

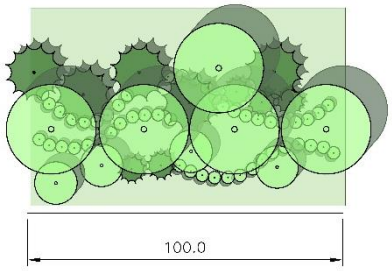
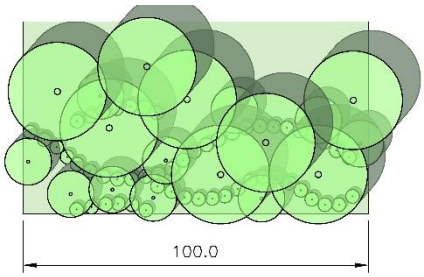
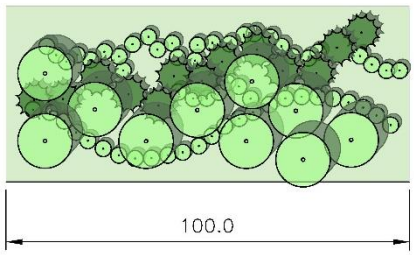
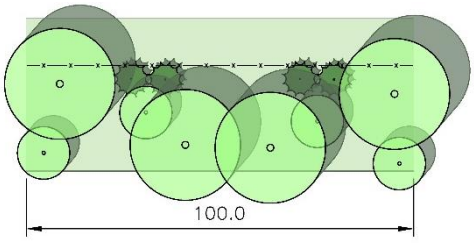
A. Opaque Screen, Type A: The intent of the Type A Buffer is to create a completely opaque buffer, having no horizontal openings from the ground to a height of 8 feet within 2 years of planting. A Type A Buffer can be achieved in four ways as specified below:

OPAQUE SCREEN – TYPE A BUFFER		
BUFFER OPTIONS	**MATERIAL PER 100 LINEAR FEET**	**BUFFER EXAMPLE**
Option 1 – Mixed Evergreen **Minimum Buffer Width: 50 feet**	• 7 deciduous canopy trees • 5 evergreen canopy trees • 7 deciduous understory trees • 6 evergreen understory trees • 40 shrubs	
Option 2 – Deciduous **Minimum Buffer Width: 50 feet**	• 10 deciduous canopy trees • 0 evergreen canopy trees • 14 deciduous understory trees • 0 evergreen understory trees • 60 shrubs	
Option 3 – Overhead Utility **Minimum Buffer Width: 50 feet**	• 0 deciduous canopy trees • 0 evergreen canopy trees • 14 deciduous understory trees • 15 evergreen understory trees • 60 shrubs	
Option 4 – Constructed **Minimum Buffer Width: 25 feet**	• 6 deciduous canopy trees • 1 evergreen canopy tree • 4 deciduous understory trees • 5 evergreen understory trees • 6' solid fence / wall / berm	

B. Semi-Opaque Screen, Type B: The intent of the Type B Buffer is to create a semi-opaque screen, having only seasonal horizontal openings, not to exceed 10% of the total width, from the ground to a height of 8 feet within 2 years of planting. A Type B Buffer can be achieved in four ways as specified below:

SEMI-OPAQUE SCREEN – TYPE B BUFFER		
BUFFER OPTIONS	**MATERIAL PER 100 LINEAR FEET**	**BUFFER EXAMPLE**
Option 1 – Mixed Evergreen **Minimum Buffer Width: 30 feet**	• 6 deciduous canopy trees • 5 evergreen canopy trees • 5 deciduous understory trees • 6 evergreen understory trees • 50 shrubs	
Option 2 – Deciduous **Minimum Buffer Width: 30 feet**	• 9 deciduous canopy trees • 0 evergreen canopy trees • 13 deciduous understory trees • 0 evergreen understory trees • 70 shrubs	
Option 3 – Overhead Utility **Minimum Buffer Width: 40 feet**	• 0 deciduous canopy trees • 0 evergreen canopy trees • 12 deciduous understory trees • 10 evergreen understory trees • 70 shrubs	
Option 4 – Constructed **Minimum Buffer Width: 15 feet**	• 5 deciduous canopy trees • 1 evergreen canopy tree • 4 deciduous understory trees • 4 evergreen understory trees • 6' solid fence / wall / berm	

C. Broken Screen, Type C: The intent of the Type C Buffer is to create a semi-opaque buffer, having only seasonal horizontal openings, not to exceed 25% of the total width, from the ground to a height of 6 feet within 2 years of planting. A Type C Buffer can be achieved in four ways as specified below:

BROKEN SCREEN – TYPE C BUFFER		
BUFFER OPTIONS	**MATERIAL PER 100 LINEAR FEET**	**BUFFER EXAMPLE**
Option 1 – Mixed Evergreen **Minimum Buffer Width: 20 feet**	• 5 deciduous canopy trees • 5 evergreen canopy trees • 4 deciduous understory trees	
Option 2 – Deciduous **Minimum Buffer Width: 20 feet**	• 8 deciduous canopy trees • 0 evergreen canopy trees • 10 deciduous understory trees	
Option 3 – Overhead Utility **Minimum Buffer Width: 30 feet**	• 0 deciduous canopy trees • 0 evergreen canopy trees • 10 deciduous understory trees	
Option 4 – Constructed **Minimum Buffer Width: 10 feet**	• 4 deciduous canopy trees • 0 evergreen canopy tree • 4 deciduous understory trees • 6' solid fence / wall / berm	

8.8.4 ADDITIONS TO BUFFERING AND SCREENING

When it is determined that the conflict of land use is so great that public safety is not adequately served by the minimum buffer requirements in this Chapter, or where there is a need to prevent a high degree of visual, audio, or physical disorder, the Administrator may require the installation of fencing, walls, or earthen berms in addition to the minimum required buffers and screening.

A. Fencing or Walls: Where required as part of a buffer yard, fencing or walls must adhere to the provisions below. Nothing in this section shall prohibit the owner of a single-family dwelling from constructing a separate fence along the borders of such property, provided that required buffer plantings are maintained.

1. In all cases, the finished side of the fence must face the use with the lower intensity. Double sided or shadowboxed fencing is the preferred alternative for fencing installed as part of a buffer.

2. Permitted fence or wall materials include: masonry, stone, architectural block, wood, or other material of solid appearance

3. The height of the fence shall be determined by the Administrator based on the site conditions, topography, use, and/or building height. The minimum height of a fence or wall installed as part of a buffer shall be 6 feet.

B. Berms: Earthen berms may be required in combination with plant material and fencing for the purposes of screening. Berms shall be tapered appropriately to allow for practical maintenance.

1. The slope of berms shall not exceed 3:1 and the bottom edge of the berm shall be a minimum of 10 feet from any adjacent property line.

2. All berms, regardless of size, shall be stabilized.

3. Berms shall be constructed to provide adequate sight distances at intersections and along all roads.

4. Berms installed as part of a required buffer shall be vegetated as required based on the required buffer type. Berms may not be substituted for existing healthy vegetation except where no other practical alternative exists to create screening and buffering between dissimilar uses.

8.8.5 RIPARIAN BUFFER AREAS

All protected drainageways and surface waters shall maintain buffers directly adjacent to such surface waters in accordance with the standards outlined in Chapter 12.

8.9 DUMPSTERS AND MECHANICAL UTILITIES SCREENING

8.9.1 REQUIRED SCREENING

A. All dumpsters, loading docks, outdoor storage areas, and utility structures which are visible from the public street or adjacent properties shall be screened unless already screened by an intervening buffer yard.

B. Screening shall consist of evergreen shrubs, fencing, walls, or berms, and shall comply with all other standards of this Ordinance.

C. The screening of utilities shall comply with the requirements of the utility provider.

D. Enclosures for dumpsters shall be constructed with materials that are compatible with the design and materials of the principal building. Screening may be created through the use of:

1. Solid-wood fence, or fabricated metal fence, with shrubs planted around the enclosure that, at maturity, will reach a height comparable as the fence, or

2. Brick, split face block, or decorative block may be used to construct the enclosure. Plantings are not required with this type of constructed enclosure.

8.10 INSTALLATION AND MAINTENANCE STANDARDS

It is the intent of this Section to ensure that the planting and preservation areas used to meet the requirements of this Section are maintained.

8.10.1 INSTALLATION STANDARDS FOR NEW TREES

A. Timing of Plantings: Any landscaping planted to satisfy the requirements of this Chapter must be planted after October 1st and before March 31st. Any landscaping planted after April 1st and before September 30th will not count toward the landscape requirements of this Chapter. If the project timing is such that trees to be counted toward the requirements of this Chapter cannot be planted during the required timeframe before the applicant requests a Certificate of Occupancy, the Administrator may grant the applicant one additional year, from the date of the application for a Certificate of Occupancy, in

which to plant such trees. In order to ensure that all such trees are planted within the one-year period, the applicant shall provide the Town with an improvement guarantee in accordance with the provisions of §6.17 of this Ordinance.

B. **Depth of Planting:** The tree pit shall be at least one foot wider than the root ball and at least 6 inches deeper than the root ball's vertical dimension.

C. The bottom of the tree pit should be scarified or loosened, especially in areas where construction activity has compacted the soil.

D. Where poor drainage exists, the tree pit shall be at least 12 inches deeper and the bottom of the pit shall be filled with coarse gravel.

E. **Backfill:** Backfill should include a proper mix of soil, peat moss, and nutrients. All roots must be completely covered and the backfill shall be thoroughly watered as it is placed around the roots.

F. **Staking:** Newly planted trees should be supported with stakes and guy wires to hold the tree firmly in place as the root system develops. Guy wires used to support the tree shall be a soft, at least one inch wide, and shall be made of a polymer material to prevent damaging the tree as it grows. Stakes and guy wires shall be removed one year after the planting of the tree.

G. **Mulch:** At least 3 inches of mulch shall be spread over the entire excavation area. An additional three-inch saucer of mulch should be provided to form a basin around the trunk of the tree to catch and retain moisture. Mulch shall not touch the tree root flare.

H. **Wrapping:** The lower trunks of newly planted trees should be wrapped with burlap or paper to prevent evaporation and sun scald. The wrapping should remain on the tree for at least one year after planting.

I. **Size of Trees at Installation:** At the time of planting, all trees shall be a minimum of 8 feet in height and shall have a minimum caliper of 3 inches in diameter measured 6 inches above the ground.

J. **Size of Shrubs at Installation:** At the time of planting, all shrubs shall be a minimum of 18 inches in height and spread and reach a minimum height of 36 inches and a minimum spread of 30 inches at maturity.

8.10.2 INSTALLATION STANDARDS FOR NEW SHRUBS

Shrubs should be given proper soil culture and sufficient room to allow growth. Shrubs should be planted in accordance with the specific needs of the species planted. For detailed planting

information for individual species, please refer to "*Landscape Plants of the Southeast"* by R. Gordon Halfacre and Anne R. Shawcroft.

8.10.3 LANDSCAPING MAINTENANCE STANDARDS

It shall be the responsibility of the property owner(s) or assigned caretakers to ensure that all regulated landscape areas, buffers, fencing, and preserved existing vegetation are installed, preserved, and maintained in good growing conditions, appearance, and usefulness. Damage and disturbances to these areas shall result in the requirement to replace damaged vegetation and/or fines and other penalties. Preservation and maintenance shall include:

A. Any dead, unhealthy, or missing vegetation shall be replaced with vegetation that conforms to the standards of this Section and the approved development plans.

B. All required buffers, streetyards, vehicular accommodation areas, preserved vegetation, and other landscaped areas shall be free of refuse and debris, shall be treated for pests and diseases, and shall be maintained as to prevent mulch, straw, dirt, or other materials from washing onto streets and sidewalks.

C. Owners shall take actions to protect all plant material from damage during normal facility and site maintenance operations. All plant material must be maintained in a way to prevent obstruction of sight distance triangles, obstruction of traffic signs and signals, and interference with sidewalks and pedestrian trails. Plant material shall not be removed, damaged, cut, or severely pruned so that their intended form is impaired. Shrubs within vehicular accommodation areas, streetyards, and street fronts may be pruned but a minimum height of 3 feet must be maintained.

D. In the event that existing vegetation presents an immediate threat to improved structures on private property or public property, excessive pruning may be permitted if authorized by the Administrator. Replacement vegetation may be required as part of this authorization.

E. In the event that vegetation functioning to meet the requirements of this Section is severely damaged due to a weather event or natural occurrence, the owner shall be required to replant if the requirements of this Chapter are not being met. Replacement vegetation shall conform to the standards of this Chapter and the approved development plans.

CHAPTER 9: Parking and Driveways

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CHAPTER 9: Parking and Driveways

9.1 PURPOSE AND INTENT

Parking lots and similar features are necessary elements of the urban environment; however, the provision of parking facilities must be regulated to avoid negative impacts such as:

- Increased stormwater volume and velocity,
- Increased surface pollutants,
- Increased surface level heat and glare,
- Reduction in the efficiency of the surrounding street system, and
- Reduction in the operations of the surrounding pedestrian and bicycle network.

The purpose of this chapter is to ensure the adequate provision of parking in Wingate without degrading the urban or natural environment.

9.2 APPLICABILITY

The provisions of this chapter shall apply to all new and expanded development, as well as any changes in use.

9.3 PERMITTED PARKING LOCATIONS

9.3.1 LIGHT INDUSTRIAL (LI) AND HEAVY INDUSTRIAL (HI) ZONING DISTRICTS

A. Any use defined in this Ordinance as “Light Industrial” or “Heavy Industrial” shall be limited to no more than one row of automobile spaces parallel to the adjoining street within the street yard of any lot containing a principal building. In no case shall there be greater than 20 spaces in such parking area.

9.3.2 ALL OTHER ZONING DISTRICTS

A. In all other zoning districts, all off-street parking areas shall be located in the side or rear yards of lots containing a principal building.

B. Required parking for single-family, duplex, and townhome dwelling units may be located in the required street yard.

9.4 PARKING REQUIREMENTS

Permanent off-street parking (including on-street parking in accordance with the requirements below) is required subject to the table below. If required, parking shall be provided at the time of erection, alteration, enlargement, establishment, or change of use of any building or open use of land which requires addition off-street parking. The minimum parking requirements have been set intentionally well below the general market expectations as a means to mitigate against the negative aspects of paved surfaces on the environment such as excessive runoff, water pollution, and urban heat island effect.

9.4.1 MINIMUM REQUIRED PARKING TABLE

Use Category / Use	Minimum Required Auto Spaces	Minimum Required Bicycle Parking Spaces
A. RESIDENTIAL		
1. Accessory Dwelling	1 per unit	No Requirement
2. Cluster Mailbox Unit	2 spaces per location, one space must meet ADA accessibility requirements	No Requirement
3. Dormitory	1 per 800 sf	1 per 2 rooms
4. Dwelling – Single-Family & Duplex	1 per unit, or 2 per unit if parking is provided within an enclosed garage	No Requirement
5. Dwelling – Townhome & Multi-Family; Upper-Story Residential	1.5 per unit	2 per 40 auto spaces
6. All Other Residential Uses	No Minimum Requirement	No Requirement
B. LODGING		
1. All Lodging Uses	1 per room	2 per 50 auto spaces
C. OFFICE / SERVICE		
1. Medical Clinic	1 per examination room	2 per 50 auto spaces
2. All other Office / Service Uses	1 per 600 sf	2 per 50 auto spaces
C. COMMERCIAL / ENTERTAINMENT		
1. All Commercial / Entertainment Uses	1 per 400 sf	2 per 40 auto spaces
D. CIVIC		
1. Civic Meeting Facilities	1 space per 8 seats in the largest assembly room	2 space per 50 auto spaces
2. Conference / Convention Center	1 space per 8 seats in meeting spaces / assembly rooms (cumulative)	2 space per 40 auto spaces
3. Religious Institution	1 space per 8 seats in the largest assembly room	2 space per 40 auto spaces
4. All Other Civic Uses	No Minimum Requirement	1 space per 50 auto spaces
E. EDUCATIONAL / INSTITUTIONAL		

1. Child / Adult Day Care Center (more than 8 person)	1 space per classroom	2 per 50 auto spaces
2. Schools – Elementary & Secondary	1 per 8 seats in the largest assembly room (including gymnasium)	2 per 40 students
3. Studio – Art, Dance, Martial Arts, etc	1 per 400 sf	2 per 20 auto spaces
4. All Other Educational / Institutional Uses	No Minimum Requirement	2 per 40 auto spaces
F. AUTOMOTIVE		
1. All Automotive Uses	1 space per 400 sf	1 per 50 auto space
G. INDUSTRIAL		
1. All Industrial Uses	No Minimum Requirement	1 space per 50 auto spaces
H. AGRICULTURAL		
1. All Agricultural Uses	No Minimum Requirement	No Minimum Requirement
I. INFRASTRUCTURE		
1. All Infrastructure Uses	No Minimum Requirement	No Minimum Requirement

9.4.2 EXEMPTIONS AND ADJUSTMENTS

A. Uses in the TC, Town Center District, are exempt from the minimum parking requirements in this section.

B. The Administrator may allow deviations from the minimum parking requirements above for a particular use on a particular lot whenever they find that such deviation is more likely to satisfy the parking requirements for that instance. A deviation for a particular use on a particular lot does not automatically alter the minimum parking required for a similar use on a different lot.

1. Approved deviations shall be based on parking studies provided by a certified professional, or on previously approved developments that are similar in nature to the subject development.

2. Whenever the Administrator allows a deviation from the minimum parking requirements in Section 9.4.1, the permit approving the development shall include the parking shall include a note that indicates the approved parking requirement and the reason for permitting the deviation.

3. Without limiting the generality of the foregoing, the Administrator may allow deviations from the parking requirements of this section when it is found that:

a. A residential development is irrevocable oriented toward the elderly; or

b. A business is primarily oriented towards walk-in trade.

9.4.3 JOINT PARKING

A. One parking area may contain required spaces for several different uses, but except as provided in this section, the required space assigned to one use may not be credited to another.

B. To the extent that development wish to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a parking lot is used in connection with an office use Monday-Friday but is generally 90% vacant on weekends, another development that operates only on weekends could be credited with 90% of the spaces in that lot.

C. If the joint use of the same parking spaces by two or more principal uses involves satellite parking spaces, then the provisions of 9.4.4 are also applicable.

D. Any plans for joint use of parking spaces used to satisfy the minimum off-street parking requirements of this Ordinance shall be provided to the Administrator for review. The Administrator and the owners of the lots involved shall each sign an approved agreement which has been deemed by the Administrator to satisfy these requirements. A copy of such agreement shall be recorded in the Register of Deeds Office. Evidence of the recording of the agreement shall be presented to the Administrator prior to the issuance of permits or certificates of occupancy for the lot and/or use benefiting from the agreement.

9.4.4 SATTELLITE PARKING

A. If the number of off-street parking spaces required cannot be reasonably provided on the same lot where the principal use is located, spaces may be provided on adjacent or nearby lots in accordance with this section.

B. All such satellite parking spaces must be located within 300 of the primary public entrance of the principal building, or within 300 feet of the lot on which the associated use is located if there is no principal building.

C. The applicant must provide written evidence that they have permission of the property owner, or owner's agent, to use the satellite parking

spaces. Such agreement shall be signed by both the applicant and the property owner, or owner's agent, containing the satellite parking. The applicant must also acknowledge that the permit approving the subject development is only valid on the continued provision of the parking meeting the minimum requirements of this Ordinance.

D. The applicant will not be held responsible by the Town of Wingate for the maintenance of satellite parking areas or for ensuring that said parking areas meets the design requirements in this Chapter.

9.4.5 CHANGE OF USE

If there exists a lot with one or more structures on it which were constructed before the effective date of this Ordinance, and there is a subsequent change of use, the required amount of off-street parking shall be provided for that use either on-premises, as joint parking provided per 9.4.3, or as satellite parking provided per 9.4.4.

9.5 VEHICLE PARKING DESIGN STANDARDS

9.5.1 PARKING AREA GENERAL DESIGN STANDARDS

A. Unless no other practical alternative is available, vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve single-family, duplex, or townhome dwelling units. Under no circumstance may a parking area be designed to require vehicles to back onto streets classified ass arterial or higher.

B. Vehicle accommodation areas of all developments shall be designed that that emergency, sanitation, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous movements.

C. Every vehicular accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over public and private sidewalks.

D. All vehicular parking spaces shall be no closer than 10 feet to any structure.

E. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles.

9.5.2 SURFACING

Off-street parking areas shall be properly graded, marked and located on improved lots or within parking structures. The material for surface parking spaces and corresponding access drives required by this section, except for single-family and duplex dwelling units, shall consist of suitable material as set forth below.

A. Vehicle accommodation areas that are required to have 5 or more parking spaces and are used regularly (at least 5 days per week) shall be graded and surfaced with asphalt or concrete to protect against potholes, erosion, and dust.

B. Vehicle accommodation areas that are required to have 5 or more parking spaces and are used at least 5 days a week shall be constructed with perimeter curb and gutter.

C. Vehicular accommodation areas that do not meet the requirements of 9.5.2.A and 9.5.2.B shall be graded and surfaced with crushed stone, gravel, or other suitable material to provide a surface that is stable and will help to reduce dust and erosion. The perimeter of such parking areas shall be defined by bricks, stones, railroad ties, or other similar devices. In addition, whenever such a vehicle accommodation area abuts a paved street, the driveway leading from such area to such street shall be paved as provided in 9.5.2.A for a distance of not less than 15 feet from the edge of the street pavement. This section shall not apply to single-family and duplex dwelling units or any other use required to have two or less parking spaces.

D. Parking spaces improved per the standards of 9.5.2.A shall be appropriately demarcated with painted lines or other markings. Parking spaces surfaces in accordance with 9.5.2.B shall be demarcated when practical.

E. Vehicle accommodation areas shall be properly maintained in all respects. In particular, and without limiting the forgoing, vehicle accommodation area surfaces shall be kept in good condition and parking space lines shall be kept clearly visible and distinct. Maintenance of vehicle accommodation areas is considered a condition of the approval of all new development. Failure to properly maintain vehicle accommodation areas is considered a violation of the approved development permit and may be subject to the standards of Chapter 16 of this Ordinance.

F. Temporary parking lots may be constructed out of crushed stone, gravel, or other suitable material. A temporary parking lot is defined as one that will not be used for a period exceeding 365 days from the date the parking lot is first put into service. The Administrator may grant up

to two extensions, each for a period of up to 6 months if the applicant can show that provisions are being made to either construct a permanent parking lot or discontinue use of the temporary parking lot. Once the temporary parking lot is discontinued, all above ground appurtenances related to the parking lot, such as lights, curb stops, etc., shall be removed within 30 days of such discontinuation of use.

G. All accessible spaces and corresponding access paths shall be constructed of concrete or asphalt.

H. Porous paving blocks and pervious paving materials are permitted and encouraged as material for parking lots. The use of reinforced grass as a parking lot surface is permitted for use in approved satellite parking areas.

9.5.3 PARKING SPACE DIMENSIONS

A. Each parking space shall contain a rectangular area at least 19 feet wide and 9 feet long. Lines demarcating parking spaces may be drawn at various angles in relating to curbs and aisles, so long as the parking spaces so created contain within them the rectangular area required by this section.

B. In parking areas containing 10 or more parking spaces, up to 25% of the parking spaces may contain a rectangular area of 7 ½ feet wide by 15 feet long. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.

C. Whenever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than 22 feet by 9 feet. The width of parallel parking spaces is measured from the face-of-curb.

9.5.4 REQUIRED WIDTHS OF PARKING AREA AISLES AND DRIVEWAYS

A. Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking:

		Parking Angle				
		0°	30°	45°	60°	90°
Aisle Width	**One-Way Traffic**	13 ft	11 ft	13 ft	18 ft	24 ft
	Two-Way Traffic	20 ft	20 ft	21 ft	23 ft	24 ft

B. Driveways shall not be less than 10 feet in width for one-way traffic and 18 feet in width for two-way traffic, except that 10 feet wide driveways are permissible for two-way traffic when:

1. The driveway is no longer than 50 feet; and

2. The driveway provides access to not more than 6 spaces; and

3. Sufficient turning space is provided so that vehicles need not back into a public or private street.

9.5.5 CONNECTIVITY

A. Adjoining vehicle accommodation areas serving, or potentially serving, non-residential or multi-family dwelling uses shall be interconnected as follows:

1. The vehicle accommodation area under development has a minimum of 24 parking spaces or equivalent parking area.

2. At least one connection is provided at all lot lines that are coincident for at least 60 feet with another lot zoned for non-residential or multi-family dwelling uses.

3. The connection point is at least 20 feet in width.

4. If applicable, the connection shall align with a connection that has been previously constructed on an adjacent property.

5. The connection point shall not have a slop of greater than 15%.

6. The connection shall not be placed where a building on an adjacent property is within 15 feet of the lot line which would hamper traffic movements within the parking lot.

7. The connection is placed in an area what will not require the removal of significant natural features such as wetlands, stream buffers, and floodplains, or removal of a canopy tree with a caliper of 6 inches or more.

8. In the event that these conditions cannot be met, or if such connection would create and undesirable flow of vehicular traffic, the Administrator may waive the connection requirement.

B. Where a parking lot connection is required, a permanent easement for ingress and egress to adjacent lots shall be recorded with the County Register of Deeds in the form of an easement plat.

9.5.6 STRUCTURED PARKING

New development, particularly (but not exclusively) in the urban, form-based zoning districts may be built with structured parking facilities instead of traditional surface parking lots. Where structured parking facilities are constructed, the following standards shall apply:

A. Screening Required: Where an above-ground parking structure fronts on a public street, the ground level of the parking structure shall be screened in such a way that cars are not visible from the street (e.g., the structure may be wrapped by retail, office, or some other active use along the primary façade.)

B. Materials: Along all streets not classified as a major or minor thoroughfare, parking structure facades shall be treated with high quality materials and given vertical articulation and emphasis consistent with the principal structure(s) within the development. The façade shall be designed to visually screen cars.

1. Along streets classified as a major or minor thoroughfare, screening may be achieved through the use of vegetation, fences, walls, or berms as describe in Chapter 8 of this Ordinance.

C. Entries: Pedestrian entrances to the parking structure shall be clearly visible and marked by an architecturally distinct feature, such as an awning, canopy, or change in colors and materials.

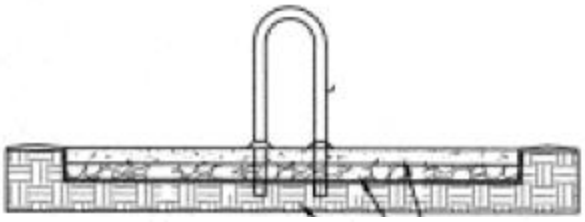
D. Bicycle Parking: Parking structures shall provide bicycle parking within the structure. Bicycle parking shall be located on the level closest to the street and primary building entrance.

9.6 BICYCLE PARKING

Bicycle parking shall be provided as required in 9.4.1 of this Ordinance. Required bicycle parking shall be designed to provide convenient areas for the temporary storage of bikes and to protect the bicycles from damage.

9.6.1 BICYCLE PARKING FACILITIES

A. Racks such as loop, post, rails, and inverted “U” racks shall be used to provide the required bicycle parking. Each rack is considered to provide 2 bicycle parking spaces.



BICYCLE RACK DETAIL
NOT TO SCALE

9.6.2 GENERAL BICYCLE PARKING DESIGN STANDARDS

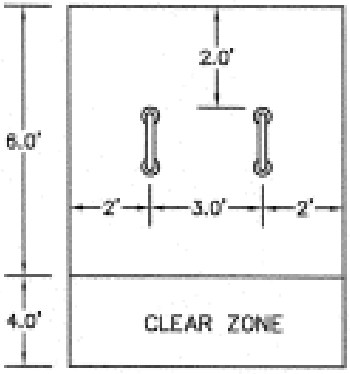
A. Surfacing: Bicycle parking shall be provided on a hard surface, all-weather pavement of asphalt or concrete with curb ramps installed as appropriate.

B. Signage: Where not clearly visible from the primary site access, directional signage shall be provided to route bicyclists to the bicycle parking facilities.

C. Installation: Bicycle parking shall be installed according to the manufacturers' instruction.

D. Placement: Bicycle parking shall be:

1. Separated from automobile parking by a physical barrier or at least 4 feet from where automobile parking is permitted and shall be located as close to the public and employee entrances as possible without interfering with the flow of pedestrian and vehicular traffic.



2. Separated from designated pedestrian paths and provide a minimum clear zone of at least 4 feet if located adjacent to said pedestrian paths.

3. Designed so that the bicycle parking area is at least 6 feet in depth.

4. Designed so that the racks are located no closer than 2 feet to the boundary of the bicycle parking area.

5. Designed so that bicycle racks are separated a minimum of 3 feet.

6. Designed so that bicycle racks are a minimum of 2 feet from structures.

9.7 DRIVEWAY ACCESS

9.7.1 DRIVEWAY STANDARDS

Any use which required lowered or cutaway curbs, for the purposes of ingress or egress, shall be subject to the provisions below.

A. Maximum Number of Driveways: The maximum number of combined driveway entrances and exits allowed on any parcel shall correspond to the frontage of that parcel on any one street as indicated in the following table:

Frontage Width	Maximum Number of Driveways Permitted
Less than 500 feet	1
500 – 1,000 feet	2
More than 1,000 feet	3

B. Where the posted speed limit is 55 mph or more, driveway spacing shall be at 300-foot intervals or more. Where the posted speed limit is less than 55 mph, driveway spacing shall be 230 feet or more.

C. Adjacent or adjoining lots with street frontages of less than 100 feet are encouraged to combine driveways accesses.

D. Whenever separate or single parcels are assembled under one purpose, plan, entity, or usage, consolidation of existing driveways shall be required to the extent feasible. Approval depends on the property owner or developers plan to use existing driveways. However, the number of driveways permitted shall not exceed the standards in 9.7.1.A.

E. The Planning Board may allow modifications to these standards where the technical feasibility (geometric design and operational requirements for implementation) does not compromise the “access control” and where it is shown that the lot(s) in question could not be developed without such modifications. With a complete set of design and operational requirements available, when the North Carolina Department of Transportation advises that a particular development design or technique can still achieve a satisfactory level of “access control” consistent with the objectives of this section.

F. All driveways shall be constructed so that:

1. Vehicles can enter or exit the lot in question without posing a danger to themselves, pedestrians, or vehicles travelling on adjacent streets.

2. Interference with the free and convenient flow of traffic on abutting or surrounding streets is minimized.

G. Driveway Widths: Required driveway width is measured at the lot boundary shared with a recorded public right-of-way. Where no record exists of the location of the public right-of-way, driveway width shall be measured at the edge of pavement, back of curb, or edge of sidewalk, as applicable.

1. **Single-Family Residential Dwellings:** Driveways for detached single-family residential dwelling units shall have a maximum width of 18 feet.

2. **All Other Driveways:** The width, in feet, of a driveway shall be within the minimum and maximum limits below.

   a. One -way drives shall have a minimum width of 12 feet and a maximum width of 24 feet.

   b. Two-way drives shall have a minimum width of 18 feet and a maximum width of 30 feet.

3. **Public Service Driveways Exempt:** Driveways for parcels housing public services such as fire protection, law enforcement, emergency response, or other public services shall be exempt from the driveway width requirements in this section.

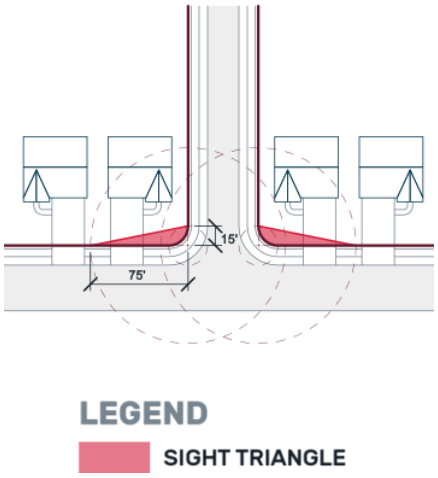
H. Utility Driveways: A 10-foot wide curb depression shall be provided at all locations where utilities cross curb and gutter to run unto off-site easements. The purpose of the depression is to provide access to utility equipment without requiring vehicles to drive over the curb.

I. Compliance with Local and State Requirements

1. Any person or corporation desiring to construct a driveway or other connection within right-of-way of the town or state shall, before beginning any construction, secure the appropriate permits from the authorizing agency allowing such construction. Driveway connections to residences are normally excluded from this requirement but may be included at the discretion of the authorizing agency.

2. Failure to secure a permit prior to construction may result in the removal of the driveways and denial of access at the requested location.

J. Driveway Sight Triangles



1. At all driveway approaches, a sight area shall be maintained. Within the sight area no fence, wall, sign, graded slope or embankment, parked vehicle, hedge, foliage, tree or other planting, and no other object shall be placed, erected, or maintained which will obstruct visibility at a height greater than 2 ½ feet.

2. Sight triangles for driveways are the triangular area formed by a diagonal line connecting to points on intersection property lines, or a property line and the curb or a driveway, each point

CHAPTER 10: Site and Street Lighting

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CHAPTER 10: Site and Street Lighting

10.1 PURPOSE AND APPLICABILITY

10.1.1 PURPOSE

The standards set forth in this section are designed to focus on the actual physical effects of lighting, as well as the effect that lighting may have on the surrounding neighborhood. It is the intent of this section to:

A. Minimize light pollution, such as glare and light trespass.

B. Conserve energy and resources.

C. Maintain night-time safety and utility.

D. Improve the night-time visual environment

10.1.2 APPLICABILITY

Unless otherwise specified, this section shall apply to all development in the Town of Wingate which required an application or approval as specified in this Ordinance. This includes, but is not limited to, changes of use, building expansions / reconstruction, and parkin area expansions for existing development according to the provisions of Chapter 13.

10.1.3 NONCONFORMING LIGHTING

Any nonconforming lighting fixture lawfully in place and approved by the town prior to the adoption of this Ordinance shall be exempt from these requirements. Routine maintenance, including changing the lamp, ballast, starter, photo control, lens, and other required components, is permitted for all existing fixtures. At the time that a nonconforming fixture, which was installed prior to the adoption of this Ordinance, is replaced, moved, upgraded, or otherwise changed, the fixture must be replaced by a fixture that is in compliance with this Ordinance and the NC Energy Code.

10.2 PROHIBITIONS AND EXEMPTIONS

10.2.1 PROHIBITIONS

The following lighting types shall be prohibited within the jurisdiction of the Town of Wingate:

A. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment.

B. The operation of searchlights for advertising purposes.

C. Sight lighting that may be confused with warning, emergency, or traffic signals.

D. Lights that flash, move, revolve, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation.

E. Awnings and canopies used for building accents over doors, windows, etc., shall not be internally lit (i.e. from underneath or behind) so as to visually turn a translucent material into an internally illuminated material. Lighting may be installed under canopies to light the sidewalk, or downlights onto the architectural features of a building.

10.2.2 EXEMPTIONS

The following exemption shall be granted from the requirements of this section:

A. Luminaries installed for public roadway illumination may be installed at a maximum height of 37 feet and may be positioned at that height up to the edge of any bordering property.

B. All emergency lighting needed by the Police or Fire Departments, or other emergency services, as well as all vehicle luminaries, shall be exempt from the requirements of this Ordinance.

C. All hazard warning luminaries required by federal regulatory agencies are exempt from the requirements of this Ordinance, except that all luminaries used must be red and must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task.

D. Individual residential lighting that is not part of a site plan or subdivision plan for street or other common or public area outdoor lighting.

E. Lighting associated with holiday, festival, or other temporary uses permitted in Section 4.7.

F. Lighting of public art that has been permitted or otherwise approved by the town.

G. Other municipal or state lighting installed for the benefit of the public health, safety, and general welfare.

H. All fixtures installed or temporarily used by public agencies, their agents, or contractors for the purpose of illuminating public streets.

I. Lighting of US and North Carolina flags provided that the flag standard does not exceed the maximum permitted building height in the zoning district in which it is located.

10.3 DESIGN STANDARDS

10.3.1 GENERAL DESIGN STANDARDS

A. Background spaces such as parking lots and driveways shall be illuminated as unobtrusively as possible to meet the functional needs of safe circulation and of protecting people and property.

B. Foreground spaces, such as building entrances and plaza seating areas, shall utilize lighting that defines, highlights, or enhances the space without glare.

C. The style of light standards and fixtures shall be consistent with the style and character of the architecture proposed on the site.

D. Light poles and fixtures shall be of a matte or low-gloss gray, black, dark earthen, or bronze finish, unless permission is granted by the Administrator for a special color or theme.

E. No outdoor pole lighting fixture shall be located within any required landscape buffer or street yard.

F. Light sources must be compatible with the light produced from surrounding areas and must produce an unobtrusive degree of brightness in both illumination levels and color temperature.

G. Natural areas and natural features shall be protected from light spillage from off-site sources.

H. All exterior lighting, on or off a building, shall be either amber or white in color, with the exception of low-light output (800 lumens or lower) landscaping or other decorative lighting, signage lighting, or customer entrance or service area lights aiming down and installed under a canopy or similar roof structure.

10.3.2 DISTRICT LIGHTING STANDARDS IN FOOT-CANDLES (FC)

A. Maximum lighting levels shall adhere to the standards of the chart below. All numerical values in the chart below represent measurements in foot-candles.

	RA-40, RA-20, R-20	R-8, R-6, R-4, MHP	B-1, B-2, B-3, B-6, HC, LI, HI	TC, RMU, UMU
MAXIMUM FC AT PROPERTY LINE	.1	.3	.8	1
DISPLAY / CANOPY AREAS	8	12	20	20
PARKING AREAS	4	4	6	6
ALL OTHER ON-SITE LIGHTING	4	6	10	10

1. The values in the preceding chart for "Parking Areas" shall represent the average point of horizontal illuminance measured in foot-candles, provided that in all districts the maximum uniformity ratio shall be 4:1 minimum to average.

10.3.3 CONTROL OF GLARE – LUMINAIRE DESIGN FACTORS

A. Pole light fixtures shall have a flat lens oriented horizontally or have shields installed on each side of the fixture to hide the lens.

B. Any luminaire shall be a full-cutoff type fixture.

C. Any luminaire shall be mounted at a height equal to or less than 30 feet above the finished grade.

D. The maximum mounting height of all outdoor lighting with a 90° or less degree cutoff fixture shall be 30 feet. The maximum mounting height of all outdoor lighting without a full 90° or less cut-off fixture shall be 16 feet. Poles may be mounted on a concrete pier no more than 3 feet in height.

E. Other than floodlights, flood lamps, and spotlights, all outdoor fixtures of more than 2,000 lumens shall be full-cutoff fixtures. Any fixture than is not full-cutoff shall be a directional fixture (such as flood lights) and may be used provided they are aimed and full shielded to prevent light spillage.

F. Exceptions to A through E Above:

1. Non-decorative post-mounted fixtures equipped with a solid top and mounted 18 feet or less above the ground and other non-cutoff dawn-to-dusk utility type fixtures mounted 25 feet or less above the ground may be used. The maximum initial lumens generated by each fixture shall not exceed 9500 initial lamp lumens.

2. Metal halide, mercury vapor, fluorescent, and other white-colored light source lamps used in non-cutoff fixtures, excluding flood lights, shall be coated with an internal white frosting inside the outer lamp envelope.

10.3.4 SECURITY LIGHTING

A. Unshielded flood lights and spotlights, installed for security and activated by motion sensors, are permitted. These unshielded lights must be mounted and aimed in a manner that minimizes up-lighting and light trespass.

B. All floodlights shall be installed such that the fixture shall aimed down at least 45° from vertical. All flood or spot lamps emitting 1000 or more lumens shall be aimed at least 60° down from vertical or shielded such that the main beam from the light source is not visible from adjacent properties or the public street right-of-way.

C. Flood lights and display lights shall be positioned such that any fixture located within 50 feet of a public street right-of-way is mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed 15° from perpendicular from the right-of-way.

10.3.5 LANDSCAPE LIGHTING

Landscape and decorative lighting using incandescent lighting with an output of 800 lumens or less is permitted, provided that the light is installed and aimed to prevent lighting build up and light trespass and shielded to prevent view from the public right-of-way.

10.3.6 OUTDOOR RECREATIONAL LIGHTING

Because of their unique requirements for nighttime visibility and their limited hours of operation, athletic fields, athletic courts, outdoor performance areas, and similar recreational uses are exempt from the exterior lighting standards elsewhere in this Chapter. These uses must comply with the following regulations:

A. Lighting shall not exceed a maximum post height of 80 feet. The Administrator may set a shorter maximum pole height if it is determined that the specific recreational use does require a taller pole.

B. Lights shall be shielded and positioned so as not to shine onto adjacent roadways or properties.

C. All fixtures shall be fully shielded or designed or provided with the manufacturers glare control package so as to minimize up-light, spill-light, and glare.

D. Fixtures shall be designed and aimed so that their beams fall within the primary playing area and the intermediate surroundings, so that off-site direct illumination is restricted. The maximum permitted illumination at the property or right-of-way line shall not exceed 2 foot-candles and all lights, except for any amber color (a temperature rating equal to or less than 2,700 Kelvin) security lights, shall be cut off after use.

10.3.7 STREET LIGHTING

Street lighting shall be placed on all streets to allow for the safe use of streets by both cars and pedestrians. All street lighting shall be placed in accordance with the following design standards:

A. **Street Light Spacing:** Minimum average street light spacing shall be adequate to protect the public safety in the district in which the development is located. Street lights shall be spaced so lights are no less than 90 feet apart, and no more than 150 feet apart.

B. **Roadway Illumination Requirements:** The roadway illumination requirements shall be enforced to according to the Town Street Classifications in Chapter 6 of this Ordinance as outlined in the table below.

	MAJOR / MINOR THOROUGHFARE	BOULEVARD	AVENUE	COMMERICAL STREET	RESIDENTIAL STREET	MINOR STREET
MINIMUM AVERAGE MAINTAINED ILLUMINANCE	.8 foot-candles	.8 foot-candles	.8 foot-candles	.6 foot-candles	.3 foot-candles	.3 foot-candles
UNIFORMITY RATIO*	3 to 1	3 to 1	3 to 1	3.5 to 1	6 to 1	6 to 1

**Uniformity Ratio is the average maintained illuminance in foot-candles of the roadway design area divided by the lowest value for illuminance in foot-candles at any point in the area.*

C. Lighting shall be placed at all street intersections.

D. Pedestrian-scaled street lighting (no taller than 18 feet) shall be required in the TC, RMU, and UMU districts.

E. Pedestrian-scaled lighting (no taller than 18 feet) shall be preferred over automobile-scaled lighting in all districts.

F. Lighting shall be placed in a manner to limit the casting of shadows over sidewalks.

G. All street lights shall utilize a cutoff fixture. Where buildings are close to the street (less than 15 feet from the right-of-way), full-cutoff fixtures are required to limit glare and light spillage on upper-levels.

10.3.8 LIGHTING FOR VEHICULAR CANOPIES

Lighting under vehicular canopies shall be designed so as not to create glare off-site. Acceptable methods include one or more of the following:

1. Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface of the vehicular canopy.

2. Surface mounted fixture incorporating a flat lens that provide a cutoff or shielded light distribution.

3. Other methods approved by the Administrator.

10.4 ADMINISTRATION

10.4.1 COMPLIANCE

A. Lighting plans are required as part of site, subdivision, or construction plans and shall include at least the following information:

1. Point-by-point foot-candle arrays in a printout format indicating the location and aiming of illuminating devices. The printout shall indicate compliance with the maximum maintained foot-candles required by the Ordinance.

2. Description of the illuminating devised, fixtures, lands, supports, reflectors, poles, raised foundations and other devices.

B. Subsequent phases of an entire development shall have a uniform design plan for lighting and fixtures. New phases must meet all requirements in effect at the time of obtaining a permit, but lighting plans must consider preexisting lighting in earlier phases, but in design and intensity of light.

CHAPTER 11: Signs

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CHAPTER 11: Signs

11.1 PURPOSE AND INTENT

It is the purpose of this Chapter to authorize the use of signs whose size, type, and location are compatible with their surroundings; to ensure signs do not become a public hazard, nuisance, or traffic hazard; to preserve the characteristics of each district; and to protect and enhance the overall appearance of the community. It is not the intent of this Chapter to prohibit any sign, display, or device containing any lawful non-commercial message.

11.2 APPLICABILITY

All signs within the Town of Wingate's jurisdiction shall comply with these regulations and be erected, constructed, and maintained in accordance with the provisions of this Chapter.

11.2.1 PERMITS REQUIRED

A. Except as provided in §11.6 or elsewhere in this Chapter, it shall be unlawful for any person to erect, construct, enlarge, move, or replace any sign without first obtaining a permit from the Town of Wingate. Sign permits shall be submitted and reviewed in accordance with the procedure outlined in §15.5.2 of this Ordinance.

B. Additional permits may be necessary pursuant to the regulations in the state building code or other sections of this Ordinance.

11.2.2 ALTERATION OF SIGN FACE

Cleaning, electrical repair, resurfacing, and other maintenance of a sign shall not require a sign permit. The changing of tenant name panels on multiple-tenant development signs and the change of copy on other signs specifically designated for changeable copy shall not require a permit.

11.3 COMPUTATION OF SIGNAGE MEASUREMENTS

11.3.1 COMPUTATION OF SIGN AREA

A. The area of a sign face shall be the entire area within the smallest polygon that will encompass the extreme limits of the writing, representation, emblem, or other display on the sign that can reasonably be calculated.

B. The area shall also include any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.

C. Frames or structural members not bearing informational or representational matter shall not be included in the area of the sign face.

D. All sides of a multi-sided sign shall be included in the computation of the area of the sign face except that the total area of a two-sided, back-to-back sign shall only be calculated as the area of one of the sides.

11.3.2 COMPUTATION OF SIGN HEIGHT

A. **Attached Signs:** The sign height for attached signs shall be computed as the distance from the finished grade at the base of the building to which the sign is attached to the top of the highest component of the sign.

B. **Freestanding Signs:** The sign height for ground signs shall be computed as the lesser of:

1. The distance from the base of the sign at the finished grade to the top of the highest component of the sign; or

2. The distance from the nearest adjacent street grade to which the sign is oriented, and on which the lot has frontage, to the top of the highest component of the sign.

11.4 GENERAL PROVISIONS

11.4.1 LOCATION

A. Except where specifically permitted in this Chapter, all signs, including the supports, frames, and embellishments thereto, shall not be located within any public right-of-way, sidewalk clear zone, or sight triangle.

B. Except where specifically permitted by this Chapter, the subject matter of any sign shall be related to the premises on which the sign is located. When the use or establishment to which a sign is related ceases or is vacated, the sign, including all of its attendant supports, frames, and hardware shall be removed within four months of the cessation or vacating of the use or establishment unless such sign is used by a new use or establishment on the premises in conformance with the requirements of this Chapter.

11.4.2 DESIGN AND MATERIALS

A. All attached signs and sign support frames shall be mounted and attached to a building or the ground in a secure manner, shall not

include any wire or turnbuckle guy, and shall be maintained in good repair for safety and appearance.

B. All permanently installed signs shall be able to resist normal loads from positive and negative wind pressure, snow, and other conditions as required by the current edition of the North Carolina version of the International Building Code.

C. The Administrator reserves the right to require sign load calculations and attachment design from a state licensed structural engineer, and to require same engineer to certify the sign installation in writing.

11.5 NONCONFORMING SIGNS

Signs erected after the passage of this Ordinance shall conform to the standards set forth herein. All legal nonconforming signs in existence as of the effective date of this Ordinance may be continued and shall be maintained in good condition. Nothing in this Ordinance shall prevent the normal maintenance of an existing, nonconforming sign. However, a nonconforming sign shall not be:

A. Changed to another type or shape of nonconforming sign; provided, however, the copy, content, or message of the sign may be changed as long as the shape and/or size of the sign is not altered.

B. Structurally altered, except for normal maintenance.

C. Physically expanded, enlarged, or extended in any manner.

D. Reestablished after discontinuance for 120 days.

E. Reestablished after the sign is removed, except for normal maintenance.

F. Reestablished after damage or destruction where the estimated expense of reconstruction exceeds 50% of the appraised replacement cost of the sign in its entirety.

11.6 EXEMPT SIGNS

The following signs are exempt from permit requirements of this Chapter provided that such signs comply with the provisions below.

A. Signs bearing only property identification numbers and names, post office box numbers, or other identification of premises not of a commercial nature, provided that such signs are not illuminated and do not exceed two signs per parcel and do not exceed two square feet in area per display surface.

B. Flags and insignia of a government when not displayed in connection with a commercial promotion.

C. Legal notices, identification and informational signs, and traffic directional or regulatory signs erected by, or on behalf of, a governmental body.

D. Memorial signs or tablets, and names and construction dates of buildings when cut into a masonry surface.

E. Signs directing and guiding traffic and parking on private property on which the signs are located, provided that such signs are not illuminated, or are indirectly illuminated, bear no advertising matter, and do not exceed four square feet in area per display surface.

F. Political signs not located on any tree, utility pole, publicly-owned property or within a public street right-of-way, except within NCDOT right-of-way according to the standards of NCGS §136-32.

11.7 TEMPORARY SIGNS

Temporary signs may be located on private property with an approved zoning permit issued in accordance with the standards of §15.5.2 of this Ordinance. Temporary signs shall comply with the requirements below.

11.7.1 TYPES OF TEMPORARY SIGNS

A. Window Signs: Temporary signs which are affixed to the inside of a window.

B. Special Event Signs: Signs erected by public or non-profit organizations for promoting special events, such as fundraisers, fairs, festivals, sporting events, etc. Special event signs also include temporary signs announcing the grand opening of new businesses, sales, promotions at commercial establishments, etc.

C. Other Temporary Signs: Signs erected in conjunction with an active construction project, yard sale, real estate sale, etc.

11.7.2 TEMPORARY SIGNS IN RESIDENTIAL ZONING DISTRICTS

Temporary signs located in the RA-40, RA-20, R-20, R-8, R-6, and R-4 zoning districts shall comply with the standards in the table below:

SIGN TYPE	MAXIMUM SQUARE FOOTAGE	DURATION (per calendar year)
Window Sign	4 sf (may not exceed 50% of the area of the window)	30 days (maximum)
Special Event Sign	16 sf	30 days (maximum)
Other Temporary Signs	8 sf	30 days (maximum)

11.7.3 TEMPORARY SIGNS IN NON-RESIDENTIAL AND FORM-BASED DISTRICTS

Temporary signs located in the B-1, B-2, B-3, B-6, HC, LI, HI, TC, RMU, and UMU districts shall comply with the standards in the table below:

SIGN TYPE	MAXIMUM SQUARE FOOTAGE	DURATION (per calendar year)
Window Sign	16 sf (may not exceed 50% of the area of the window)	30 days (maximum)
Special Event Sign	32 sf	30 days (maximum)
Other Temporary Signs	24 sf	30 days (maximum)

11.8 PROHIBITED SIGNS

The sign types below are not permitted within the Town of Wingate planning jurisdiction.

A. Off-Premise Signs: All off-premise signs unless specifically allowed elsewhere in this Ordinance are prohibited.

B. Animated / Flashing Signs: Except as otherwise approved for time and temperature signs, signs displaying blinking, flashing, or intermittent lights, animation, and moving parts or signs giving the illusion of movement are prohibited. Time and temperature signs that rotate or move are not permitted.

C. Signs Resembling Governmental Signs: Any sign that imitates an official governmental sign or violates the laws of the State of North Carolina relating to outdoor advertising are prohibited.

D. Signs Resembling Traffic Signals: The following signs are prohibited:

1. Any sign which by color, location, or nature may be confused with official highway signs, warning signs, traffic signals, or other regulatory devices.

2. Any sign that uses the words “STOP”, “SLOW”, “CAUTION”, “DANGER”, or any word which is likely to be confused with traffic directional and regulatory signs.

3. Any sign located in a manner which might constitute a traffic hazard.

E. Signs on Roadside Appurtenances: Signs attached to or painted on utility poles, telephone poles, trees, parking meters, bridges, overpasses, rocks, other signs, benches, refuse containers, etc. unless specifically allowed elsewhere in this Ordinance.

F. Pennants, Streamers, Balloons: Signs containing or consisting of pennants, balloons, ribbons, streamers, or spinners.

G. **Signs Obstructing Access:** Any sign that obstructs free ingress or egress from a driveway or required window, door, fire escape, stairway, ladder, or other required opening.

H. **Signs Installed on Public Property:** Any sign installed or placed on public property or within a public right-of-way, including any sign held or otherwise displayed upon a person. Such sign shall be forfeited to the public and is subject to confiscation and disposal. In addition to other remedies, the Administrator shall have the right to recover from the owner or person placing such sign the full costs of removal and disposal of the sign.

11.9 ILLUMINATION OF SIGNS

Internal or external illumination of signage is permitted subject to the standards below.

A. **Prohibited Lighting:** No flashing or intermittent illumination shall be permitted on any sign or associated structure.

B. **Shielding Required:** Any indirect lighting or spot lighting shall require complete shielding of all light sources as to illuminate only the face of the sign and prevent glare off-site or into vehicular travel ways.

C. **Compliance with Chapter 10:** All sign illumination shall be in conformance with Chapter 10 of this Ordinance.

11.10 STANDARDS FOR PERMANENT SIGNS

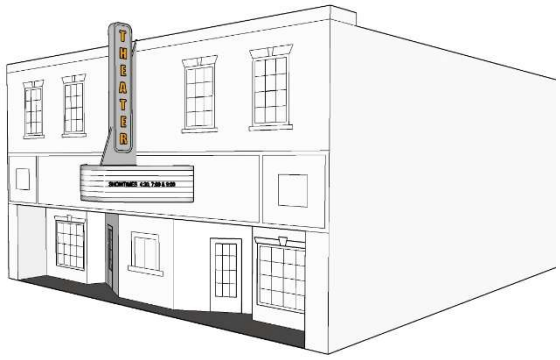
11.10.1 RESIDENTIAL DEVELOPMENT IDENTIFICATION SIGNAGE

No sign shall be erected or displayed in the RA-40, RA-20, R-20, R-8, R-6 zoning districts, or for residential developments in the RMU and UMU zoning districts, except as provided below.

A. **Development Identification Signs:** Signs containing the name and/or logo of a subdivision, multifamily development, or other residential development are limited to one free-standing sign at each principal point of access to the development. Such sign shall be a maximum of 16 square feet in display surface area and a maximum height of 6 feet. Alternatively, two signs mounted on wooden, brick, or stone entry walls are permitted, and such signs shall be a maximum of 8 square feet in display surface area and a maximum height of 6 feet.

11.10.2 ATTACHED SIGNS

The following types of attached signs are permitted with a zoning permit approved in accordance with the standards set forth in §15.5.2 of this Ordinance.

Wall Signs: A wall sign is a sign attached to or painted on a wall or building, with the exposed display surface of the sign in a plane parallel to the plane of the wall to which it is attached or painted, and including signs affixed to or otherwise displayed on or through a façade window	
Projecting Signs: A projecting sign is attached to and supported by a building and extending beyond the building to which it is attached.	
Marquee Signs: Three dimensional signs projecting from a building which may extend above the roof line and/or incorporate changeable type or lettering.	
Awning / Canopy Signs: Signs integrated into traditional storefront awnings that project over a sidewalk from the building facade	

11.10.3 ATTACHED SIGNAGE STANDARDS

	Permitted Location	Maximum Area	Maximum Height	Encroachments	Other Requirements	Maximum Number
Wall Signs	B-1, B-2, B-3, B-6, HC, LI, HI, RMU, UMU	5% of façade may be occupied by signage	No sign may extend above the building roofline	No encroachments permitted	See §11.10.3.A	N/A
Projecting Signs	B-6, HC, TC, RMU, UMU	8 sf	12 feet, no sign may extend above the building roofline	May encroach over sidewalk to within 4 feet of curb and shall have a minimum of 7 feet of clearance	See §11.10.3.B	1
Marquee Signs	Theater uses only	5% of façade may be occupied by signage	12 feet, sign may extend a maximum of 2 feet above the roofline	May encroach over sidewalk to within 4 feet of curb and shall have a minimum of 9 feet of clearance	See §11.10.3.C	1
Awning / Canopy Signs	B-1, B-2, B-3, B-6, HC, LI, HI, RMU, UMU	50% of the awning area	N/A	May encroach over sidewalk to within 4 feet of curb and shall have a minimum of 7 feet of clearance	See §11.10.3.D	1

A. Wall Signs: Wall signs shall comply with design standards below:

1. Wall signs shall not cover up or interrupt major architectural features.

2. The message of wall signs shall be limited to the names, trademarks, and servicemarks of the establishments located on the parcel or the multi-use development located thereon. Additionally, the message of wall signs may include information necessary to direct patrons to the business where the business may not have a direct entrance from the street or pedestrian way.

3. Wall signs may protrude a maximum of 12 inches from the building wall to which it is affixed.

B. Projecting Signs: Projecting signs shall comply with the design standards below:

1. No projecting sign shall be permitted on the same street frontage along which there is a free-standing sign.

2. No projecting sign shall extend above the soffit, parapet, or eave line of the building to which it is attached.

3. Projecting signs shall not be located at the intersection of building corners except at right angles to a building façade.

4. The message of wall signs shall be limited to the names, trademarks, and servicemarks of the establishments located on the parcel or the multi-use development located thereon. Additionally, the message of wall signs may include information necessary to direct patrons to the business where the business may not have a direct entrance from the street or pedestrian way.

C. Marquee Signs: Marquee signs shall comply with design standard below:

1. A marquee sign shall not extend more than 10 feet from the building.

2. A marquee sign may extend no more than two feet above the roofline of the building to which it is affixed.

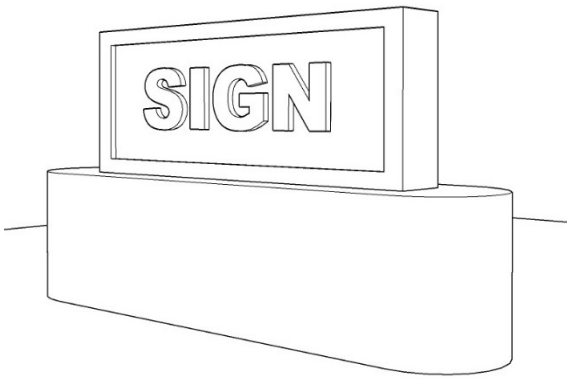
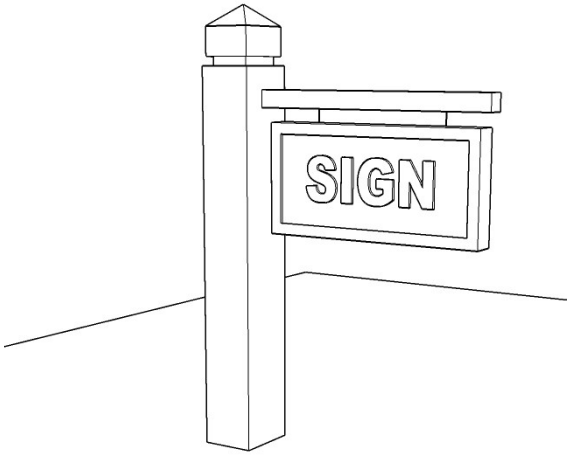
D. Awning / Canopy Signs: Awning and canopy signs shall comply with the design standards below:

1. No metal bar, support, or other frame structure shall be less than 8 feet above the ground or the sidewalk.

2. A flexible cloth, canvas, or similar skirt may hang a maximum 12 inches below the horizontal bar supporting the awning.

11.10.4 FREESTANDING SIGNS

The following types of freestanding signs are permitted with a zoning permit approved in accordance with the standards set forth in §15.5.2 of this Ordinance.

Ground Signs: A ground sign is a freestanding sign attached to a contiguous structural base or planter box, which base or box shall be of the same width or greater than the message portion of the sign, and is permanently affixed to the ground. Ground signs do not include freestanding signs supported by poles.	
Cantilevered Ground Signs: A cantilevered ground sign is a sign supported in a cantilevered fashion by an upright post.	

11.10.5 FREESTANDING SIGNAGE STANDARDS

GROUND SIGNS				
ZONING DISTRICT	MAXIMUM AREA	MAXIMUM HEIGHT	OTHER REQUIREMENTS	MAXIMUM NUMBER
B-2, B-3	8 sf	8 feet	See §11.10.5.A	1
B-1, B-6, HC, LI, HI	15 sf[1]	8 feet	See §11.10.5.A	1 per street frontage
TC, RMU	12 sf	4 feet	See §11.10.5.A	1
UMU	18 sf	8 feet	See §11.10.5.A	1 per street frontage

[1] For Parcels located along Highway 74, the allowable maximum sign area should not exceed 32 sq. ft. For corner lots along Highway 74, this allowance shall only apply to signs fronting the highway.

CANTILEVERED SIGNS					
ZONING DISTRICT	MAXIMUM AREA	MAXIMUM HEIGHT	OTHER REQUIREMENTS	MAXIMUM HEIGHT	MAXIMUM NUMBER
B-1, B-2, B-3, B-6, HC, LI, HI	3 sf	8 feet	See §11.10.5.B	No portion of the sign and its support shall exceed 10 feet in height	1 per street frontage

A. Ground Signs: Ground signs shall comply with the design standards below.

1. The parcel on which the ground sign is located shall be accessible by automobile and contain off-street parking for the principal uses.

2. The buildings or structures housing the principal uses on a parcel on which a ground sign is located shall be setback at least twenty feet from the abutting street right-of-way. This provision shall not apply in the TC, RMU, and UMU zoning districts.

3. Ground signs shall be limited to one sign per street frontage, provided that the parcel has at least 100 feet of frontage on the street toward which the sign is oriented. The minimum frontage requirement shall not apply in the TC, RMU, and UMU zoning districts.

4. No ground sign shall be permitted on the same street frontage of the same parcel along which there is a projecting sign.

5. The message of ground signs shall be limited to the names, trademarks, and servicemarks of the establishments located on the parcel and/or of a multi-use development located thereon.

   a. Ground signs identifying theaters or service stations may also identify the current presentations or fuel prices, as appropriate.

   b. Ground signs identifying places of assembly, such as places of worship, schools, community centers, etc., may provide information related to the activities on the parcel.

6. Ground signs shall be of a shape such that the ratio between the maximum and minimum dimensions shall not exceed 2 to 1.

B. Cantilevered Ground Signs: Cantilevered signs shall comply with the design standards below.

1. Cantilevered ground signs shall be limited to one sign per street frontage.

2. The buildings or structures housing the principal uses on a parcel on which a ground sign is located shall be setback at least twenty feet from the abutting street right-of-way.

3. No cantilevered ground sign shall be permitted on the same street frontage of the same parcel along which there is a projecting sign.

4. The message of ground signs shall be limited to the names, trademarks, and servicemarks of the establishments located on the parcel and/or of a multi-use development located thereon.

11.10.6 OTHER SIGNAGE REQUIRING PERMITS

The types of signs listed below shall require the approval of a zoning permit in accordance with the standards of §15.5.2 of this Ordinance.

A. Time and Temperature Signs

1. **Permitted Districts:** B-1, HC, TC, UMU

2. **Surface Area:** 12 square feet maximum

3. **Height:** 8 feet maximum

4. **Number:** Time and temperature signs may be incorporated into a permitted wall or freestanding sign only and shall not comprise more than 50% of the primary sign area.

5. **Message Change:** The electronic message shall not change in increments of less than 2 minutes and shall not scroll. New messages shall be timed to fade in and out slowly, with no less than 5 seconds between each change of message.

B. Electronic Message Board Signs

1. **Permitted Districts:** B-1 HC, UMU

2. **Surface Area:** Electronic message boards may be incorporated into a permitted wall or freestanding sign only and shall not comprise more than 50% of the primary sign area.

3. **Message Variation:** The electronic message shall not change in increments of less than 2 minutes and shall not scroll. New messages shall be timed to fade in and out slowly, with no less than 5 seconds between each change of message.

C. Drive-Thru Menu Boards

1. **Permitted Locations:** Drive-thru menu boards are permitted only as an accessory use to a restaurant having a drive-through order window.

2. **Square Footage:** 32 square feet

3. **Height:** 8 feet.

11.10.7 UNIFIED SIGN PLAN

When a parcel contains more than one principal use or establishment, the owner of the parcel shall be responsible for submitting a Unified Sign Plan to the Administrator for review. Signage proposed within the Unified Sign Plan shall meet the minimum requirements for various types of signage contained in this Chapter. The Unified Sign Plan shall be submitted to the Administrator for review, and, upon approval by the Administrator, signage within the subject parcel shall be in compliance with the standards set forth therein.

A. Signage Allocation: The Unified Sign Plan shall be responsible for allocating permitted signs and display surface areas among the individual uses and establishments.

B. Signage Location: The Unified Sign Plan shall show the location of all proposed attached and freestanding signs.

C. **Design Standards:** The Unified Sign Plan shall contain specific design criteria, such as materials, colors, dimensions, sign styles, etc., to ensure that all signs within the development are in harmony with each other.

CHAPTER 12: Stormwater Management, Erosion Control, and Flood Damage Prevention

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CHAPTER 12: Stormwater Management, Erosion Control, and Flood Damage Prevention

12.1 GENERAL PURPOSE AND INTENT

12.1.1 FINDINGS OF FACT

A. **Stormwater Management:** It has been determined that development and redevelopment can alter the hydrologic response of local watersheds and increases stormwater runoff rates and volumes, flooding, soil erosion, stream channel erosion, nonpoint and point source pollution, and sediment transport and deposition, as well as reducing groundwater recharge. These changes in stormwater runoff contribute to increased quantities of water-borne pollutants and alterations in hydrology which are harmful to the public health and safety as well as to the natural environment. These effects can be managed and minimized by applying proper design and well-planned controls to manage stormwater runoff from development sites. Further, the Federal Water Pollution Control Act of 1972 ("Clean Water Act") and federal Phase II requirements, compel certain urbanized areas, including the Town of Wingate, to adopt stormwater controls such as those included in this Chapter.

B. **Erosion and Sedimentation Control:** The erosion of soil from unstabilized development sites has adverse impacts on the condition of public and private property, impairs the Town of Wingate stormwater system, and causes pollution and accelerated siltation of lakes, streams, and other watercourses. Pursuant to the North Carolina Sedimentation Pollution Control Act of 1973, as amended, the Town of Wingate has been directed to implement an erosion and sedimentation control program as outlined in this Chapter.

C. **Flood Damage Prevention:** The flood prone areas within the jurisdiction of the Town of Wingate are subject to periodic inundation which can result in loss of life, property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses can be caused by the cumulative effect of obstructions in Special Flood Hazard Areas causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to flood and other hazards.

12.1.2 PURPOSE

A. Stormwater Management: The purpose of this section is to protect, maintain, and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint and point pollution associated with new development and redevelopment. This Ordinance seeks to meet its general purpose through the following specific objectives and means:

1. Establishing decision-making processes for development that protects the integrity of watersheds and preserves the health of water resources;

2. Requiring that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as is practicable in order to reduce flooding, stream bank erosion, nonpoint and point source pollution, and to maintain the integrity of stream channels and aquatic habitats;

3. Establishing minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quality and quantity;

4. Establishing design review criteria for the construction, function, and use of structural stormwater control measures (SCM) to ensure that they continue to function as designed, are maintained properly, and pose no threat to public safety;

5. Establishing administrative procedures for the submission, review, approval, and disapproval of stormwater management plans, for the inspection of approved projects, and to assure appropriate long-term maintenance.

B. Erosion and Sedimentation Control: The erosion and sedimentation control regulations of this Chapter are adopted for the purposes of regulating certain land-disturbing activities to control accelerated erosion and sedimentation of lakes and watercourses and prevent damage to public and private property by erosion and sedimentation.

C. Flood Damage Prevention:

1. It is the purpose of this section to promote the public health, safety, and general welfare and to minimize the public and private losses due to flood conditions within the flood prone areas by provisions designed to:

a. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards that result in damaging increases in erosion, flood heights, or velocities;

b. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

c. Control the alteration of natural Special Flood Hazard Areas, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

d. Control filling, grading, dredging, and all other developments that may increase erosion or flood damage, and;

e. Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards to other lands.

2. Specific objectives to the flood damage prevention provisions are as follows:

a. To protect human life and health;

b. To minimize the expenditure of public money for costly flood control projects;

c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

d. To minimize prolonged business losses and interruptions;

e. To minimize damage to public facilities and utilities;

f. To help maintain a stable tax base by providing for the sound use and development of flood prone areas; and

e. To ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

12.2 STORMWATER MANAGEMENT AND EROSION CONTROL

12.2.1 NATURAL DRAINAGE SYSTEM TO BE UTILIZED

A. To the extent practicable, all development shall conform to the natural contours of the land and natural and pre-existing man-made drainageways shall remain undisturbed.

B. To the extent practicable, lot boundaries shall be made to coincide with natural and pre-existing man-made drainageways within subdivisions to avoid the creation of lots that can be built upon only by altering such drainageways.

12.2.2 DEVELOPMENTS MUST DRAIN PROPERLY

A. All development shall be provided with a drainage system that is adequate to prevent undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:

1. The retention results from a technique, practice, or device deliberately installed as part of an approved sedimentation or stormwater control plan; or

2. The retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such retention presents a danger to health or safety.

B. No surface water may be channeled or directed into a sanitary sewer.

C. Whenever practicable, the drainage system of a development shall coordinate and connect to the drainage systems or drainageways on surrounding properties or streets.

D. Unless authorized by the Administrator, or elsewhere in this Ordinance, streets within the Town of Wingate shall utilize curb and gutter and storm drains to provide adequate drainage.

E. Drainage swales, curb and gutter, and storm drains shall be constructed in accordance with the design and construction standards promulgated by the NCDOT, Division of Highways, unless a more restrictive standard

is established herein, in which case the more restrictive standard shall apply.

12.2.3 STORMWATER MANAGEMENT

All developments shall be constructed and maintained so that adjacent properties are not unreasonable burdened with surface waters as a result of such developments. More specifically:

A. No development may be constructed or maintained so that such development impedes the natural flow of water from higher adjacent properties across such development, thereby causing damage to such higher adjacent properties; and

B. No development may be constructed or maintained so that surface waters from such development are collected and channeled onto lower adjacent properties as such locations or as such volumes as to cause damage to such lower adjacent properties.

12.2.4 SEDIMENTATION AND EROSION CONTROL

A. No zoning, conditional use, or major development permit may be issued with respect to any development that would cause land disturbing activity prior to submission of an erosion and sedimentation control plan to the NC Sedimentation Control Commission under NCGS §113A-57(4) unless the Commission has certified to the County either that:

1. An erosion control plan has been submitted to and approved by the Commission; or

2. The Commission has examined the preliminary plans for the development and it reasonably appears that an erosion control plan can be approved upon submission by the developer of more detailed construction or design drawings. However, in this case, construction of the development may not begin, no building permits may be issued, and final plat approval for subdivisions may not be given until the Commission approves the erosion control plan.

B. For the purposes of this Section, “land disturbing activity” means any use of the land by any person in residential, industrial, educational, institutional, or commercial development, highway and road construction and maintenance that results in a change in the natural topography or cover, and that may cause or contribute to sedimentation except activities that are exempt under NCGS §113A-52(6). Sedimentation occurs whenever solid particulate matter, mineral

or organic, is transported by water, air, gravity, or ice from the site of its origin.

12.3 FLOOD DAMAGE PREVENTION

12.3.1 ARTIFICIAL OBSTRUCTION WITHIN FLOODWAYS PROHIBITED

A. No artificial obstruction may be located within any floodway, except as provided in §12.3.2 below.

B. For the purposes of this Section, an artificial obstruction is any obstruction, other than a natural obstruction, that is capable of reducing the flood carrying capacity of a stream or may accumulate debris and thereby reduce the flood carrying capacity of a stream. A natural obstruction includes any rock, tree, gravel, or analogous natural matter that is an obstruction and has been located within the floodway by a non-human cause.

12.3.2 PERMISSIBLE USES WITHIN FLOODWAYS

A. Notwithstanding the Permitted Use Table in §2.4.3 of this Ordinance, no permit to make use of land within a floodway may be issued unless the proposed use is listed as allowed both in the Permitted Use Table and is one of the below:

1. General farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses.

2. Ground level streets, roads, loading areas, parking areas, rotary aircraft ports, and other similar ground level uses.

3. Lawns, gardens, play areas, and other similar uses.

4. Golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, parks, hiking or horseback riding trails, open space, and similar private and public recreational uses.

B. The uses listed in §12.3.2.A are only permissible if they do not cause an increase in base flood levels or the base flood elevations, as shown on the most recently adopted Flood Insurance Rate Maps.

12.3.3 CONSTRUCTION WITHIN FLOODWAYS AND SPECIAL FLOOD HAZARD AREASS RESTRICTED

A. No zoning or conditional use permit may be issued for any development within a Special Flood Hazard Areas until the Administrator has reviewed the plans prepared by a registered architect or engineer, and bears a registered seal, for any development to assure that:

1. The proposed development is consistent with the need to minimize flood damage, and;

2. All public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,

3. Adequate drainage is provided to minimize or reduce exposure to flood hazards; and,

4. All necessary permits have been received from those agencies which approval is required by federal or state law.

B. No building may be constructed, and no substantial improvement of an existing building may take place within any floodway. With respect to manufactured home parks that are nonconforming because they are located within a floodway, manufactured homes may be relocated in such parks only if they comply with the provisions of §12.3.3.I below.

C. No new residential building may be constructed, and no substantial improvement of an existing building may take place within any Special Flood Hazard Areas unless the lowest floor, including basement, of the building or improvement is elevated no lower that 2 feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided.

1. Residential accessory structures shall be allowed within Special Flood Hazard Areas provided they are firmly anchored to prevent flotation, designed to have low flood potential, and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

2. Anchoring of any accessory buildings may be done by bolting the building to a concrete slab or by over-the-top-ties. When bolting to a concrete slab, one-half inch bolts six feet on center with a minimum of two per side shall be required. If over-the-top ties are used, a minimum of two ties with a force adequate to secure the building is required.

3. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

D. No new nonresidential building may be constructed, and no substantial improvements of a nonresidential building may take place within any Special Flood Hazard Areas unless the lowest floor, including basement, of the building or improvement is elevated or floodproofed no lower than 2 feet above the base flood elevation. Structures located in the AE Zones may be floodproofed in lieu of elevation provided that all areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, using structural components having the capacity of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this Section are met.

E. When the base flood elevation data is not available from a federal, state, or other source, the lowest floor including basement, in §12.3.3.C and §12.3.3.D, shall be elevated at least two feet above the highest adjacent grade.

F. No new construction and no substantial improvements of a structure may take place within any Special Flood Hazard Areas unless fully enclosed areas below the lowest floor subject to flooding are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or exceed the following minimum requirements:

1. A minimum of two openings, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding, shall be provided;

2. The bottom of all openings shall be no higher than one foot above grade; and,

3. Openings may be equipped with screens, louvres, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

G. For the purposes of this Section, "substantial improvement" means any repair, reconstruction, or improvement of a building the cost of which equals or exceeds 50% of the market value of the structure either:

1. Before the improvement or repair is started; or,

2. If the structure has been damaged and is being restored, before the damage occurred.

Substantial improvement occurs when the first alteration on any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the building. The term does not, however include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code that are solely necessary to ensure safe living conditions; or,

2. Any alteration of a building listed on the National Register of Historic Places or State Inventory of Historic Places.

H. No zoning, conditional permit, or major development permit may be issued for any development within a Special Flood Hazard Area~~s~~ until the Administrator has reviewed plans, prepared by a registered architect or engineer and bears a registered seal, to assure that any new construction or substantial improvements shall be:

1. Designed, or modified, and adequately anchored to prevent flotation, collapse, or lateral movement of the structure, resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.

2. Constructed with materials and utility equipment resistant to flood damage.

3. Constructed by methods and practices that minimize flood damage.

4. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within components during conditions of flooding.

I. Notwithstanding any other provision of this Ordinance, no manufactured home may be located or relocated within that portion of the Special Flood Hazard Area outside of the floodway unless the following criterial are met:

1. Manufactured homes are anchored to prevent flotation, collapse, or lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, or lateral movement in accordance with the Regulations for Manufactured Homes and Modular Housing adopted by the Commissioner of Insurance pursuant to NCGS §143-143.15.

Additionally, when the elevation would be met by an elevation of the chassis at least 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above 36 inches in height, an engineering certification is required. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consisting with applicable state requirements for resisting wind forces.

2. Lots or pads are elevated on compacted fill or by any other method approved by the Administrator so that the lowest floor of the manufactured home is at or above the base flood elevation.

3. Adequate surface drainage and easy access for manufactured home haulers is provided.

4. Load-bearing foundation supports such as piers or pilings must be placed on stable soil or concrete footings no more than 10 feet apart, and if the support height is greater than 72 inches, the port must contain steel reinforcement.

5. An evacuation plan must be developed for all residents of all new, substantially improved, or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Administrator.

6. The plans meeting these requirements shall be prepared by a registered architect or engineer and shall bear a registered seal.

J. Whenever any portion of a Special Flood Hazard Area is filled in with dirt, slopes shall be adequately stabilized to withstand the erosive force of flood waters.

K. Recreational vehicles placed on site within Special Flood Hazard Areas on the most recently adopted Flood Insurance Rate Map shall either:

1. Be on site for fewer than 180 consecutive days;

2. Be fully licensed and ready for highway use;

3. Meet the permit requirements and the elevation and anchoring requirements in this Chapter, to satisfy compliance with paragraphs (b)(1) and (c)(6) of the National Flood Insurance Program Regulations, 44 CFR 60.3.

A recreational vehicle is ready for highway use if it is on wheels or a jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

12.3.4 SPECIAL PROVISIONS FOR SUBDIVISIONS

A. An applicant for a major development permit authorizing a major subdivision and an applicant for minor subdivision plat approval shall be informed by the Administrator of the use and construction restrictions contained within this Chapter if any portion of the land to be subdivided lies within a floodway or Special Flood Hazard Area.

B. Final plat approval for any subdivision containing land that lies within a floodway or Special Flood Hazard Area may not be given unless the plat shows the boundary of the floodway or Special Flood Hazard Area and contains, in clearly discernible print, the following statement:

"Use of land within a floodway or Special Flood Hazard Area is substantially restricted by Chapter 12 of the Town of Wingate Land Use Ordinance."

C. A major development permit for a major subdivision and final plat approval for any subdivision may not be given if:

1. The land to be subdivided lies within a zoning district where residential uses are permitted and it reasonably appears that the subdivision is designed to create residential building lots; and,

2. Any portion of one or more of the proposed lots lies within a floodway or Special Flood Hazard Area; and,

3. It reasonably appears that one or more lots could not be practicably used as a residential building site because of the restrictions set forth in this Chapter.

The foregoing provision shall not apply if a notice that the proposed lots are not intended for sale as residential building lots is recorded on the final plat, or if the developer otherwise demonstrates to the satisfaction of the Administrator that the proposed lots are not intended for sale as residential building lots.

12.3.5 WATER SUPPLY AND SANITARY SEWER SYSTEMS IN FLOODWAYS AND SPECIAL FLOOD HAZARD AREAS

Whenever any portion of a proposed development is located within a floodway or Special Flood Hazard Area, the agency or agencies responsible for certifying to the Town the adequacy of the water supply and disposal systems for the development, as described in Chapter 6 of this Ordinance, shall be informed by the developer that a specified area within the development lies within a floodway or Special Flood Hazard Area. Thereafter, approval of the proposed system by that agency shall constitute a certification that:

A. Such water supply system is designed to minimize or eliminate infiltration of flood waters into it.

B. Such sanitary sewer system is designed to eliminate infiltration of flood waters and discharges from it into flood waters.

C. Any on-site sewage disposal system is located to avoid impairment to it or contamination from it during flooding.

12.3.6 ADDITIONAL DUTIES OF ADMINISTRATOR

The Administrator shall:

A. Where base flood elevation data is available:

1. Verify the actual elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures;

2. Verify, for all structures that have been floodproofed (whether or not the structure contains a basement) the actual elevation in relation to mean sea level to which the structure was floodproofed; and

3. Maintain a record of all such information.

B. Where base flood elevation data has not been provided:

1. Obtain, review, and reasonably utilize any base flood elevation data available from federal, state, or other source for enforcing the requirements of this Chapter; and,

2. Verify and record the actual elevation constituting the highest adjacent grade to which all new or substantially improved structures are elevated or floodproofed.

C. Notify, in riverine situations, adjacent communities and the NC Department of Emergency Management prior to any alteration or relocation of a watercourse and submit copies of such notification to the Federal Insurance Administrator.

D. Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

12.3.7 LOCATION OF BOUNDARIES OF SPECIAL FLOOD HAZARD AREAS AND FLOODWAYS

As used in this article, the terms Special Flood Hazard Areas and floodway refer in the first instance to certain areas whose boundaries are determined and can be located on the ground by reference to the specific fluvial characteristics set forth in the definitions of these terms. These terms also refer to overlay zoning districts whose boundaries are the boundaries of the floodways and Special Flood Hazard Areas shown on the most recently adopted Flood Insurance Rate Maps, which boundaries are intended to correspond to the actual, physical location of floodways and Special Flood Hazard Areas. (These overlay districts thus differ from other zoning districts whose boundaries are established solely according to planning or policy, rather than physical, criteria.) Therefore, the Administrator is authorized to make necessary interpretations as to the exact location of the boundaries of floodways or Special Flood Hazard Areas if there appears to be a conflict between a mapped boundary and actual field conditions. Such interpretations, like other decisions of the Administrator, may be appealed to the Board of Adjustment in accordance with the applicable provisions in Chapter 15 of this Ordinance.

12.3.8 SETBACKS FROM STREAMS OUTSIDE OF DESIGNATED FLOODPLAINS

In any area that is located outside of a designated Special Flood Hazard Area but where a stream is located, no building or fill may be located within a distance of the stream bank equal to 20 feet on each side.

CHAPTER 13: Nonconformities

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CHAPTER 13: Nonconformities

13.1 PURPOSE AND APPLICABILITY

The purpose of this section is to regulate and limit the continued existence of uses and structures established prior to the effective date of this Ordinance or any subsequent amendments that do not conform to the standards herein. Any nonconformity created by a change in the classification of property or the text of these regulations shall also be regulated by the provisions herein. The provisions of this chapter are intended to limit substantial investment in nonconformities and to bring about their eventual elimination and/or lessen their impact upon surrounding conforming uses in order to preserve the integrity of the area in which a nonconformity is located.

13.2 CONTINUATION OF NONCONFORMITIES AND COMPLETION OF NONCONFORMING DEVELOPMENT

A. Unless otherwise specifically provided in this Ordinance, and subject to the restrictions and qualifications set forth in this Chapter, nonconforming situations that were otherwise lawful on the effective date of this Ordinance may be continued.

B. Nonconforming developments / projects may be completed only in accordance with the provisions of this Chapter.

13.3 UNDEVELOPED NONCONFORMING LOTS

A. When a nonconforming lot can be used in conformity with all of the regulations other than lot area and lot width requirements applicable to the district in which the lot is located, then the lot may be used as proposed just as if it were a conforming lot. However, no use that requires a greater lot size than the established minimum lot size for a particular zone is permissible on a nonconforming lot.

B. When the use proposed for a nonconforming lot is one that is conforming in all other respects but the applicable setback regulations cannot be met, the Board of Adjustment may consider a variance as described in Chapter 15 of this Ordinance.

1. For the purposes of this section, compliance with applicable building setback requirements is not reasonably possible if a building that serves the minimal needs of the use proposed for the nonconforming lot cannot be practicably constructed and located on the lot in conformity with such setback requirements.

C. The section applies only to undeveloped nonconforming lots. A lot is undeveloped if it has no habitable structures upon it. A change in use of

a developed nonconforming lot may be accomplished in accordance with Section 13.3

13.4 DEVELOPED NONCONFORMING LOTS

When two or more uses existed on a lot before the enactment of this Ordinance and said lot cannot be subdivided to meet all dimensional and lot area requirements, a subdivision may be permitted as long as minimum standards are adhered to as closely as possible.

13.3 Commentary: For example, in the RA-40 zoning district, if two single-family residences occupy a 40,000 square foot lot, two 20,000 square foot lots may be created in order to facilitate the transfer of title for each home. If this is not feasible, a rezoning to the R-20 zoning district would be needed to make the structures conforming with regard to lot size.

13.5 EXTENSION OR ENLARGEMENT OF NONCONFORMING SITUATIONS

A. Except as specifically authorized in this section, no person may engage in any activity that causes an increase in the extent of nonconformity of an existing nonconforming situation.

B. A nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this Ordinance, was manifestly designed or arranged to accommodate such use. However, a nonconforming use may be extended to additional building or to land outside the original building only in accordance with the standards of this Chapter.

C. A nonconforming use of open land may only be extended to cover more land than was occupied by that use when it became nonconforming in accordance with the standards of this Chapter.

D. The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other portions of this Chapter apply.

E. The Board of Adjustment may authorize a zoning permit to allow:

1. A structure within which a nonconforming use is proposed to be enlarged; or

2. Additional structures to be built on the lot where the nonconforming use is located that will house the expansion of the nonconforming use; or

3. A nonconforming use of land to be extended beyond the geographical bounds in which it has been conducted.

a. The Board of Adjustment may only issue the permit described in this Section pursuant to the procedures and findings in Section 15 of this Ordinance.

F. Notwithstanding Section 13.4.A, any structure used for a single-family residential purpose and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters such as setbacks or parking requirements. In particular, a manufactured home may be replaced with a larger manufactured home, and a single-wide manufactured home may be replaced with a double-wide manufactured home. This exemption shall be subject to limitations contained elsewhere in this Section.

G. Notwithstanding 13.4.A, whenever:

1. There exists a lot with one or more structures on it; and

2. A change in use that does not involve any enlargement of a structure is proposed for such lot; and

3. The parking requirements of Chapter 9 that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is no sufficient area available on the lot that can practicably be used for parking and loading;

Then the proposed use shall not be regarded as resulting in an impermissible extension or enlargement of a nonconforming situation. However, the applicant shall be required to comply with all applicable parking and loading requirements that can be satisfied without acquiring additional land, and shall also be required to obtain satellite parking, as described in Chapter 9 of this Ordinance, if:

1. Parking requirements cannot be satisfied on the lot with respect to which the permit is required; and

2. Such satellite parking is reasonably available.

If such satellite parking is not reasonably available at the time the permit is granted, then the permit recipient shall obtain it if and when it does become reasonably available. This requirement shall be a continuing condition of the approved permit.

H. Notwithstanding any other provision of this Ordinance, additional right-of-way along an existing street may be condemned, and a property owner may, at the request of the Town or State, dedicate additional right-of-way even if such condemnation or dedication results in the creation or exacerbation of a nonconforming situation.

13.6 REPAIR, MAINTENANCE, AND RECONSTRUCTION

A. Minor repairs to, and routine maintenance of, property where nonconforming situations exist are permitted and encouraged. Major renovation, i.e. work estimated to cost more than 25% of the appraised valuation of the structure to be renovated, may be done only in accordance with a permit issued pursuant to the requirements of this Chapter.

B. If a structure located on a lot where a nonconforming situation exists is damaged to an extent that the costs of repair or replacement would exceed 25% of the appraised valuation of the damaged structure, then the damaged structure may be repaired or replaced only in accordance with a permit issued pursuant to this Chapter. This section does not apply to:

1. Structures used for single-family residential purposes; or

2. Structures used in connection with poultry, hog, or rabbit meat production centers that are nonconforming because they are located on tracts of land less than 10 acres in size, which structure may, if damaged or destroyed, be repaired or replaced with structures the same size or smaller without the need to obtain any permit under this section.

C. For the purposes of this section:

1. The cost of renovation, repair, or replacement shall mean the fair market value of materials and services necessary to accomplish such renovation, repair, or replacement.

2. The cost of renovation, repair, or replacements shall mean the total cost of all such intended work, and no person may seek to avoid the intent of this section by doing such work incrementally.

3. The appraised valuation shall mean either the appraised valuation for property tax purposes, updated as necessary by the increase in consumer price index since the date of last valuation, or the valuation determined by a professionally recognized property appraiser.

D. A permit issued under this section may be issued by the Administrator, Planning Board, or Board of Adjustment for the development in question if no nonconforming situation was involved. The permit shall be issued upon a finding that, in completing the renovation, repair, or replacement work:

1. No violation of Section 13.4 will occur; and

2. The permittee will comply, to the extent reasonably possible, with all provisions of this Ordinance applicable to the existing use (except that the applicant shall not lose their right to continue a nonconforming use or maintain a nonconforming level of density). Compliance with a requirement of this Ordinance is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting the requirements of this Ordinance such as paved vehicular accommodation areas does not constitute grounds for finding that compliance is not reasonably possible.

13.7 CHANGE IN USE OF PROPERTY WHERE A NONCONFORMING SITUATION EXISTS

A. A change in use of property where a nonconforming situation exists that is sufficiently substantial to require a rezoning of property or a major development permit as described in Chapter 15 may not be made except in accordance with subsections 13.6.B through 13.6.D. This requirement shall not apply if only a sign permit is required.

B. If the intended change in use is to a principal use that is permissible in the zoning district in which the property is located, and all of the other applicable requirements can be complied with, permission to make the change must be obtained in the same manner as permission to make

the initial use of a vacant lot. Once conformity with the Ordinance is achieved, the property may not revert to a nonconforming status.

C. If the intended change of use is to a principal use that is permissible in the district where the property is located, but all of the requirements of this Ordinance applicable to the use cannot reasonably be complied with, then the change is permissible if the entity authorized to issue a permit for that particular use (Administrator, Planning Board, or Board of Adjustment) issues a permit authorizing the change. The permit may be issued in accordance with the procedures outlined in Chapter 15 of this Ordinance.

D. If the intended change in use is to another principal use that is also nonconforming, then the change is permissible if the entity authorized to issue a permit (Administrator, Planning Board, Board of Adjustment) issues a permit authorizing the change. The permit may be issued in accordance with the procedures outlined in Chapter 15 of this Ordinance.

E. If a nonconforming use is changed to any use other than a conforming use without obtaining a permit pursuant to this Section, that change shall constitute a discontinuance of a nonconforming use with consequences as described in Chapter 13.7 of this Ordinance.

F. **Upfit of Existing Non-Residential Structures:** When a change of use requiring a building permit for the upfit of non-residential space is submitted to the Town of Wingate for review, and the existing structure is not in compliance with the requirements of Chapter 5 of this Ordinance, 20% of the exterior of the existing structure and site (landscaping, parking, etc.) must be brought into compliance with the applicable requirements of Chapter 5. The Administrator will review and approve the proposed exterior architectural modifications to ensure that the proposed modifications are in compliance with the requirements of this Ordinance.

13.8 ABANDONMENT AND DISCONTINUANCE OF NONCONFORMING SITUATIONS

A. Except as described in Section 13.7.B, when a nonconforming use is discontinued for a consecutive period of 180 calendar days, the property involved may thereafter only be used for conforming purposes.

B. The Board of Adjustment may authorize the approval of a zoning permit to allow the reinstatement of a nonconforming use that has otherwise lost its right to continue in accordance with the procedures outlined in Chapter 15 of this Ordinance.

C. If the principal activity on property where a nonconforming situation other than a nonconforming use exists is either discontinued for a consecutive period of 180 calendar days or discontinued for any period of time without a present intention of resuming that activity, then that property may thereafter be used only in conformity with all of the regulations applicable to the preexisting use unless the entity with authority to issue a permit for the intended use issues a permit to allow the property to be used for this purpose without correcting the nonconforming situation. The permit may be issued if it is found that eliminating a particular nonconformity is not reasonable. The permit shall specify which nonconformities are not required to be corrected.

13.7.D Commentary: For example, the failure to rent a single apartment in a nonconforming apartment building for 180 days shall not result in the loss of the right to rent that apartment thereafter as long as the apartment building as a whole is continuously maintained.

D. For the purposes of determining whether a right to continue a nonconforming situation is lost, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. However, if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period shall terminate the right to maintain it after.

E. When a structure or operation made nonconforming by this Ordinance is vacant or discontinued at the effective date of this Ordinance, the 180-day period for purposes of this section begins to run on the effective date of this Ordinance.

13.9 COMPLETION OF NONCONFORMING PROJECTS

A. All nonconforming projects with respect to which a zoning, conditional use, major development, or sign permit has been issued prior to the effective date of this Ordinance may be constructed in accordance with the terms of such permit, as long as such permit remains unexpired and unrevoked. If a project is intended to be constructed in phases or sections, this authorization shall apply only to the phases or sections for which a permit has been issued.

B. All nonconforming projects, with respect to which a completed application has been filed before the effective date of the Ordinance making the project nonconforming but with respect to which a permit has not been issued prior to such effective date, shall be reviewed as if the Ordinance making the project nonconforming had not yet been adopted, so long as the applicant diligently pursues the requested permit.

1. If a project is intended to be constructed in phases or sections, this authorization shall apply only to the phases or section with respect to which a completed application has been submitted on such effective date.

2. For the purpose of this subsection, an application shall be considered completed if the application fee has been paid, the application is in appropriate form, and contains sufficient information so that it would normally be accepted for processing by the Town.

3. If a permit is validly denied, or if no final action is taken on a permit application within one year of the application date due to lack of diligence on the part of the applicant, or if a permit is issued but later expires or is revoked, then all future applications regarding the subject property shall be reviewed under the standards set forth in the Ordinance then in effect.

13.10 SPECIAL PROVISIONS REGARDING MANUFACTURED HOMES

A. Notwithstanding any other provision of this Ordinance, if on the effective date of this Ordinance there are existing manufactured home parks that contain one or more classes of manufactured homes that are not shown in the Permitted Use Table as permissible within a manufactured home park in that district, then the manufactured home with the lowest classification that are then located within the park may continue to move into such park, subject to the maximum density requirements in the underlying zoning district.

B. Subject to the provision in Section 13.7, a nonconforming manufactured home may be replaced with a home that is of the same or higher classification, as defined in Chapter 17 of this Ordinance.

C. Notwithstanding any other provision of this Ordinance, whenever a manufactured home that was not in compliance with the provisions of the supplemental use standards found in Chapter 3 of this Ordinance is replaced, the replacement home shall comply with such standards.

CHAPTER 14: Administrative Agencies

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CHAPTER 14: Administrative Agencies

14.1 PLANNING BOARD

14.1.1 APPOINTMENT AND TERMS OF PLANNING BOARD MEMBERS

A. There shall be a Planning Board consisting of five regular members and two alternates. Three of the regular members and one alternate shall reside within the municipal limits of the Town and two of the regular members and one alternate shall reside in the Town's extraterritorial jurisdiction (ETJ). Members from within the municipal limits shall be appointed by the Town Board of Commissioners. Members from the ETJ shall be appointed by the County Board of Commissioners.

B. Planning Board members and alternates shall be appointed for three-year staggered terms, but members and alternates may continue to serve until their successors have been appointed.

C. Planning Board members may be appointed to successive terms without limitation.

D. Planning Board members may be removed by the Town Board of Commissioners at any time for failure to attend three consecutive meetings, failure to attend thirty percent or more of the meetings within any 12-month period, or for any other good cause related to performance of duties. Alternate members may be removed for repeated failure to attend or participate in meetings when requested to do so in accordance with regularly established procedures. Upon request of the member proposed for removal, the Town Board of Commissioners shall hold a hearing on the removal before it becomes effective.

E. If a Planning Board member or alternate moves outside the Wingate municipal limits or ETJ, this shall constitute a resignation from the Planning Board.

F. An alternate member may sit in-lieu of any regular member. When so seated, alternates shall have the same powers and duties as the regular member they replace.

14.1.2 MEETINGS OF THE PLANNING BOARD

A. The Planning Board shall establish a regular meeting schedule and shall meet according to the established schedule unless there are no applications or other business for the Board to consider.

B. Since the Planning Board does not exercise the broad, quasi-judicial discretionary authority characteristic of the Board of Adjustment, it need not conduct its meetings strictly in accordance with the quasi-judicial procedures found elsewhere in this Ordinance. However, meetings shall be conducted so as to obtain necessary information and to promote the full and free exchange of ideas.

C. Written minutes shall be kept of all Planning Board proceedings.

D. All Planning Board meetings shall be open to the public, and whenever feasible the agenda for each Planning Board meeting shall be made publicly available in advance of the meeting.

E. Whenever the Planning Board is called upon to make recommendations concerning zoning map amendment (rezoning) requests, the staff may:

1. Post on or near the subject property, at least seven days prior to the meeting at which the matter is to be considered, one or more notices that are sufficiently conspicuous in terms of size, location, and content to provide reasonably adequate notice to potentially interested persons of the matter that will appear on the Planning Board's agenda at a specified time and date; and

2. At least ten days prior to the meeting at which the matter is to be considered, send by first-class mail to the owner of each property that is subject to the proposed zoning amendment, as well as the owners of all adjoining properties, a notice that reasonably describes the proposed action and informs the recipient of where and when the matter will be considered by the Planning Board.

F. The notice described above is intended as an accommodation to the owners of property affected by matters before the Planning Board and failure to provide such notice shall not invalidate any action taken by the Planning Board or Board of Commissioners.

14.1.3 QUORUM AND VOTING

A. A quorum of the Planning Board shall consist of three members. A quorum is necessary for the Planning Board to take official actions.

B. All actions of the Planning Board shall be taken by majority vote, a quorum being present.

C. Once a member is physically present at a Planning Board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with 14.1.3.D or has been allowed to withdraw from the meeting in accordance with 14.1.3.E.

D. A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:

1. If the member has a direct financial interest in the outcome of the matter at issue; or

2. If the matter at issue involves the member's own official conduct; or

3. If the member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgement in the public interest.

E. A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at the meeting.

F. A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.

G. A roll call vote shall be taken upon the request of any member.

14.1.4 PLANNING BOARD OFFICERS

A. In July of each year, the Planning Board shall elect one of its members to serve as chairman and preside over the Planning Board's meetings and one member to serve as vice-chairman. The persons so designated shall serve in these capacities for one year. Vacancies in these offices may be filled for the unexpired terms only.

B. The chairman of the Planning Board may take part in all deliberations and vote on all issues before the Board.

14.1.5 POWERS AND DUTIES OF THE PLANNING BOARD

A. The Planning Board may:

1. Make studies and recommend to the Board of Commissioners plans, goals, and objective relating to the growth, development, and redevelopment of the Town.

2. Develop and recommend to the Board of Commissioners policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.

3. Make recommendations to the Board of Commissioners concerning proposed zoning map changes.

4. Hear and decide applications for major development permits.

5. Perform any other duties assigned by the Board of Commissioners.

B. The Planning Board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this Ordinance.

14.1.6 ADVISORY COMMITTEES

A. From time to time, the Town Board of Commissioners may appoint one or more individuals from the Planning Board to assist the Planning Board to carry out its planning responsibilities with respect to a particular subject area.

14.1.6.A Commentary: As an illustration, the Board of Commissioners may appoint advisory committees to consider thoroughfare plans, housing plans, economic development plans, and the like.

B. Meetings of such advisory committees may sit as nonvoting members of the Planning Board when such issues are being considered and lend their talents, energies, and expertise to the Planning Board. However, all formal recommendations to the Town Board of Commissioners shall be made by the regular Planning Board members.

C. Nothing in this section shall prevent the Planning Board from establishing independent advisory groups, committees, or commissions

to make recommendations on any issue directly to the Board of Commissioners.

D. The Planning Board may appoint such standing or ad hoc subcommittees of its own members to consider particular issues and may also appoint ad hoc advisory committees consisting of non-Planning Board members to assist it in its work.

14.2 BOARD OF ADJUSTMENT

14.2.1 APPOINTMENT AND TERMS OF BOARD OF ADJUSTMENT

A. There shall be a Board of Adjustment consisting of five regular members and two alternates. Three of the regular members and one alternate shall reside within the municipal limits of the Town of Wingate. Two regular members and one alternate shall reside within the Town of Wingate's ETJ. Members from within the municipal limits shall be appointed by the Town Board of Commissioners. Members representing the ETJ shall be appointed by the County Board of Commissioners.

B. Board of Adjustment members and alternates shall be appointed for three-year staggered terms, but members and alternates may continue to serve until their successors have been appointed.

C. Members may be reappointed to successive terms without limitation.

D. Regular Board of Adjustment members may be removed by the Board of Commissioners at any time for failure to attend three consecutive meetings, for failure to attend thirty percent or more of the meetings within any 12-month period, or for any good cause related to performance of duties. Alternate members may be removed for repeated failure to attend or participate in meetings when requested to do so in accordance with regularly established procedures. Upon request of the member proposed for removal, the Board of Commissioners shall hold a hearing on the removal before it becomes effective.

E. If a regular member or alternate moves outside of the Town limits or ETJ, that shall constitute a resignation from the Board of Adjustment, effective the date a replacement is appointed.

F. An alternate member may sit in-lieu of any regular member. When so seated, alternates shall have the same powers and duties as the regular member they replace.

14.2.2 MEETINGS OF THE BOARD OF ADJUSTMENT

A. The Board of Adjustment shall establish a regular meeting schedule and shall meet according to the established schedule unless there are no applications or other business for the Board to consider.

B. The Board of Adjustment shall conduct its meetings in accordance with the quasi-judicial procedures set forth in Chapter 15 of this Ordinance.

C. All meetings of the Board of Adjustment shall be open to the public, and whenever feasible the agenda for each Board of Adjustment meeting shall be made available in advance of the meeting.

14.2.3 QUORUM

A. A quorum for the Board of Adjustment shall consist of four members (including alternates sitting in-lieu of regular members). A quorum is necessary for the Board of Adjustment to take official action.

B. A member who has withdrawn from the meeting without being excused as provided in §14.2.4 shall be counted as present for purposes of determining whether a quorum is present.

14.2.4 VOTING

A. The concurring vote of at least four-fifths of the Board's regular membership shall be necessary to reverse any order, requirement, decision, or determination of the Administrator; to approve any variance or special use permit; or to decide in favor of the applicant on any other matter upon which the Board is required to act. No more than five regular and alternate members may vote on any matter for which a public hearing was held. For the purposes of this subsection, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the Board for calculation of the requisite supermajority if there are no qualified alternates available to take the place of such members. Unless otherwise specified, voting on procedural matters which do not necessitate public hearing shall include all regular and alternate members in attendance. The Chairman shall be able to vote on any matter, including making and seconding a motion. Voting on any issue shall be done by a show of hands or by voice, as directed by the Chairman. An abstention shall be counted as a "yes" vote concerning the motion on the floor.

B. Once a member is physically present at a Board of Adjustment meeting, any subsequent failure to vote shall be recorded as an affirmative vote

unless the member has been excused in accordance with §14.2.4.C, or has been allowed to withdraw in accordance with §14.2.4.D.

C. A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:

1. If the member has direct financial interest in the outcome of the matter at issue; or

2. If the matter involves the member's own official conduct; or

3. If a member has such familial, business, or other associational relationship with an affected person that the member cannot reasonably be expected to exercise sound judgement in the public interest; or

4. If a member has a fixed opinion prior to hearing the matter that is not susceptible to change; or

5. If a member has undisclosed ex parte communications.

If an objection is raised to a member's participation and that member does not recuse themselves, the remaining members shall by majority vote rule on the objection.

D. A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at the meeting.

E. A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.

F. A roll call vote shall be taken upon the request of any member.

14.2.5 BOARD OF ADJUSTMENT OFFICERS

A. The Board of Adjustment shall elect one of its regular members to serve as Chairman and preside over the Board of Adjustment's meetings and one regular member to serve as Vice Chairman. The persons so designated shall serve in these capacities for one year. Vacancies may be filled for the unexpired terms only. The Board of Adjustment shall elect new officers in July of each year.

B. The Chairman or any person temporarily acting as Chairman may administer oaths to witnesses coming before the Board of Adjustment.

C. The Chairman may take part in all deliberations and vote on all issues.

14.2.6 POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT

A. The Board of Adjustment shall hear and decide:

1. Appeals from any order, decision, requirement, or interpretation made by the Administrator.

2. Applications for variances.

3. Applications for authorization of the Administrator to issue a zoning permit for enlargement or expansion of a non-conforming situation, or to reinstate a non-conforming use which has been abandoned.

4. Any other matter the Board of Adjustment is required to act upon by any other Town Ordinance.

B. The Board of Adjustment may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this Ordinance.

14.3 ADMINISTRATOR

14.3.1 LAND USE ADMINISTRATOR AND DUTIES

A. Except as otherwise specifically provided, primary responsibility for administering and enforcing this ordinance may be assigned to one or more individuals by the Town Board of Commissioners. The person or person to whom these functions are assigned shall be referred to in this ordinance as the "Administrator."

B. The Administrator shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

1. To maintain a record of all permits and approvals on file and to make copies available to all interested parties.

2. To review all applications for land development in compliance with the terms of this Ordinance.

3. To provide the Town Board of Commissioners, Planning Board, and Board of Adjustment with reports and recommendations regarding matters before these bodies, either as required by this Ordinance, other laws, regulations, or at the request of the body.

4. To enforce compliance with the terms of this Ordinance, unless otherwise specified.

5. Permanently maintain all records that pertain to the administration of this Ordinance and make these records available for public inspection.

6. Make on-site inspections of works in progress.

7. Follow through with corrective procedures of Chapter 16.

8. Review, provide inputs, and make recommendations for variance requests.

9. Review and approve minor subdivision plats.

10. Such additional powers and duties as may be set forth for the Administrator elsewhere in this Ordinance and other laws and regulations of the Town.

C. Unless otherwise directed by the Town Board of Commissioners, the Administrator may delegate any power or function assigned to him under this ordinance to a subordinate employee. Therefore, the term "Administrator" as used in this Ordinance shall be taken to mean the Administrator or their designee.

14.4 TOWN BOARD OF COMMISSIONERS

A. The powers and duties of the Town Board of Commissioners are as follows:

1. Initiate zoning map or Land Use Ordinance amendments including the calling of public hearings and/or the placement of such items on the Planning Board agenda.

2. Make final decisions on any proposed zoning map or text amendments.

3. Make appointments to the Planning Board and Board of Adjustment.

4. Assign tasks to the Administrator with regard to planning and land use related issues.

5. Create land-use related study committees and appoint persons to such committees.

6. Refer items to the Planning Board for study.

B. In considering proposed changes to the text of this Ordinance or the zoning map, the Board of Commissioners acts in its legislative capacity and must proceed in accordance with the requirements of Chapter 15 of this Ordinance.

C. In considering the approval of conditional use permits, the Board of Commissioners shall act in a quasi-judicial capacity and shall proceed in accordance with the requirements of Chapter 15 of this Ordinance.

D. Unless otherwise specifically provided in this Ordinance, in acting upon applications for final plat approval, conditional use permits, or in considering text amendments to the text of this Ordinance or the zoning map, the Board of Commissioners shall follow the quorum, voting, and other requirements set forth in NCGS Chapter 160A and other provisions of law.

CHAPTER 15: Administration and Development Review Processes

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CHAPTER 15: Administration and Development Review Processes

15.1 PURPOSE AND INTENT

In order to establish an orderly process to develop land within the jurisdiction of the Town of Wingate consistent with standard development practices and terminology, it is the purpose of this chapter to provide a clear and comprehensible development process that is fair and equitable to all interests including the petitioners, affected neighbors, Town staff and related agencies, and the Board of Commissioners.

15.2 GENERAL PROVISIONS AND APPLICABILITY

The provisions of this chapter shall be applicable to all development activity under the jurisdiction of the Town of Wingate.

15.2.1 PERMITS REQUIRED

A. The use made of property may not be substantially changed, nor may substantial clearing, grading, or excavation commence if such activity is undertaken for the purposes of preparing a lot for development other than a single-family detached residence, and buildings or other substantial structures may not be constructed, erect, moved, or substantially altered except in accordance with and pursuant to one of the following permits:

1. A zoning permit issued by the Administrator; or

2. A major development permit issued by the Planning Board; or

3. A conditional use permit issued by the Town Board of Commissioners.

B. Zoning permits, major development permits, conditional use permits, and sign permits are issued under this Ordinance only when a review of the application submitted, including the plans contained therein, indicates that the development will comply with the provisions of this Ordinance if completed as proposed. Such plans and applications as are finally approved are incorporated into any permit issued and all development shall occur strictly in accordance with such approved plans and application.

C. Physical improvements to land to be subdivided may not be commenced except in accordance with a major development permit used by the Planning Board for major subdivisions or after final plat approval by the Administrator for minor subdivisions.

D. A zoning permit, major development permit, conditional use permit, or sign permit shall be issued in the name of the applicant (except that applications submitted by an agent shall be issued in the name of the principal), shall identify the property involved and the proposed use, shall incorporate by reference the plans submitted, and shall contain any special conditions or requirements lawfully imposed by the permit-issuing authority. All conditional use permits and major development permits (except permits issued for single-family, duplex, and townhome dwellings) shall be recorded by the permit recipient in the Union County Registry after execution by the record owner.

15.2.2 NO OCCUPANCY, USE, OR SALE OF LOTS UNTIL REQUIREMENTS FULFILLED

Issuance of a conditional use, major development, or zoning permit authorizes the recipient to commence the activity resulting in a change in use of the land, or, subject to obtaining a building permit, to commence work designed to construct, erect, move, or substantially alter buildings or other substantial structures or to make necessary improvements to a subdivision. However, the intended use may not be commenced, no building may be occupied, and in the case of subdivisions, no lots may be sold until all of the requirements of this Ordinance and all additional requirements imposed pursuant to the issuance of a conditional use permit have been complied with.

15.2.3 WHO MAY SUBMIT APPLICATIONS

A. Applications for zoning, major development, conditional use, sign permits, subdivision final plat, or variances will be accepted only from persons having the legal authority to take action in accordance with the permit or the plat approval. By way of illustration~~s~~, in general terms this means that applications should be made by the owners or lessees of property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this Ordinance, or the agents of such person who may make application in the name of such owners, lessees, and contract vendees.

B. The Administrator may require an applicant to submit evidence of their authority to submit the application in accordance with §15.2.3.A whenever there appears to be a reasonable basis for questioning this authority.

15.2.4 APPLICATIONS TO BE COMPLETE

A. All applications for zoning permits, major development permits, conditional use permits, sign permits, or variances must be complete before the permit issuing authority is required to consider the application.

B. An application is complete when it contains all of the information that is necessary for the permit issuing authority to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this Ordinance.

C. Detailed or technical design requirements and construction specifications relating to various types of improvements (streets, sidewalks, etc.) are set forth in this Ordinance. A site-specific development plan shall be submitted only with a conditional use permit or conditional district zoning application. Other applications (zoning and variance) do not require the application to contain the type of detailed construction drawings that would be necessary to determine compliance with this Ordinance so long as the plans provide sufficient information to allow the permit issuing authority to evaluate the application in light of the substantive requirements set forth in the text of this Ordinance. However, whenever this Ordinance requires a certain element of a development to be constructed in accordance with the detailed requirements set forth herein, then no construction work on such element may be commenced until detailed construction drawings have been submitted to and approved by the Administrator. Failure to observe this requirement may result in permit revocation, denial of final subdivision plat approval, or other penalty as described in Chapter 16.

D. The presumption established by this Ordinance is that all of the information set forth herein is necessary to satisfy the requirements of this Chapter. However, it is recognized that each development application is unique and therefore the permit issuing authority may allow less information or require more information to be submitted according to the needs of the particular case. For applications submitted to the Planning Board, Town Board of Commissioners, or Board of Adjustment, the applicant may, on the recommendation of the Administrator, determine where more or less information should be submitted.

E. The Administrator shall make every effort to develop application forms, instructional sheets, checklists, or other techniques or devices to assist applicants in understanding the application requirements and the form and type of information to be submitted. In cases where a minimal amount of information is necessary to enable the Administrator to determine compliance with the Ordinance, such applications for zoning permits to construct single-family dwellings or applications for sign permits, the Administrator shall develop standard forms that will expedite the submission of the necessary plans and other required information.

15.2.5 PRESUBMITTAL MEETINGS

To minimize development planning costs, avoid misunderstandings or misinterpretation, and to ensure compliance with the requirements of this Ordinance, a presubmittal meeting between the developer and/or their agent or authorized representative and Town staff is encouraged or required as provided in this Section.

15.2.6 FEES AND INSPECTIONS

A. The Town of Wingate Board of Commissioners is authorized to establish fees to be charged by the Town for the administration of the regulations in this Ordinance. The Town shall adopt as part of their annual budgeting process a schedule of fees for applications and processing for permits as specified in this Ordinance.

B. Agents and officials of the Town are authorized to inspect land-disturbing activities to ensure compliance with this Ordinance, or rules or orders adopted or issued pursuant to this Ordinance, and to determine whether the measures required in approved development plans are being appropriately followed. Notice of the right to inspect shall be included in the approval for each approved permit.

C. No person shall willfully resist, delay, or obstruct any authorized representative, employee, or agent of the Town while that person is inspecting or attempting to inspect a land-disturbing activity.

D. The Town shall also have the power to require written statements or filing reports under oath, with respect to pertinent questions relating to land-disturbing activity.

15.2.7 STAFF CONSULTATION AFTER APPLICATION SUBMITTAL

A. Upon receipt of a formal application for a zoning permit, conditional use permit, conditional zoning, major development permit, minor subdivision plat approval, or variance, the Administrator shall review the application and confer with the applicant to ensure their understanding of the Administrator's interpretation of the applicable requirements of this Ordinance, that all information has been submitted, and that the application represents precisely and completely what is proposed.

B. If the application is for a conditional use permit, conditional zoning, or variance, the Administrator shall place the application on the agenda of the appropriate Board when the applicant indicates that the application is as complete as they intend to make it. If the Administrator rules that the application is incomplete, they shall recommend to the appropriate Board that the application be denied.

15.2.8 APPLICATIONS TO BE PROCESSED EXPEDITIOUSLY

Recognizing that inordinate delays in acting upon appeals or applications may impose unnecessary costs on the appellant or applicant, the Town shall make every reasonable effort to process appeals and permit applications as expeditiously as possible, consistent with the need to ensure that all development conforms to the requirements of this Ordinance.

15.3 APPLICATION CONTENTS

An application for any permit described in this section may be required to contain one, all, or any combination of the elements below. A presubmittal meeting with the Administrator is encouraged to determine which items are considered to be required as part of a development application.

15.3.1 EXISTING CONDITIONS MAP

An existing conditions map is intended to identify existing developed conditions and natural features including, but not limited to, the following:

A. Existing Developed Conditions of Property

1. Rights-of-way;
2. Existing structures & any historical significance;
3. Cemeteries;
4. Bridges or culverts;
5. Utilities (water & sewer, drainage, storm water, electrical, cable, fiber optics, etc.);
6. Driveways & curb cuts;
7. Sidewalks, surface parking, & loading areas;
8. Public and private streets with pavement width;
9. Any known contaminated soils or hazardous materials;
10. Existing and proposed easements including but not limited to electric, water, sewer, storm, drainage, private streets, gas, or other service related easements including location, width, and purpose.

B. Existing Natural Features of Property

1. Forest stands or trees of a uniform size and species;

2. Previously documented rare or protected species' habitats;

3. Riparian & watershed boundaries / buffers, wetlands, watercourses with name and direction of flow;

4. State and federal reports regarding wetlands and stream buffer delineations;

5. Any special flood hazard areas;

6. Existing contour lines at a minimum of 2-foot contour intervals.

C. Identification of the above features on a site prior to the advanced preparation of development plans enables the reasonable and practical planned preservation of existing and environmentally sensitive areas. This requirement provides the Town and the applicant the ability to evaluate the proposed development in order to preserve vegetation, to improve the appearance of the development proposed and to encourage the use of the existing forest and tree canopy and significant vegetation to satisfy the requirements of this Ordinance.

15.3.2 SKETCH PLAN

The sketch plan shall show in simple sketch form the shape and dimensions of the lot on which the proposed building or use is to be constructed or conducted, proposed layout of existing and proposed streets, existing or proposed lot(s) layout, building(s) location and size, nature of land use, parking areas and means of ingress/egress, environmental conditions, civic spaces and other features in relation to existing conditions based upon the size of the tract proposed for development. Sketch plans shall be reviewed as non-binding documents.

15.3.3 MAJOR DEVELOPMENT PLAN

The major development permit is intended to provide a detailed two-dimensional drawing that illustrates all of the required site features including buildings, parking areas, street locations, street sections, right-of-way, property lines and setbacks, required or proposed watercourse buffers, site landscaping and lighting (in conceptual form), and all related development calculations (e.g., density, proposed building areas, number of parking space, estimated impervious surface) in sufficient detail to show compliance with this Ordinance.

15.3.4 FINAL PLAT

A final plat shall be prepared by a professional land surveyor, licensed to practice in the State of North Carolina and shall be drawn to a scale no less than 1 inch = 200 feet, and shall meet the requirements of NCGS 47-30. The final plat shall constitute an accurate survey of the entire phase as shown on the approved plan and shall include all the relevant notes and certifications.

15.4 PUBLIC NOTIFICATION

The following procedures have been established for development applications/petitions that require notification of the public prior to consideration and/or approval.

15.4.1 LEVEL 1 – SUNSHINE LIST

A notice of pending application/meeting shall be posted in a prominent location in Town Hall and on the Town's website and a notice of such meeting shall be mailed, emailed, or delivered to each person and media provider that has filed a written request for notice with the Town Clerk. This notice shall be posted and mailed, emailed, or delivered at least 48 hours before the time of the meeting. Non-media members of this list may be charged an annual fee if so listed in the Town's fee schedule to receive all notices by mail. Members of this distribution list must renew their participation in this distribution on an annual basis.

15.4.2 LEVEL 2 – GENERAL NOTICE IN NEWSPAPER

A notice shall be published in a newspaper of general circulation in the Town once a week for two successive weeks. The first publication shall appear no less than 10 days or more than 25 days prior to the date fixed for the public hearing. The notice shall include the time, place, and date of the hearing/meeting and include a description of the property and the nature of the proposal.

15.4.3 LEVEL 3 – NOTIFICATION TO AFFECTED PROPERTY OWNERS

A. **Mailed Notice:** The owners of all property affected by pending action shall be notified of the hearing/meeting by first class mail. Such notification shall be postmarked at least 10 days but no more than 25 days prior to the date of the meeting at which the matter is to be heard.

B. **Published Notice – Full Community Notification:** As an alternative to the mailed notice requirements §15.4.3.A, the Town may elect to serve notice through a full community notification for pending actions that affect at least 50 properties with 50 different property owners. The Town shall publish notice of the hearing/meeting in a newspaper of general circulation in the Town. Two advertisements shall be published in separate calendar weeks. Each advertisement shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by first-class mail.

C. **Posted Notice:** In addition to the mailed or published notice, as required in the paragraphs above, a sign shall be placed in a prominent location on the subject property(s) or on any adjacent public street or highway right-of-way with a notice of the pending action and a phone number and email address to contact for additional information.

D. **Additional Information for Third Party Re-Zonings:** Except for a Town-initiated rezoning map amendment, when an application is filed to request a Zoning Map amendment and that application is not made by

the owner of the parcel of land to which the amendment would apply, the applicant shall certify to the Board of Commissioners that the owner of the parcel of land, as shown on the county tax listings, has received actual notice of the proposed amendment and a copy of the notice of public hearing. The applicant shall certify that proper notice has been provided in fact, and such certificate shall be deemed conclusive in the absence of fraud. If notice cannot with due diligence be achieved by personal delivery, registered or certified mail, or by a designated delivery service, notice may be given by publication consistent with NCGS 1A-1, Rule 4(j1). This applies only to an application to request a Zoning Map amendment where the application is not made by the owner of the parcel of land to which the amendment would apply.

15.4.4 LEVEL 4 – NOTIFICATION TO ADJACENT PROPERTY OWNERS

The owners of property within 100 feet on all sides of the subject property (not including street right-of-way that are less than 100 feet in width) shall be notified of the hearing/meeting by first class mail. Such notification shall be postmarked at least 10 but not more than 25 days prior to the date of the meeting at which the matter is to be heard. In addition, a sign shall be prominently posted on the subject property(s) or on an adjacent public street or highway right-of-way with a notice of the pending action and a phone number and email address to contact for additional information.

15.4.6 PERMIT/PROCESS TYPE TABLE

Permit / Process Type	Section	Permit/Process Type	Reviewing Agency	Public Notice	Approving Agency	Appeal Process	Permit Validity Period	Permit Extension
Sketch Plan	§15.5.1	Administrative	Administrator	N/A	Administrator	N/A	N/A	N/A
Zoning Permits	§15.5.2	Administrative	Administrator	N/A	Administrator	BOA	1 year	6 months (maximum of 2)
Minor Subdivisions	§15.5.3	Administrative	Administrator	N/A	Administrator	Planning Board	N/A	N/A
Interpretation	§15.5.4	Administrative	Administrator	N/A	Administrator	BOA	N/A	N/A
Major Development Permits	§15.6.1	Legislative	Administrator	1, 2, 3 & 4	Planning Board	BOA	2 years	1 year
Major Subdivision Final Plan	§15.6.2	Legislative	Administrator	1, 2, 3 & 4	Planning Board	BOA	N/A	N/A
Text Amendments and Zoning Map Amendments	§15.6.3	Legislative	Planning Board	1, 2, 3, 4	Board of Commissioners	Superior Court	N/A	N/A
Conditional Districts	§15.6.4	Legislative	Planning Board	1, 2, 3, 4	Board of Commissioners	Superior Court	§15.5.4.I	§15.5.4.I
Conditional Use Permit	§15.7.1	Quasi-Judicial	Administrator	1, 2, 3, 4	Board of Commissioners	Superior Court	2 years	1 year
Appeal of Administrative Decisions	§15.7.2	Quasi-Judicial	BOA	1 & 2	BOA	Superior Court	N/A	N/A
Variance	§15.7.3	Quasi-Judicial	Administrator	1, 2 & 4	BOA	Superior Court	N/A	N/A
Vested Rights	§15.8	Legislative	Administrator	1 & 4	Board of Commissioners	None	2 years, up to 5 years	N/A

15.5 ADMINISTRATIVE REVIEWS

15.5.1 SKETCH PLAN REVIEW

A. Required: Before submitting an application for a major development permit authorizing a development that consists of or contains a major subdivision or an application for conditional zoning or a conditional use permit, the developer shall submit to the Administrator a sketch plan for such development drawn to scale. The developer shall submit the number of sketch plans that the Administrator deems reasonably necessary to facilitate the sketch plan review process.

B. Sketch Plan Contents: At a minimum, a sketch plan submitted for review by the Administrator must display the following information:

1. A sketch vicinity map showing the location of the property in relation to neighboring tracts, subdivisions, roads, and waterways.

2. The boundaries of the tract and the portion of the tract to be developed.

3. The total acreage of land to be developed.

4. The existing and proposed uses of the land, and the existing use of adjoining properties.

5. The proposed street and lot layout for residential developments, or the location of buildings, parking, etc. for non-residential development.

6. The name, address, and telephone number of the property owner.

7. The zoning classification of the tract and adjacent properties.

8. Property Identification Number as provided by the Union County Tax Office.

9. Demarcation of the any designated floodplain as derived from the most recently adopted FEMA FIRM.

10. Any other information the developer believes to be necessary to obtain the informal opinion of the Town of Wingate as to the proposed development's compliance with the requirements of this Ordinance.

C. **Review:** Following a review of the sketch plan and other materials by the Administrator and other applicable Town and County departments, the Administrator shall advise the developer of the results of this review. Written comments related to the submitted sketch plan will be returned to the developer identifying any areas in which the sketch plan may not meet this Ordinance or other adopted Town of Wingate plans and policies. An application for a major development permit, conditional zoning, or conditional use may not be submitted until after the Administrator has provided the developer with comments and recommendations based on a review of the sketch plan.

15.5.2 ZONING PERMITS

A. **Applicability:** The zoning permit process shall apply to all development applications for uses listed in the Permitted Use Table as "P" or "PS." The zoning permit process is not applicable to major or minor subdivisions.

B. **Process Type:** Administrative

C. **Presubmittal Meeting:** No presubmittal meeting is required, but applicants are encouraged to call or visit the Administrator prior to submitting application for a zoning permit to determine what information is required for the application.

D. **Application:** A completed application form for a zoning permit shall be filed with the Administrator.

E. **Public Notification:** N/A

F. **Approval:** The Administrator shall issue the zoning permit unless it is found, after reviewing the application, that:

1. The requested permit is for a use not permitted in the underlying zoning district as shown in the Table of Permitted Uses in Chapter 2 of this Ordinance; or

2. The application is incomplete; or

3. If completed as proposed in the application, the development will not comply with one or more of the requirements of this Ordinance, not including those requirements from which a variance has been granted or those the applicant is not required to comply with under the circumstances specific in Chapter 13 of this Ordinance.

G. **Appeals:** Appeals of the decision of the Administrator shall be heard by the Board of Adjustment in accordance with §15.6.2.

H. **Permit Validity:** Upon approval of the zoning permit, the applicant shall have one year to obtain a building permit or otherwise begin the permitted use. Failure to secure building permits for the permitted work within this time shall render the approval void. Upon issuance of a building permit, the zoning permit shall remain valid as long as a valid building permit exists for the project. Any change of the approved plans that has not been authorized by the Administrator shall invalidate the zoning permit and any subsequent building permits.

I. **Permit Extension:** The Administrator may grant 2 extensions of the approved permit of up to 6 months each upon submittal by the applicant of sufficient justification for the extension. Sufficient justification may include, but is not limited to, delays in other outside agency permits, financing institution delays, or other similar reasons beyond the control of the applicant.

J. **Supplemental Use Standards:** All applications for zoning permit shall be in compliance with the applicable supplemental use standards found in Chapter 3 of this Ordinance. The Administrator shall have no discretion to modify any requirements found in Chapter 3.

K. **Modifications to Approved Zoning Permit:** Development must occur as approved with the zoning permit. No modifications are permitted. If modifications to the development are required, the applicant shall submit a new zoning permit application for review and approval by the Administrator.

15.5.3 MINOR SUBDIVISIONS

A. **Applicability:** The minor subdivision review process is required for those divisions of land into less than 5 lots. No more than 2 minor subdivisions of the same parent tract may be accepted for processing or approval as a minor subdivision within any 5-year period. Lots created as a result of a minor subdivision approval shall not be subdivided again through a minor subdivision process for a period of 5 years from the date of approval. Any re-subdivision of a lot created as part of a minor

subdivision within 5 years of the original approval must go through the major development permit process as outlined in §15.6.

B. Process Type: Administrative

C. Application: The applicant for a minor subdivision may submit a sketch plan to the Administrator for a determination of whether the approval process authorized in this section can and should be utilized. The Administrator may require the applicant to submit whatever information is necessary to make this determination including, but not limited to, a copy of the tax map showing the land being subdivided and all lots previously subdivided from the tract of land since February 14, 1978.

D. Public Notification: N/A

E. Review: Before approval of a minor subdivision, the Administrator shall refer the application to the Public Works Director for recommendation as to the proposed water supply and sewage treatment systems as well as the other appropriate Town departments and agencies for their review. All such agencies shall return their recommendations to the Administrator.

F. Required Application Materials: Before an application is reviewed by the Administrator, the applicant shall submit a copy of a final plat, drawn to scale and otherwise acceptable to the Union County Register of Deed's Office for recording purposes. When more than one sheet is required to include the entire subdivision, all sheets shall be the same size and shall appropriate match marks on each sheet and appropriate references to the other sheets of the subdivision. The applicant shall submit three copies of the plat. All minor subdivision plats shall also be provided in digital PDF format. The following is required to be displayed on the plat submitted for review:

1. Certificate of Approval:

I hereby certify that the minor subdivision shown on this plat is in all respects in compliance with the Wingate Land Use Ordinance, and therefore this plat has been approved by the Wingate Land Use Administrator, subject to its being recorded in the Office of the Union County Register of Deeds within ninety days of the date below.

_____ _____

Date Land Use Administrator

2. Certificate of Ownership and Dedication:

I (we) certify that I (we) am/are the owner(s) of the property described hereon, which property is located within the subdivision regulation jurisdiction of the Town of Wingate, that I hereby freely adopt this plan of subdivision and do hereby establish all lots, with minimum building setback lines, and dedicate to public use all areas shown on this plat as streets, alleys, walks, parks, open space, and easements, except those specifically identified as private, and that I will maintain all such areas until the offer of dedication is accepted by the appropriate public authority. All property shown on this plat as dedicated for public use shall be deemed to be dedicated for any other public use authorized by law when such other use is approved by the Town Board of Commissioners in the public interest.

_____ _____
Date Owner

All current owners must sign. Please include signature and date lines for all owners

3. Notary Certification

I, a notary public of _____ County, North Carolina, certify that _____, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official seal this _____ day of _____, 20_____.

My commission expires _____

SEAL OR STAMP

4. Certificate of Survey and Accuracy

I hereby certify that this map (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (a deed description recorded in Book _____, Page _____ of the _____ County Registry) (other); that the ratio of precision as calculated is 1:_____; that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____, and that this plat was prepared in accordance with NCGS 47-30, as amended. Witness my original signature, registration number and seal this _____ day of _____, 20_____.
SEAL OR STAMP

_____
Registered Land Surveyor

_____
Registration Number

5. Street Construction Certification (if applicable)

I hereby certify that the streets on this plat designated as public are or will be in accordance with the
I hereby certify that the streets on this plat designated as public are or will be in accordance with the minimum right-of-way and construction standards established by the Town of Wingate for acceptance on the state highway system. OR I hereby certify that the streets on this plat designated as private do not satisfy the minimum right-of-way and construction standards established by the Town of Wingate and will not be accepted on the state highway system. _____ _____ District Engineer Date

6. Floodway / Floodplain Certification (if applicable)

I hereby certify that the streets on this plat designated as public are or will be in accordance with the minimum right-of-way and construction standards established by the Town of Wingate for acceptance on the state highway system. OR I hereby certify that the streets on this plat designated as private do not satisfy the minimum right-of-way and construction standards established by the Town of Wingate and will not be accepted on the state highway system. _____ _____ District Engineer Date

7. Certificate of Subdivision Type

It is the duty of the surveyor, by a certificate, to certify one of the following on the face of the plat:

a. That the survey creates a subdivision of land within the area of Wingate that is regulated by the Wingate Land Use Ordinance which regulates the subdivision of parcels of land;

b. That the survey is of an existing parcel or parcels of land;

c. That the survey is of another category, such as recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision;

d. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of his/her professional ability as to the provisions contained in (1) through (3) above.

G. Exceptions: The minor subdivision process may not be used if the subdivision involves the installation or improvements or if the subdivision results in the creation of more than a total of five lots out of one tract since February 14, 1978, regardless of whether the lots were created at one time or over an extended period of time.

H. Approval: The Administrator shall approve the proposed subdivision unless the subdivision is not a minor subdivision as defined in this Ordinance; or the application or plat fails to comply with any applicable regulations of this Ordinance. If the subdivision is denied, the Administrator shall promptly furnish the applicant with a written statement of the reasons for denial. Approval of any plat is contingent upon the plat being recorded within 90 days after the date the Certificate of Approval is signed by the Administrator.

I. Appeals: Appeals of the decision of the Administrator shall be heard by the Planning Board. An appeal must be made by the applicant within 30 days of the receipt of the Administrator's decision. The appeal of the denial of a minor subdivision shall follow the same process as that for a major subdivision as described in §15.8 of this Ordinance.

15.5.4 INTERPRETATIONS

A. Applicability: The Administrator is authorized to interpret the Zoning Map and to pass judgement upon disputed questions of lot lines or district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the Administrator, they shall be handled as an appeal as described in §15.10.

B. Application: An application for a map interpretation shall be submitted to the Administrator. The application shall contain sufficient information to allow the Administrator to make the necessary interpretation.

C. Process: Administrative

D. Public Notice: N/A

E. Zoning District Boundary Interpretation: Where uncertainty exists as to the boundaries of districts as shown on the official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of alleys, highways, streams, or railroads shall be construed to follow such centerlines;

2. Boundaries indicated as approximately following lot lines, Town limits or ETJ boundary lines shall be construed as following such lines, limits, or boundaries.

3. Boundaries indicated as approximately parallel to the centerlines of streets or other rights-of-way shall be construed as being parallel thereto and at such distance therefrom or indicated on the Zoning Map.

4. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such shorelines.

5. Where a district boundary divides a lot or where distances are not specifically indicated on the official Zoning Map, the boundary shall be determined by measurement, using the scale of the official Zoning Map.

6. Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

F. Process: Upon receiving a completed application for a lot or district boundary interpretation, the Administrator shall issue a written determination to the applicant of their findings.

G. Appeal: An appeal of an interpretation by the Administrator shall follow the procedure set forth in §15.10.

15.6 LEGISLATIVE REVIEW

15.6.1 MAJOR DEVELOPMENT PERMITS

A. Applicability: The major development permit is required for Major Subdivisions and Planned Unit Developments.

B. Process Type: Legislative

C. Permit Required Before Any Land Disturbing Activity: No land-disturbing activity shall take place until a major development permit has been approved.

D. Public Notification: Levels 1, 2, 3, and 4

E. Presubmittal Meeting: Applicants for a major development permit must meet with the Administrator prior to the submittal of an application. The purpose of this meeting is to provide clarification and assistance in the preparation and submission of plats for approval. It is required that the applicant provide a Sketch Plan to the Administrator at least 7 days prior to the presubmittal meeting.

F. Application: A completed application for a major development permit shall be submitted to the Planning Board by filing the application with the Administrator.

G. Application Contents: Existing Conditions, Major Development Plan, as well as any other plans, drawings, renderings, elevations, maps, and documents specifically included as development documents for approval by the Planning Board?.

H. Staff Recommendation: When a complete application for a major development permit is submitted, it shall be accompanied by a report setting forth the Administrator's findings elaborating the applications compliance with this Ordinance, as well as any staff recommendations for additional requirements to be imposed by the Planning Board.

I. Approval: The Planning Board shall issue the major development permit unless it finds after reviewing the application that:

1. The requested permit is for a use not permitted in the underlying zoning district as shown in the Table of Permitted Uses in Chapter 2 of this Ordinance; or

2. The application is incomplete; or

3. If completed as proposed in the application, the development will not comply with one or more requirements of this Ordinance, not including those requirements from which a variance has been granted or those the applicant is not required to comply with under the circumstances specific in Chapter 13 of this Ordinance.

J. **Appeals:** Appeals to the decision of the Planning Board shall be heard by the Board of Adjustment in accordance with §15.6.2.

K. **Permit Validity:** Approval of a major development permit shall be valid for 2 years from the date of approval. If the approved major development permit provides for multiple phases within the subdivision, approval of a zoning permit for any one phase shall extend the major development permit approval for all other phases for a period of 2 years from the date of the zoning permit approved for that phase. If a zoning permit has not been obtained prior to the end of the 2-year period, the major development permit shall become void.

L. **Permit Extension:** The Planning Board may grant a single extension of the approved major development permit for a time period of up to one year upon submittal by the applicant of sufficient justification for the extension. Sufficient justification may include, but is not limited to, delays in other outside agency permits, financing institution delays, or other similar reasons beyond the control of the applicant.

M. **Substantial Changes:** Any substantial changes to a major development permit as noted below shall be reviewed by the Planning Board. The following changes are considered a substantial change:

1. Modifications to special performance criteria, design standards, and other similar requirements.

2. A change in land use or development type beyond what was permitted by the approved major development permit.

3. Where there is introduction of a new vehicular access point to an existing street, road, or thoroughfare not previously designated for access.

4. When there is an increase in the total number of residential dwelling units originally authorized in the major development permit.

5. Any change which alters the basic development concept of the major development permit.

15.6.2 MAJOR SUBDIVISION FINAL PLAN

A. **Applicability:** The major subdivision final plan approval process shall apply to any new subdivision plat which creates more than 5 new lots or requires the dedication of public utilities and/or public streets.

B. Process Type: Legislative

C. Public Notification: Levels 1, 2, 3, and 4.

D. Application: The applicant for major subdivision final plat approval shall submit to the Administrator a final plat, drawn to scale and otherwise acceptable to the Union County Register of Deed's Office for recording purposes. When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. The applicant shall submit 6 prints of the plat for review, along with the applicable application and 6 prints of the final plat. A digital PDF of the major subdivision final plat shall also be submitted to the Administrator.

E. Required Information: In addition to the endorsements listed in §15.7.F, the final plat shall contain the following information:

1. A vicinity map;
2. The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the Union County Registry;
3. The name of the subdivision owner or owners;
4. The township, county, and state where the subdivision is located;
5. The name of the surveyor and their registration number and the date of the survey;
6. The scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph;
7. The date of the survey and plat preparation;
8. The location of all rights-of-way, easements, and areas to be dedicated to public;
9. The sections numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each section;

10. The number of square feet or acreage of each lot shown on the plat;

11. All of the additional information required by NCGS 47-30(f);

12. Delineation of any on-site waste disposal areas;

13. The location of all existing buildings on the tract to be subdivided;

14. The property identification number (PIN), as provided by the Union County Tax Office.

15. In addition to the certifications found in §15.7.F, the following certification shall be required on a major subdivision final plat if applicable:

a. Certificate of Major Plat Approval by the Wingate Planning Board

The subdivision plat has been found to comply with the provisions of the Wingate Land Use Ordinance and is approved this date by the Wingate Planning Board for recording in the Union County office of the Register of Deeds. The plat shall be recorded within thirty (30) days of this date.
_____ Land Use Administrator	_____ Date

F. Review and Approval: The Planning Board shall approve the proposed plat unless it finds that the plat or proposed subdivision fails to comply with one or more of the requirements of this Ordinance or that the final plat differs substantially from the plans and specifications approved in conjunction with the compliance permit that authorized the subdivision. If the final plat is denied by the Planning Board, the applicant shall be furnished a written statement of the reasons for the denial. Approval of the final plat is contingent upon the plat being recorded within 30 days after the approval certificate is signed by the Administrator.

G. Appeals: An appeal from the decision of the Planning Board shall be made to the Board of Adjustment, in accordance with §15.6.2.

15.6.3 TEXT AMENDMENTS AND ZONING MAP AMENDMENTS

A. Applicability: An amendment to the text of this Ordinance or the official Town Zoning Map may be initiated by the Board of Commissioners, Planning Board, Planning staff, or any other interested person.

B. Applications: Any petition for rezoning property must be signed by the petitioner, who shall indicate the capacity in which they filed the petition. In the event the party filing the petition is someone filing the same on behalf of the owner, such party shall attach his authority to execute said petition on behalf of the owner of the petition. If the application is seeking to have rezoned less than the entire lot or tract, the application for the rezoning shall be accompanied by a survey map and description. If the applicant is seeking to have rezoned an entire lot or tract for which a tax PIN is assigned, said tax PIN shall be sufficient for public notice of the area requested for rezoning.

C. Process: Legislative

D. Public Notice: Level 1, 2, 3, and 4.

1. Level 3 notification is only required for text amendments that involve a specific parcel of land, or when the applicant for a Zoning Map amendment is not the owner of the property subject to the application.

E. Delay in Subsequent Applications: Unless the Board of Commissioners finds that there have been substantial changes in conditions or circumstances to the application for a text amendment or Zoning Map amendment, the Town shall not accept for consideration a petition if:

1. Within one year prior to the date a petition is denied by the Board of Commissioners; or

2. Within one year prior to the date the petition is withdrawn by the applicant after Planning Board consideration; or

3. The Board of Commissioners approved a rezoning on the subject property on the same parcel to a more restrictive classification than requested; or

4. Within one year prior to the date the petition is submitted, the Board of Commissioners has denied a substantially similar request for a text amendment.

F. Planning Board Consideration

1. Every Zoning Map amendment or text amendment shall be referred to the Planning Board for its consideration.

2. The Planning Board shall endeavor to review the proposed amendment in such a timely fashion that any recommendations it may have can be presented to the Board of Commissioners at the public hearing on the amendment. If the Planning Board is not prepared to make recommendations at the public hearing, it may request the Board of Commissioners to delay final action on the amendment until such time as the Planning Board can present its recommendations.

3. The Board of Commissioners may not take final action approving a proposed amendment until it has received the recommendation of the Planning Board, or until 45-days from the date of referral to the Planning Board, whichever occurs first. The Board of Commissioners is not bound by the recommendations of the Planning Board.

4. A Planning Board member shall not vote on any Zoning Map or text amendment where the outcome of the matter being considered is likely to have a direct, substantial, and readily identifiable impact on the member.

5. Upon making a recommendation, the Planning Board shall advise and comment on whether the proposed amendment is consistent with any adopted Town plans and policies. The Planning Board shall provide a written recommendation to the Town Board that addresses plan consistency or other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with any adopted plan or policy shall not preclude consideration or approval of the proposed amendment by the governing board.

G. Board of Commissioners Action on Amendments

1. At the conclusion of the public hearing on a proposed amendment, the Board of Commissioners may proceed to vote on the proposed amendment, refer it to Planning Board for further study, or take any action consistent with its usual rules of procedure.

2. The Board of Commissioners is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.

3. Prior to adopting or rejecting any zoning amendment, the Board of Commissioners shall adopt a statement describing whether its action is consistent with an adopted plan and explaining why the Town Board considers the action taken to be reasonable and in the public interest.

4. A member of the Board of Commissioners shall not vote on any Zoning Map amendment or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

H. Board of Commissioners Consideration: In deciding whether to adopt a proposed amendment to this Ordinance, the central issue before the Board of Commissioners is whether the proposed amendment advances the public health, safety or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the Chairman of the Board of Commissioners and excluded. In particular, when considering proposed map amendments:

1. For all rezoning amendments with the exception of requests for conditional use zoning, the Board shall not rely upon any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible uses permitted in the requested classification. Rather, the Board of Commissioners shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses on the existing zoning district.

2. For amendments requesting a parallel conditional use zoning district, the Board can consider a specific use for the parcel or parcels and review a site-specific development plan as part of the amendment process. The use(s) specified by the applicant will be noted on the conditional use permit or conditional zoning if the rezoning of the property or properties is approved by the Board of Commissioners. No other uses will be permitted on the subject parcel or parcels once approved by the Board of Commissioners.

I. Citizen Comments

1. If any resident or property owner in the Town submits a written statement regarding a proposed amendment, modification, or repeal to this Ordinance to the Town Clerk at least two business days prior to the proposed vote on such change, the Town Clerk shall deliver such written statement to the Board of Commissioners. If the proposed change is the subject of a quasi-judicial hearing under NCGS 160A-388, the Town Clerk shall provide only the names and addresses of the individuals providing written comment, and the provisions of such names and addresses to all members of the Board of Commissioners shall not disqualify any member of the Board of Commissioners from voting.

2. Any resident or property owner who submits a written statement of citizen concern may withdraw their written statement any time prior to the meeting at which the item will be considered.

J. Appeals: Any action challenging an Ordinance that changes the zoning classification of any property must be commenced within 60 days after the effective date of such Ordinance as provided in S.L. 1987 Chapter 604.

15.6.4 CONDITIONAL DISTRICT REZONINGS (CD)

Conditional Districts (CD) (see §2.7) are districts with conditions voluntarily added and/or agreed to by the applicant and approved in a legislative procedure by the Board of Commissioners in accordance with NCGS 160A-382. Conditional Districts provide for orderly and flexible development under the general policies of this Ordinance without the constraints of some of the prescribed standards guiding by-right development. This Conditional District may be used in any district but is not intended to relieve hardships that would otherwise be handled using a variance procedure.

A. Process: Legislative

B. Applicant and Property: Conditional District classification shall only be considered upon the request of the owners and/or their representatives of all the property to be included in the specific Conditional District request. A Conditional District request shall consist of land under unified control which may be planned and developed as a single development or as an approved programmed series of development phases by multiple developers. “Unified control” means that all land to be included within a Conditional District shall be owned or otherwise in the legal control of the applicant for a Condition District. The applicant shall be legally capable of providing a commitment to the Town that the

Conditional District development will comply with all documents, plans, standards, and conditions ultimately approved by the Town.

C. Fair and Reasonable Conditions: Within an approved Conditional District, no uses shall be permitted except pursuant to the conditions imposed by the applicant on the Conditional District in the approval of the rezoning. The Board of Commissioners and the applicant may mutually agree to additional reasonable and appropriate conditions or safeguards to serve the purpose and intent of this section, and to preserve public welfare and justice. The provisions of the Conditional District Master Plan shall replace all conflicting development regulations set forth in this Ordinance which would otherwise apply to the development site. The Planning Board may recommend and the Board of Commissioners with mutual approval of the applicant: may attach reasonable and appropriate conditions including, but not limited to, the location, nature, hours of operation, and extent of the proposed uses(s). Conditions and site-specific standards shall be limited to those that address conformance of the development and use of the site to this Ordinance and officially adopted plans and those standards and conditions that address the impacts reasonably expected to be generated by the development and use of the site. The applicant will have a reasonable opportunity to consider and respond to any conditions and site-specific standards proposed by either the Planning Board or Board of Commissioners prior to final action.

D. Application Contents: A Conditional District rezoning application shall consist of the existing conditions map, major development plan, and any other plans, drawings, renderings, elevations, maps and documents specifically included as development documents for approval by the Board of Commissioners. The Conditional District Major Development Plan is a site-specific development plan that becomes a condition of the Conditional District zoning. In addition to those items required for Major Development Plans, the following shall also be shown:

1. A full list of the uses to be permitted on the parcel(s) subject to the application. Uses may be selected from any of the uses permitted in the underlying zoning district, whether permitted by-right, permitted with supplemental standards, or permitted with a conditional use permit. Should the requested Conditional District rezoning be approved by the Board of Commissioners, any use that would have required a conditional use permit in the underlying zoning district is considered a permitted use in the approved Conditional District. Uses not permitted in the underlying zoning district shall not be permitted within the Conditional District.

2. General traffic routes (external and internal) to and from the development with major access points identified;

3. Tabular data, including the range and scope of proposed land uses, proposed densities, impervious surface ratios as applicable to the development type, and the land area devoted to each type of general land use and phase of development.

4. A proposed development schedule if the project is to be phased.

E. **Exception for Conditional Districts with Use Limitations Only:** If an applicant proposed a Conditional District which meets the following criteria, no Conditional District Major Development Plan is required as part of the application:

1. The only proposed deviation in use from the underlying zoning district is to impose additional limitations on the uses that will be allowed in the Conditional District.

2. No other deviations from the standards of the underlying zoning district are proposed in the Conditional District.

F. **Procedure:** The procedure for approval of a Conditional District shall follow the procedure for review of Text Amendment and Zoning Map Amendments as outlined in §15.6.3 of this Ordinance.

G. **Effect of Approval / Changes:** The applicant may proceed with development only after approval of the Conditional District Major Development Plan by the Board of Commissioners, followed by the approval of any necessary zoning permits and/or subdivision plats by the Administrator. The development and use of all land within the Conditional District shall be in keeping with the approved Major Development Plan and all applicable provisions therein.

1. If so reflected on the Major Development Plan, the Board of Commissioners may allow the phasing of development. Each phase of the development shall adhere to all applicable provisions and standards of this section and the applicable Conditional District Major Development Plan.

H. **Substantial Changes:** Any substantial change to an approved Conditional District zoning shall be reviewed by the Planning Board and approved or denied by the Board of Commissioners as an amended Conditional District. The following changes to a Conditional District

Major Development Plan shall require approval by the Board of Commissioners:

1. Land area being added or removed from the Conditional District.

2. Modification to special performance criteria, design standards, or other requirements specified by the enacting Ordinance.

3. A change in land use or development type beyond that permitted by the approved Conditional District Major Development Plan.

4. When there is introduction of a new vehicular access point to an existing street, road, or thoroughfare not previously designated for access.

5. When there is an increase in the total number of residential dwelling units originally authorized by the approved Conditional District Major Development Plan.

6. When the total floor area of a commercial or industrial classification is increased more than 10% beyond the total floor area last approved by the Board of Commissioners. Changes of less than 10% may be approved by the Administrator.

7. Any change which alters the basic development concept of the Conditional District Major Development Plan.

8. **Other Changes:** All other changes to a Conditional District Major Development Plan shall be approved by the Administrator.

I. Rescission of Conditional District: The applicant shall a secure valid building or construction permit within 2 years from the date of approval of the Conditional District unless otherwise specified. If such project is not complete or a valid building or construction permit is not in place at the end of the 2-year period, the Administrator shall notify the applicant of either such finding. Within 60 calendar days of notification, the Administrator shall make a recommendation concerning the rescission of the Conditional District to the Board of Commissioners. The Board of Commissioners may rescind the Conditional District or extend the life of the Conditional District for a specified period of time. The rescission of a Conditional District shall follow the same procedure as was needed for approval.

15.7 QUASI-JUDICIAL REVIEW

15.7.1 CONDITIONAL USE PERMIT

A. Applicability: Any proposed development located in a Conditional Use zoning district or designated as a "CUP" in the Permitted Use Table shall be required to receive a Conditional Use Permit approved by the Wingate Board of Commissioners.

B. Process Type: Quasi-Judicial

C. Public Notification: 1, 2, 3, and 4.

D. Presubmittal Meeting: It is required that every applicant for a Conditional Use Permit meet with the Administrator prior to the submittal of an application. The purpose of this meeting is to provide clarification and assistance in the preparation and submission of plats for approval.

E. Conditional District Rezoning: If rezoning of the property to a parallel conditional use zoning district is also required, the approval of the conditional use permit and rezoning shall follow the process described in §15.13.

F. Public Hearing Required: Applications for conditional use permit shall be submitted to the Wingate Board of Commissioners by filing an application with the Administrator. The Board of Commissioners shall conduct a public hearing to review the conditional use permit application. The Board of Commissioners shall not approve a conditional use permit application if it is found that:

1. The application is for a use that is not permitted in the zoning district in which the subject property is located per the Table of Permitted Use in Chapter 2 of this Ordinance; or

2. The application is incomplete; or

3. If completed as proposed in the application, the development will not comply with one or more of the requirements of this Ordinance.

G. Findings of Fact: In order to approve a conditional use permit, the Board of Commissioners must conclude that, based on the information submitted at the public hearing, that if completed as proposed, the application complies with the following findings of fact:

1. The application is consistent with the adopted plans and policies of the Town;

2. The application complies with all applicable requirements of this Ordinance;

3. There exists adequate infrastructure to support the application as proposed; and

4. The application will not be detrimental to the use or development of adjacent properties or other neighborhood uses;

5. The application will not endanger the public health or safety;

6. The application will not injure the value of adjoining or abutting property; and

7. The application will be in harmony with the area in which it is located.

If substantial and competent evidence is submitted to the Board of Commissioners that the application as proposed is not in compliance with the findings of fact above, the Board of Commissioners shall not approve the requested conditional use permit.

H. Completed Application: The burden of presenting a complete application shall be on the applicant. However, unless the Board of Commissioners informs the applicant at the hearing in what way the application is incomplete and offers the applicant the opportunity to complete the application, the application shall be deemed complete.

I. Burden of Proof: The burden of presenting competent, substantial evidence to lead the Board of Commissioners conclude that the application should be denied shall be on the parties advocating that position. Likewise, the burden of presenting competent, substantial evidence that the application, as presented, meets the requirements of this Ordinance and should be approved by the Board of Commissioners is on the applicant.

J. Staff Recommendation: When a complete application for a conditional use permit is submitted, it shall be accompanied by a report setting forth the Administrator's findings elaborating the applications compliance with this Ordinance, as well as any staff recommendations for additional requirements to be imposed by the Board of Commissioners.

K. Conditions of Approval: The Board of Commissioners may not attach additional conditions to the approval of a conditional use permit that modify or alter the specific requirements of this Ordinance unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements. The Board of Commissioners may attach to a permit a condition limiting the permit to a specific duration. All conditions or requirements shall be made a part of the approved conditional use permit and those conditions shall be enforceable in the same manner and extent as any other applicable requirement of this Ordinance.

L. Appeals: An appeal from the decision of the Board of Commissioners regarding a conditional use permit may be made by an aggrieved party and shall be made to the Superior Court of Union County in the nature of certiorari. Any such petition shall be filed with the clerk of the Superior Court within 30 days after the decision of the Board is filed with the Town Clerk, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the Board of Commissioners at the time of its hearing of the case, whichever is later. The decision of the Board may be delivered to the aggrieved party either by personal service, registered mail, or certified mail return receipt requested.

M. Permit Validity: Approval of a Conditional Use Permit shall be valid for 2 years from the date of approval.

N. Permit Extension: The Board of Commissioners may grant a single extension of the time period in §15.9.M of up to one year upon the submittal by the applicant of sufficient justification for the extension. Sufficient justification may include, but is not limited to, delays in other outside agency permits, financing institution delays, or other similar reasons beyond control of the applicant.

O. Substantial Changes: Any substantial changes to a conditional use permit as noted below shall be reviewed by the Board of Commissioners. The following changes are considered a substantial change:

1. Modifications to special performance criteria, design standards, and other similar requirements.

2. A change in land use or development type beyond what was permitted by the approved conditional use permit.

3. Where there is introduction of a new vehicular access point to an existing street, road, or thoroughfare not previously designated for access.

4. When there is an increase in the total number of residential dwelling units originally authorized in the major development permit.

5. Any change which alters the basic development concept of the conditional use permit.

15.7.2 APPEALS OF ADMINISTRATIVE DECISIONS

A. **Applicability:** This process is hereby established to provide an appeal process for parties aggrieved by any order, requirement, decision, or determination made by any administrative officer or Board charged with enforcing the provisions of this Ordinance.

B. **Process Type:** Quasi-Judicial

C. **Filing Procedure:** An appeal of an administrative decision may be taken by any person aggrieved (or their authorized agent), or by any officer, department, or Board of the Town, to the Board of Adjustment. Such an appeal shall be made within 30 days of the receipt by such aggrieved party of the written notice of the decision from the Administrator, or in the case of an office, department, or Board of the Town, within 30 days of the filing of the written notice with the Town Clerk.

D. **Stay of Proceedings:** The filing of an appeal shall stay all proceedings in the furtherance of the contested action unless the Administrator certifies that, in his/her opinion, by reason of facts stated in the certification, such stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed except by restraining order or preliminary injunction granted by the Superior Court of Union County in accordance with Rule 65 of the North Carolina Rules of Civil Procedure.

E. **Required Appeal Application Information:** Such relevant information as may reasonably allow the Board of Adjustment to understand the basis for the applicant's appeal. The Administrator shall similarly prepare a report detailing the regulations and interpretation behind the matter being appealed and their reason for the decision.

F. **Public Notification:** Level 1 & 2.

G. Formal Review: Formal review of an appeal of an administrative decision shall follow the procedure below:

1. Upon receiving the application, the Board of Adjustment shall conduct a public hearing on the appeal. Any party may appear in person or be represented by an agent at the hearing.

2. After conduction of the public hearing, the Board of Adjustment shall adopt an order reversing or affirming, wholly or in part, or modifying the order requirements, decision or determination in question. It shall take a 4/5ths majority vote of the Board of Adjustment to reverse or modify the contested action.

3. The Board of Adjustment, in making its ruling, shall have all the powers of the Administrator from whom the appeal is taken, and may issue or direct the issuance of a permit.

4. The decision of the Board of Adjustment must be in writing and permanently filed in the minutes of that reviewing body as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board of Adjustment, which must be delivered to parties of interest by certified mail.

H. Appeals: Any appeal from a decision of the Board of Adjustment may be made by an aggrieved party and shall be made to the Superior Court of Union County in the nature of certiorari. Any such petition shall be filed with the clerk of the Superior Court within 30 days after the decision of the Board is filed with the Town Clerk, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the Board at the time of its hearing of the case, whichever is later. The decision of the Board may be delivered to the aggrieved party either by personal service, registered mail, or certified mail return receipt request.

1. Any appeal from a decision relating to sedimentation and erosion control shall be made to the North Carolina Sedimentation Control Commission.

15.7.3 VARIANCES

A. Applicability: The variance process administered by the Board of Adjustment is intended to provide limited relief from the requirements of this Ordinance in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship

prohibiting the use of the land in a manner that is otherwise allowed under this Ordinance.

B. Sufficient Grounds for a Variance: It is not intended that variances be granted solely to remove inconveniences or financial burdens that the requirements of this Ordinance may impose on property owners in general or to increase the profitability of a proposed development, although such factors may be taken into consideration.

C. Use Variance Not Permitted: In no event shall the Board of Adjustment grant a variance which would allow the establishment of a use which is not otherwise allowed in the zoning district in which the parcel of land is located, or which would change the zoning district classification or the district boundary of the property in question.

D. Authority Limited to This Ordinance / Conflicts With Other Laws Prohibited: In no event shall the Board of Adjustment grant a variance which would conflict with any state code unless so authorized by laws and regulations.

E. Process Type: Quasi-Judicial

F. Presubmittal Meeting: Every applicant for a variance is strongly encouraged to meet with the Planning Department in a presubmittal conference prior to the submittal of a request for a variance. The purpose of this conference is to provide additional information regarding the review process and assistance in the preparation of the application.

G. Filing Procedure: An application for a variance may be filed by the owner of the property or by an agent specifically authorized by the owner to file such application.

H. Required Application Information: All information relevant to describing the applicant's request to the Board of Adjustment shall be submitted to the Administrator as part of the variance application.

I. Public Notification: Level 1, 2, and 4.

J. Determination of Compliance: Staff shall review an application for a variance to determine if it is complete. If an applicant is complete, the Administrator shall schedule the matter for consideration at a meeting of the Board of Adjustment. The Administrator shall prepare a staff report regarding the submitted variance application.

K. Formal Review: Formal review of a variance application shall follow the procedure below:

1. Action by the Board of Adjustment

i. Upon receipt of the request for a variance from the Administrator, the Board of Adjustment shall hold a quasi-judicial hearing on the request.

ii. After conduction the hearing, the Board of Adjustment may: deny the application, conduct an additional public hearing on the application, approve the application, or approve the application with additional conditions. A concurring vote of 4/5ths of the members of the Board of Adjustment shall be necessary to grant a variance.

iii. A decision by the Board of Adjustment shall be made within 45 days of the date of the opening of the public hearing.

iv. Any approval or denial of the request shall be accompanied by written findings of fact supporting the conclusion that the variances meets or does not meet each of the standards in §15.7.3.K.2.

2. Findings of Fact: The Board of Adjustment shall not grant a variance until it makes an affirmative finding of the following facts:

i. Carrying out the strict letter of the Ordinance would result in an unnecessary hardship. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

ii. The hardship results from conditions that are peculiar to the property, such as size, location, and 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.

iii. The hardship did not result from actions taken by the applicant of 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.

iv. The requested variance is consistent with the spirit, purpose, and intent of this Ordinance, such that the public safety is secured, and substantial justice is achieved.

L. Additional Standards for Floodplain Development Variance Requests: Variances from the standards set forth in this Ordinance for flood damage prevention, as described in Chapter 12, may be granted subject to the following additional provisions:

1. Any applicant to whom a variance from the flood damage prevention regulations in Chapter 12 of this Ordinance shall be given written notice specifying the difference between the base flood elevation and the elevation to which any structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased flooding risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.

2. The Administrator shall maintain record of all approved variances from the flood damage prevention Ordinance and report them to FEMA upon request.

3. In addition to the required findings of fact required for the approval of a variance in §15.7.3.K.2, the Board of Adjustment must find in the affirmative that a variance from the flood damage prevention Ordinance:

i. Is the minimum necessary to afford relief, considering the flood hazard; and

ii. The granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud or victimization of the public, or conflict with existing local laws or Ordinances.

M. Additional Conditions: In granting any variance, the Board of Adjustment may attach such conditions to the approval as it deems necessary and appropriate to satisfy the purposes and objectives of this Ordinance. The Board of Adjustment may also attach conditions in order to reduce or minimize any injurious effect of such variance upon other property in the neighborhood and to ensure compliance with other terms of this Ordinance. Such conditions and safeguards must be reasonably related to the condition or circumstance that gives rise to the need for a variance.

N. **Appeal:** Any appeal from a decision of the Board of Adjustment may be made by an aggrieved party and shall be made to the Superior Court of Union County in the nature of certiorari. Any such petition shall be filed with the clerk of the Superior Court within 30 days after the decision of the Board is filed with the Town Clerk, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the Board at the time of its hearing of the case, whichever is later. The decision of the Board may be delivered to the aggrieved party either by personal service, registered mail, or certified mail return receipt request.

15.8 VESTED RIGHTS

15.8.1 PURPOSE AND APPLICABILITY

The zoning vested right is a right which must be requested by the applicant at the time of submittal and is established pursuant to NCGS 160A-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan. Obtaining a zoning permit approval through the vested rights procedure gives the applicant the right to start construction of the development as approved and an additional 2 years, or up to 5 years to begin and/or complete the work as appropriate.

15.8.2 VESTED RIGHTS PROCEDURES

A. **Process Type:** Legislative

B. **Presubmittal Meeting:** The applicant shall meet with the Administrator prior to submitting an application to inquire about specific zoning requirements and obtain the proper application forms. The applicant shall be advised of all necessary information and requirements of the vested right procedure.

C. **Determination of Compliance:** The Administrator shall review the application and accompanying site plan for compliance with the requirements of this Ordinance and all other applicable regulations and schedule the matter for a public hearing before the Board of Commissioners.

D. **Public Notification:** Level 1 & 4.

E. **Public Hearing:** The Board of Commissioners shall hold a public hearing on the proposal. The applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard.

F. **Board of Commissioners Decision:** Following a public hearing, the Board of Commissioners shall take one of the following actions:

1. Approve the vested rights request. The Administrator is then directed to issue a vested rights zoning permit.

2. Approve the vested rights request subject to conditions which are necessary to protect the public health, safety, and welfare. The Administrator is then directed to issue the vested rights zoning permit subject to changes in the plan for development to be made by the developer.

3. Table the vested rights request pending the submittal of additional information.

4. Deny the vested rights request.

G. **Appeals:** None

15.8.3 VESTED RIGHTS DURATION – EFFECT OF APPROVAL

A. **Maximum Term:** A zoning right that has been vested as provided in this section shall remain vested for a period of 2 years, or up to 5 years as approved by the Board of Commissioners.

B. **Building Permit / Preliminary Plan Required:** Upon issuance of a building permit / preliminary plan approval, the expiration provisions for those permits shall apply, except that they shall not expire or be revoked because of the running time while a zoning vested right under this Section is outstanding. A zoning vested right shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

C. **Town May Terminate Vested Rights Early:** The Town may terminate the zoning vested rights upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of all financing and all architectural, legal and other fees incurred after approval by the Town.

D. **State or Federal Regulations Not Bound by Vested Right:** The zoning vested right may be terminated upon the enactment or promulgation of a state or federal law or regulation that precludes development and contemplated in the site-specific development plan. In such case the Board of Commissioners, by ordinance, after notice and hearing, modify the affected provisions upon finding that the change in state or federal law has a fundamental effect on the plan.

E. **Shall Run with the Property:** A zoning vested right is not a personal right but shall attach to and run with the applicable property. After approval of a site-specific development plan, all successor to the original landowner shall be entitled to exercise such right while applicable.

F. **Vested Right Not Exclusive:** Nothing in this section shall prohibit the revocation of the original approval or other remedies for failure to comply with the applicable terms and conditions of this approval or this Ordinance.

CHAPTER 16: Violations and Code Enforcement

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CHAPTER 16: Violations and Code Enforcement

16.1 COMPLAINTS REGARDING VIOLATIONS

Whenever the Administrator receives a written, signed complaint alleging a violation of this Ordinance, they shall investigate the complaint, take whatever action is warranted, and inform the complainant what actions have been, or will be, taken.

16.2 PERSONS LIABLE

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or any other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance may be held responsible for the violation, suffer the penalties, and be subject to the remedies herein provided.

16.3 PROCEDURES UPON DISCOVERY OF VIOLATIONS

A. If the Administrator finds that any provision of this is being violated, a written notice of violation shall be sent to the property owner and/or tenant, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Administrator's discretion.

B. The final written notice, which may also be the initial written notice, shall state what action the Administrator intends to take if the violation is not corrected and shall advise that the Administrator's decision or order may be appealed to the Board of Adjustment. Appeals to the Administrator's determination shall follow the procedure described in Chapter 15 of this Ordinance.

C. Notwithstanding the forgoing, in cases where a delay in corrective measures would seriously threaten the effective enforcement of this Ordinance, or pose a danger to the public health, safety, and welfare, the Administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 16.4 of this Ordinance.

16.4 PENALTIES AND REMEDIES FOR VIOLATIONS

A. Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or conditional use permits, shall be subject to penalties. The following penalties are hereby established:

1. Warning Citation – Correct violation within 10 calendar days

2. First Citation - $25 fine

3. Second Citation - $50 fine

4. Third and subsequent citations for the same offense - $100 each day the violation continues.

If the offender fails to pay this penalty within 10 days after being cited for a violation, the penalty may be recovered by the Town in a civil action in the nature of debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with Section 16.3 and did not make an appeal to the Board of Adjustment within the prescribed timeframe.

B. This Ordinance may also be enforced by any appropriate equitable action.

C. Each day that a violation continues after notification by the Administrator that such violation exists shall be treated as a separate offense for the purposes of the penalties and remedies specified in this Chapter.

D. In addition, pursuant to NCGS §160A-175, the Town may seek a mandatory or prohibitory injunction and an order of abatement commanding the offender to correct the unlawful condition upon, or cease the unlawful use of, the subject premises.

E. Any one, all, or any combination of the foregoing penalties may be used to enforce this Ordinance.

F. Violations of this Ordinance shall not be considered a criminal violation constituting a misdemeanor.

16.5 PERMIT REVOCATION

A. Any zoning, sign, conditional use, or major development permit may be revoked by the permit issuing authority if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this Ordinance, or any additional requirements lawfully imposed by the permit issuing board or authority.

B. Before a conditional use permit may be revoked, all of the notice and hearing requirements of Chapter 14 of this Ordinance must be complied with. The notice shall inform the permit recipient of the alleged grounds for the permit revocation.

1. The burden of presenting evidence sufficient to authorize the permit-issuing authority to conclude that a permit should be revoked for any reasons set forth in Section 16.5.A of this Ordinance shall be upon the party advocating that position. The burden of persuasion shall also be upon that party.

2. A motion to revoke the permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.

3. The process for the revocation of an approved permit shall follow the process outlined in Chapter 15 of this Ordinance.

C. Before a zoning, sign, conditional use, or major development permit may be revoked, the permit recipient shall be given 10 days written notice of the intent to revoke the permit. The notice shall inform the recipient of the alleged reasons for the revocation and his right to obtain an informal hearing on the allegations before the Administrator, Planning Board, Board of Adjustment, or Town Board of Commissioners. If the permit is revoked, the Administrator shall provide to the permittee a written statement of the decision and reasons therefore.

D. No person may continue to make use of land or buildings in the manner authorized by any zoning, sign, conditional use, or major development permit after such permit has been revoked in accordance with this section.

16.6 JUDICIAL REVIEW

A. Every final decision of the Board of Adjustment or Planning Board regarding an application for a major development permit, or the Town Board of Commissioners regarding a conditional use permit shall be subject to review by the Superior Court by proceedings in the nature of certiorari.

B. The petition for a writ of certiorari must be filed with the Wingate Town Clerk within 30 days after the later of the following occurrences:

1. A written copy of the board's decision has been filed with the Administrator for decisions made by the Board of Adjustment, Planning Board, or Town Board of Commissioners, or

2. A written copy of the board's decision has been delivered, by personal service or certified mail, return receipt requested, to the applicant appellant, and to every other aggrieved party who has filed a written request for such copy at the hearing of the case.

C. A copy of the writ certiorari shall be served upon the Town of Wingate.

CHAPTER 17: Definitions

17.1 INTENT

For the purposes of interpreting this Ordinance, certain words, concepts, and ideas are defined herein. Except as defined herein, all other words in this Ordinance shall have their everyday meaning as determined by the dictionary definition.

17.2 MEANING OF WORDS AND PHRASES

The words and phrases in this chapter shall have their customary meanings or shall be as defined in a standard dictionary, except for the specific words and phrases defined in this chapter.

- Tense: Words used in the present tense include the future tense.
- Number: The singular number includes the plural number and the plural number includes the singular number.
- Person: The word person includes a firm, association, partnership, trust, company, corporation, or any other entity usually defined in legal usage as a person.
- Shall and May: The words “shall”, “must”, and “will” are mandatory in nature. The word “may” is permissive in nature.
- Used or Occupied: The words “used” and “occupied” include the words “intended, designed, or arranged to be used or occupied.”
- Lot: The word “lot” includes the words “plot” and/or “parcel.”
- Structure: The word “structure” includes the word “building.”
- On the Premises Of: The phrase “on the premises of,” as applied to accessory uses or structures, shall be interpreted to mean “on the same lot.”
- Adjacent and Adjoining: The words “adjacent” and “adjoining” shall be considered to have the same meaning. For determining when a landscape buffer is required, “adjacent” and “adjoining” shall not include properties located across a public or private street from a proposed use. For the purposes of determining if a subject property is entitled to receive notification of neighborhood meetings or public hearings, properties located across a public or private street shall be considered “adjoining” or “adjacent.”
- The parenthetical notation “(*Floodplain Development)”* shall indicate defined terms that apply only to the application or administration of the Flood Damage Prevention provisions of this Ordinance.

- The parenthetical notation *"(WTF)"* shall indicate defined terms that apply only to the application and administration of the Wireless Telecommunications Facility provisions of this Ordinance.

17.3 DEFINITIONS OF PARTICULAR USES

ACCESSORY USE OR STRUCTURE A use or structure that is clearly incidental to and customarily found in connection with a principal building or use, is located on the same parcel and serves a principal building or use, and is subordinate in area, extent, and purpose to the principal building or principal use served.

ACCESSORY DWELLING A dwelling unit either detached or attached, such as a garage apartment or cottage, located on a lot with an existing single-family dwelling.

ADULT ESTABLISHMENT Any establishment having a substantial portion of materials or entertainment characterized by an emphasis on sexual activities, anatomical genital areas, or the female breast as listed and defined in NCGS, Section 14.202.10 (or any successor thereto).

AIRSTRIP A paved or other surface used for take-off and landing of aircraft.

ALCOHOLIC BEVERAGE SALES (ABC) STORE The retail sales of beer, wine, and/or other alcoholic beverages for off-premise consumption as a primary use.

ALLEY A public way which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

ANIMAL PRODUCTION Industries in the Animal Production subsector raise or fatten animals for the sale of animals or animal products. The subsector comprises establishments, such as ranches, farms, and feedlots primarily engaged in keeping, grazing, breeding, or feeding animals. These animals are kept for the products they produce or for eventual sale. The animals are generally raised in various environments, from total confinement or captivity to feeding on an open range pasture. Establishments primarily engaged in the farm raising and production of aquatic animals or plants in controlled or selected aquatic environments are included in this subsector. ATM Computerized, self-service machines used by banking customers for financial institutions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel. These machines may be located at or within banks, or in other locations.

ATM Computerized, self-service machines used by banking customers for financial institutions, including deposits, withdrawals, and fund transfers without face-to-face contact with financial institution personnel. These machines may be located at or within banks or in any other location, where permitted.

BACKYARD PENS/COOPS The long-term keeping of fowl, rabbits, and other similar small creatures in backyards as accessory uses to existing residential structures.

BAIL BONDS OPERATIONS Establishments providing documents that ensure to the court system that a person facing charges will appear in future court appointments, if necessary, as defined in NCGS §58-71.

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

BAR/TAVERN A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery and other beverage tasting facilities.

BED AND BREAKFAST HOMES (UP TO 8 ROOMS) A private home containing not more than 8 guest rooms that offers bed and breakfast accommodations to guests.

BOARDING OR ROOMING HOUSE (12 OR LESS PERSONS) A detached residential structure that has been converted for use as group living quarters for no more than 12 people.

BREWERIES An establishment that is primarily used for the production of beer and may include retail or food service as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. A brewery does not produce any alcoholic beverage other than beer. A brewery may produce up to 15,000 barrels of beer per year.

BUSINESS SUPPORT SERVICES These establishments provide any of the following: document preparation, telephone answering, telemarketing, mailing (except direct mail advertising), court reporting, and steno typing. They may operate copy centers, which provide photocopying, duplicating, blueprinting, or other copying services besides printing. They may provide a range of support activities, including mailing services, document copying, facsimiles, word processing, on-site computer rental, and office product sales.

CEMETERY A parcel of land used for internment of the dead in the ground or in mausoleums.

CHILD/ADULT DAY CARE CENTER (MORE THAN 8 PERSONS) An individual, agency, or organization providing supervision or care on a regular basis for children or adults who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adults; and who are not residents in the center; designed and approved to accommodate more than 8 children or adults at a time based on State regulations; not an accessory to residential use.

CHILD DAY CARE HOME (8 OR LESS PERSONS) Supervision or care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for no more than 8 children (no more than 5 of which may be of pre-school age).

CIVIC MEETING FACILITIES Not-for-profit membership organizations such as alumni associations, booster clubs, scouting organizations, ethnic associations, social clubs, fraternal lodges, and veterans'

membership organizations primarily engaged in promoting the civic and social interests of their members. The uses often include meeting and storage facilities.

CLASS A MANUFACTURED HOUSING A manufactured home constructed after July 1, 1998 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development authorized under the National Manufactured Housing Construction and Safety Standards Act of 1974 that were in effect at the time of construction and has a HUD label attached.

CLASS B MANUFACTURED HOUSING A double-wide manufactured home constructed to meet or exceed the construction standards promulgated by the US Department of Housing and Urban Development authorized under the National Manufactured Housing Construction and Safety Standards Act of 1974 that were in effect at the time of construction and has a HUD label attached, but does not meet the criteria of a Class A Manufactured Home.

CLASS C MANUFACTURED HOUSING A single-wide manufactured home constructed to meet or exceed the construction standards promulgated by the US Department of Housing and Urban Development authorized under the National Manufactured Housing Construction and Safety Standards Act of 1974 that were in effect at the time of construction and has a HUD label attached

COLLEGE/UNIVERSITY Junior colleges, colleges, universities, and professional schools with physical structures (excluding online and remote programs). These establishments furnish academic or technical courses and grant degrees, certificates, or diplomas at the associate, baccalaureate, or graduate levels in a campus setting in more than one building.

COMMUNITY/CULTURAL CENTER Facilities designed to promote cultural advancement and serve the community such as occasional live theater, dance, or music establishments; art galleries, studios and museums; non-profit civic or fraternal organizations; museums, exhibition, or similar facility; and libraries.

COMMUNITY SUPPORT FACILITY A permanent, stand-alone support facility providing personal assistance to individuals in need; such assistance to individuals may include temporary shelter, food services provisions, counseling, instruction, medical services, and other incidental services. This definition does not include emergency/hazard Shelters or clothing/food collection centers as accessory uses.

CONFERENCE/CONVENTION FACILITY A commercial facility for public assembly including, but not limited to auditoriums, conference facilities, convention centers, exhibition halls, and the like.

CORRECTIONAL INSTITUTION Government establishments generally designed for the confinement, correction, and rehabilitation of offenders sentenced by a court.

DORMITORY A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, convent, monastery, or other similar public, or semi-public use.

DRIVE-THRU/DRIVE-IN FACILITY A primary or accessory facility where goods or services may

be obtained by motorists without leaving their vehicles. These facilities include drive-through bank teller windows, dry cleaners, fast-food restaurants, drive-through coffee, photo stores, pharmacies, etc. Does not include: Automated Teller Machines (ATMs), gas stations or other vehicle services, which are separately defined.

DRIVE-IN THEATER An establishment that presents movies or other forms of video entertainment to patrons on a large outdoor screen. The video and sound are provided to customers who remain in their vehicles. Concession stands, playgrounds, and bathroom facilities are considered accessory uses to a drive-in theater.

DRY CLEANING & LAUNDRY SERVICES Coin-operated laundries, dry cleaning pick-up stores without dry cleaning equipment, or dry-cleaning stores that do not provide cleaning services to other collection stations or stores.

DWELLING, DUPLEX A two-unit building that is divided horizontally or vertically, and each unit has a separate entrance from the outside or through a common vestibule.

DWELLING, MULTI-FAMILY A building or portion thereof containing 3 or more dwelling units on a single lot where each unit has a separate entrance from the outside or through a common vestibule. A multifamily structure where dwelling units are available for lease or rent for less than one month shall be considered lodging. A dormitory is not considered a multi-family dwelling.

DWELLING, SINGLE-FAMILY A free standing building designed for and/or occupied by one household. These residences may be individually owned as residences or residences owned by rental or management companies. Also includes factory-built, modular housing units that comply with NC State Building Code.

DWELLING, TOWNHOME Residential buildings with 3 or more dwelling units that share a common wall. Each unit has its own entrance and is typically aligned close to a public sidewalk. Townhome and townhouse may be used interchangeably for the purposes of this Ordinance.

EXCAVATION / MINING The removal from any land of earth, sand, gravel, clay, quarry stone, or other natural earth products. This use category does not include surplus materials resulting from construction, landscaping, or agricultural operations.

FAMILY CARE HOME (6 OR FEWER RESIDENTS) A home with support and supervisory personnel that provides room and board, personal care, and rehabilitation services in a family environment for not more than 6 resident handicapped persons and is certified by the State of North Carolina. (NCGS §168-21)

FINANCIAL SERVICES: An establishment intended engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions.

FLEA MARKET A retail market located indoors and/or outside where new or used items are sold from individual locations (commonly referred to as stalls or bays) being operated independently from other locations. Flea Markets are considered a temporary use.

FUNERAL HOMES/CREMATORIUMS Establishments for preparing the dead for burial or internment and conducting funerals (i.e. providing facilities for wakes, arranging transportation for the dead, and selling caskets and related merchandise).

GARDEN (COMMUNITY AND PRIVATE) An exterior area for the small-scale production of vegetables and flowering plants for personal or small commercial use. This definition includes community and private gardens. This definition does not include crop production and nurseries.

GAS / FUELING STATION Establishment that primarily retails automotive fuels. These establishments may further provide services such as automotive repair, automotive oils, and/or replacement parts and accessories. Gas stations include structures that are specialized for selling gasoline with storage tanks, often underground or hidden. The sale of food and other items as well as car washes shall be incidental to the gas station.

GENERAL COMMERCIAL – USE GREATER THAN 100,000 SF A use category allowing general commercial premises greater than 100,000 square feet in gross leasable area to be available for the commercial sale of merchandise and prepared food but excluding manufacturing.

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

HALFWAY HOUSES A place where not more than seven persons are aided in readjusting to society following a period of imprisonment, hospitalization, or institutionalized treatment related to a criminal offense. A halfway house may have no more than 2 supervisors on staff at any time.

HEAVY EQUIPMENT/MANUFACTURED HOME RENTAL/SALES Establishments which may have showrooms or open lots for selling, renting, or leasing heavy equipment such as buses, trucks, manufactured homes, construction equipment, or boats or marine craft.

HOME OCCUPATION An occupation or profession conducted within a dwelling unit or accessory building by a residing family member that is incidental to the primary use of the dwelling as a residence. Home Occupations are small and quiet non-retail businesses generally invisible from the frontage, seldom visited by clients, requiring little parking, little or no signage, and having only one or two employees and provide services such as professional services, music instruction, and hair styling.

HOSPITAL A health care facility and related facilities intended to provide care, treatment, and testing for physical, emotional, or mental injury, illness, or disability and overnight boarding of patients. May either be a for-profit or not-for-profit operation. This use does not include Group Homes.

HOTEL/INN (NO ROOM LIMIT) Establishments providing lodging and short-term accommodations for travelers. They may offer a wide range of services including, overnight sleeping space, food services, convention hosting services, and/or laundry services. Entertainment and recreation activities may also be included. Extended-stay hotels are included in this category. This definition includes “motels.”

HOTEL/INN (LESS THAN 20 ROOMS) Any building or group of buildings in which there are fewer than 20 guest rooms used for the purposes of offering public lodging on a day-to-day basis.

INDOOR AMUSEMENTS Establishments that provide commercial recreation activities completely within an enclosed structure such as video arcades, skating rinks, roller rinks, shooting ranges, bowling alleys, and billiards/pool halls.

INDOOR THEATER A specialized theater for showing movies or motion pictures on a projection screen or a stage for live performances. This category also includes cineplexes and megaplexes, complex structures with multiple movie theaters, each theater capable of an independent performance.

INDUSTRY, HEAVY A non-residential use that requires a National Pollutant Discharge Elimination System (NPDES) permit for an industrial or stormwater discharge; or that involves the use or storage of any hazardous materials or substances; or that is used for the purpose of manufacturing, assembling, finishing, cleaning, or developing any product or commodity; or that involves the mining or extraction of any minerals, ore, fossil fuels, or other materials from beneath the surface of the earth. Typically the largest facilities in a community, these structures house complex operations, some of which might be continuous (operated 24 hours a day, 7 days a week).

INDUSTRY, LIGHT A non-residential use that involves the manufacturing, assembling, finishing, cleaning, or developing any product or commodity. Facilities are typically designed to look and generate impacts like a typical office building, but rely on special power, water, or waste disposal systems for operation. Noise, odor, dust, and glare of each operation are completely confined within an enclosed building, insofar as practical. This includes medical and testing laboratories. This definition also includes facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities. Also included are laundry/dry cleaning plants as principal uses engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry-cleaning and garment pressing; and commercial laundries.

INTERNET SWEEPSTAKES FACILITIES Any business enterprise where persons utilize computers, gaming terminals, or other electronic machines to conduct games of chance, including sweepstakes, and where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This does not include any lottery approved by the State of North Carolina.

KENNELS, OUTDOOR A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.

LANDFILL A disposal facility for hazardous or nonhazardous solid waste. These establishments also manage recycling and resource recovery facilities that operate in conjunction with landfills.

LIGHT MANUFACTURING WORKSHOPS The assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building and are visually undifferentiated from an office building or a residentially-scaled garage. These typically involve the work of artisans or craftsman. May also include beer brewing or other similar facilities as part of a microbrewery and other beverage tasting facilities.

MANUFACTURED HOME PARK The location of 2 or more manufactured or mobile homes on a parcel of land shall constitute a manufactured home park.

MANUFACTURED HOUSING A structure that: (a) consists of a single unit completely assembled at the factory or of multiple principal components totally assembled at the factory and joined together at the site; (b) is designed so that the total structure (or in the case of a double-wide or triple-wide, each component thereof) can be transported on its own chassis; (c) is over 40 feet long and over 10 feet wide; and, (d) is originally designed for human occupancy and provides complete, independent living facilities for one family when connected to required utilities.

MATERIALS RECOVERY & WASTE TRANSFER FACILITIES This industry comprises establishments primarily engaged in a) operating facilities for separating and sorting recyclable materials from nonhazardous waste streams (i.e., garbage) and/or b) operating facilities where commingled recyclable materials, such as paper, plastics, used beverage cans, and metals, are sorted into distinct categories.

MEDICAL CLINIC Medical service facilities that provide outpatient ambulatory or outpatient health care such as emergency medical clinics; ambulatory surgical centers; dialysis centers; outpatient family planning services; community health centers and clinics; blood and organ banks; and medical services such as physician's and dentist's offices.

MONOPOLE WIRELESS COMMUNICATIONS TOWER A wireless communication support structure that consists of a freestanding support structure erected to support wireless communication antennas and connecting appurtenances. This term shall not include any antenna that is under 35 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.

NIGHT CLUB A business that operates primarily in the evening hours that principally provides entertainment such as staged entertainment, live music, and/or dancing, comedy, etc.

NURSERIES & GARDEN CENTERS Industries in the nursery and garden center subsector grow crops mainly for commercial food. The subsector comprises establishments, such as farms, orchards, groves, greenhouses, and nurseries, which are primarily engaged in the commercial production of crops, plants, vines, or trees and their seeds.

OPEN AIR RETAIL A retail sales establishment operated primarily in the open air including, but not limited to: farmers market, flea markets, sidewalk kiosks and the like. Uses not included are: car sales, equipment sales, boats sales, and home and garden supplies and equipment.

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

OUTDOOR THEATER An establishment for the performing arts with open-air seating for audiences.

OUTSIDE OR DISPLAY SALES The sale of goods and products outside of a permanent structure that are clearly related to the function contained in that structure. This includes, but is not limited to, landscape materials, lawn and garden supplies, and produce.

OUTSIDE STORAGE The storage of any material for a period greater than 48 hours, including items for sale, lease, processing and repair (excluding vehicles for sale) outside the principal or accessory buildings on a property.

PARKING LOT/STRUCTURE – PRINCIPAL USE A stand-alone parking lot or structure (deck/garage) that is available for public or private use, but that is not accessory to another use.

PAWNSHOPS Premises operated by a pawnbroker who is engaged in the business of lending money on the security of pledged goods and who may also purchase merchandise for resale from dealers and traders. (Subject to NCGS, §91A)

PERSONAL SERVICES Cosmetic services such as hair and nail salons, barber shops, clothing alterations, shoe repair, weight loss centers, and non-permanent makeup services. This land use category does not include Adult Establishments.

PERSONAL SERVICES, RESTRICTED A personal service establishment that may tend to have a blighting and/or deteriorating effect upon surrounding areas and that may need to be dispersed from other similar uses to minimize its adverse impacts, including check-cashing services, bail bonds, tattooing, piercing, and similar services. These uses may also include accessory retail sales of products related to the services provided. This land use category does not include Adult Establishments.

PERSONAL WIRELESS FACILITY See “Wireless Telecommunications Facility.”

POST OFFICE Establishments conducting operations of the United States Postal Service including permanent, contract, and lease stations.

PRODUCE STANDS A temporary open air stand or place for the seasonal selling of agricultural produce by an individual (excludes Open Air Retail).

PROFESSIONAL SERVICES Services provided that make available the knowledge and skills of their employees to sell expertise and perform professional, scientific, and technical services to others such as legal services; accounting, tax, bookkeeping, and payroll services; architectural, engineering, and related services; graphic, industrial, and interior design services; consulting services; research and development services; advertising, media, and photography services; real estate services; investment banking, securities, and brokerages; and insurance-related services.

PUBLIC SAFETY STATION Facilities for federal, state, and local law enforcement and fire protection agencies, and their accessory uses including office space, temporary holding cells, equipment and evidence storage facilities, and vehicle garages. This definition is not intended to be inclusive of vehicle impoundment lots or state prison facilities.

RACETRACK An outdoor course prepared for horse, dog, automobile, vehicle, or other motorized racing.

RECREATION FACILITY, INDOOR Uses or structures for active recreation including gymnasiums, natatoriums, fitness center, athletic equipment, indoor running tracks, climbing facilities, court facilities and their customary accessory uses. This definition is inclusive of both non-profit and for-profit operations.

RECREATION FACILITY, OUTDOOR Parks and other open space used for active or passive recreation such as ball fields, batting cages, skateboard parks, playgrounds, greenway trails, driving ranges, tennis courts, riding stables, campgrounds, golf courses, and their customary accessory uses including, but not limited to, maintenance sheds, clubhouses (with or without food service), pools, restrooms, and picnic shelters. This definition is inclusive of both non-profit and for-profit operations.
RECYCLING COLLECTION STATIONS A center for the acceptance by donation, redemption, or purchase of recyclable materials from the public.

RELIGIOUS INSTITUTION Any facility such as a church, temple, monastery, synagogues, or mosque used for worship by a non-profit organization and their customary related uses for education (pre-schools, religious education, etc.), recreation (gymnasiums, activity rooms, ball fields, etc.), housing (rectory, parsonage, elderly or disabled housing, etc.) and accessory uses such as cemeteries, mausoleums, offices, soup kitchens, and bookstores.

RESIDENTIAL CARE FACILITIES A staffed premises (not a single-family dwelling) with paid or volunteer staff that provides full-time care to more than 6 individuals. Residential care facilities include group homes (NCGS §131D), nursing homes (NCGS § 131E-101), residential child-care facilities (NCGS § 131D-10.2), assisted living residences (NCGS § 131D-2.1), adult care homes (NCGS §131D-2.1), retirement housing, congregate living services, assisted living services, continuing care retirement centers, skilled nursing services, and orphanages. This term excludes family care homes and halfway houses.

RESTAURANT A retail business selling ready-to-eat food and/or beverages for on or off-premise consumption. Customers may be served from an ordering counter (i.e. cafeteria or limited service restaurant); at their tables (full-service restaurant); and, at exclusively pedestrian-oriented facilities that serve from a walk-up ordering counter (snack and/or nonalcoholic bars). To qualify as a restaurant, an establishment's gross receipts from food and nonalcoholic beverages shall be not less than 30% of the total gross receipts from food, nonalcoholic beverages, and alcoholic beverages.

RIDING STABLES An establishment where horses are boarded and cared for, and where instruction in riding, jumping, and showing and/or the hiring of horses for riding is offered.

SCHOOLS – ELEMENTARY & SECONDARY A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. This institution includes any

school licensed by the state and that meets the state requirements for elementary and secondary education.

SCHOOLS – VOCATIONAL/TECHNICAL A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. These schools offer vocational and technical training in a variety of technical subjects and trades. Training may lead to job-specific certification.

SHOOTING RANGE, INDOOR An indoor commercial establishment designated or operated primarily designed for the purpose of providing a place for the discharge of various firearms or the practice of archery. Does not include incidental target practice areas on private property not intended for commercial use.

SHOOTING RANGE, OUTDOOR A permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting in an outdoor environment. Shooting range exclude any area for the exclusive use of archery or air guns or enclosed indoor facility that is designed to offer a totally controlled shooting environment and that includes impenetrable walls, floor and ceiling, adequate ventilation, lighting systems, and acoustical treatment for sound attenuation suitable for the range's approved use.

SHORT-TERM VACATION RENTAL A dwelling unit (single-family, multi-family, duplex, or townhome) that is used and/or advertised through an online platform or other media for transient occupancy for a period of less than one month.

SMALL EQUIPMENT REPAIR/RENTAL The repair and/or rental of small equipment as a primary use including televisions, computers, cleaning equipment, vacuum cleaners, and other equipment that can be transported by automobile, small truck, or van.

SPORTS ARENA/STADIUM A structure that is open or enclosed and used for games, concerts, and major events and is partly or completely surrounded by tiers of seats for spectators.

STORAGE-OUTDOOR STORAGE YARD The storage of various materials outside of a structure, as a principal use. This includes salvage yards used for the storage and/or collection of any type of equipment.

STORAGE – SELF-SERVICE A building containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis.

WAREHOUSE / INDOOR STORAGE Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include warehouse, storage, or mini-storage facilities offered for rent or lease to the general public; warehouse facilities primarily used for wholesaling and distribution; or terminal facilities for handling freight.

STUDIO – ART, DANCE, MARTIAL ARTS, MUSIC Small facilities for individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced

only by users of the studio facilities; martial arts training studios; gymnastics, yoga, and similar instruction; and aerobics and gymnastics studios with no other fitness facilities or equipment.

SWINE FARMS A tract of land devoted to raising 250 or more animals of the porcine species.

TEMPORARY DEPENDENT CARE RESIDENCES A manufactured home located in the rear yard of a permanent residential structure that is used as a residence for dependents or the elderly in need of medical care and supervision.

TEMPORARY REAL ESTATE OFFICE A construction trailer, temporary modular unit, or model dwelling unit used as a real estate sales office in a new residential development.

TEMPORARY RECREATIONAL VEHICLE A recreational vehicle that is temporarily located on a residential lot, and used as a residence, while the primary residential structure on the same lot is being constructed or repaired.

TEMPORARY RELOCATION MOBILE HOMES Temporary mobile homes used to house residents who have been displaced due to a natural or manmade disaster.

TEMPORARY USE A land use on an individual parcel or site established for a limited and fixed period of time for a purpose which may not normally be permitted in a zoning district, or which does not meet all zoning requirements, but which is necessary in special situations.

UPPER-STORY RESIDENTIAL A dwelling unit for sale, rent, or lease located above a non-residential use.

UTILITIES Publicly or privately-owned facilities or systems for the distribution of gas, electricity, steam, or water; the collection, treatment and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public services. Radio transmission facilities less than 180 feet in height for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not utilities. Utilities are divided into 3 classes:

- Class 1: Transmission and collection lines (above and below ground) including electrical, natural, gas, wastewater collection/transmission, and water distribution lines; pumping stations, lift stations, and telephone switching facilities (up to 200 sq. ft).

- Class 2: Elevated water storage tanks; water and wastewater package treatment plants, telephone switching facilities (over 200 sq. ft), substations, or other similar facilities in connection with telephone, electric, steam, and water facilities.

- Class 3: Generation, production, or treatment facilities such as power plants, water and sewage plants (greater than 0.3 mgd), and landfills.

VEHICLE RENTAL/LEASING/SALES Establishments which may have showrooms or open lots for selling, renting, or leasing automobiles, light trucks, motorcycles, and ATVs.

VEHICLE RENTAL/LEASING – MOVING TRUCKS Establishments exclusively for renting or leasing trucks, vans, and trailers for moving furniture and other goods.

VEHICLE SERVICES – MAJOR REPAIR/BODY WORK The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats, large appliances, commercial and industrial equipment, and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This includes major repair and body work which encompasses towing, collision repair, other body work and painting services, and tire recapping.

VEHICLE SERVICES – MINOR MAINTENANCE/REPAIR The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats, and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. Minor facilities providing limited repair and maintenance services. Examples include: car washes (attended and self-service); car stereo and alarm system installers; detailing services; muffler and radiator shops; quick-lube services; tire and battery sales and installation (not including recapping).

VETERINARY SERVICES Establishments that include services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals; boarding services for pets; and grooming.

WHOLESALING AND DISTRIBUTION Establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for, or selling merchandise to, such persons or companies. This does not include selling to the public. Examples of these establishments include:

- Agents, merchandise or commodity brokers, and commission merchants;
- Assemblers, buyers and associations engaged in the cooperative marketing of farm products;
- Merchant wholesalers;
- Stores primarily selling electrical, plumbing, heating, and air conditioning supplies and equipment.

WIRELESS TELECOMMUNICATIONS FACILITY (WTF) A structure, facility, or location designed, or intended to be used as, or used to support antennas or other transmitting or receiving devices. This includes without limit, towers of all types, kinds, and structures, including, but not limited to buildings, church steeples, silos, water towers, signs, or other structures that can be used as a support structure for antennas or the functional equivalent of such. It further includes all related facilities and equipment, including but not limited to cabling, equipment shelters, and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving any form or type of wireless communications or service, including but not limited to commercial radio, television, cellular, SMR, paging, 911, Personal Communications Services (PCS), commercial satellite services, microwave services, and any commercial wireless telecommunication service not licensed by the FCC.

WIRELESS TELECOMMUNICATIONS FACILITY (NON-TOWER) A Wireless Telecommunication Facility not located on a structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.

17.4 GENERAL DEFINITIONS

ACCESSORY DWELLING UNIT A dwelling that exists on the same lot with the principal use or structure as the principal dwelling and is subordinate to the principal building or use.

ACCESSORY STRUCTURE OR USE A use or structure that exists as part of a principal dwelling or on the same lot as the principal dwelling and is subordinate to the principal dwelling.

ACTIVE CONSTRUCTION Activities that contribute directly to the building of facilities, including land-disturbing activities for roads, parking lots, building footings, etc.

ADMINISTRATOR For the purposes of this Ordinance, the Planning Director, Public Works Director, Engineering Director, Town Manager, and their subordinate staffs are collectively referred to as the Administrator.

ALLEY A minor right-of-way privately or publicly owned, primarily intended to provide access to service areas or garages.

AMENITY Open space within a development that has been improved with recreation areas and / or other facilities such as athletic fields or courts, swimming pools, greenways or pedestrian trails, clubhouses, etc.

ANTENNA A system of electrical conductors that transmit or receive electromagnetic waves, radio frequency, or other wireless signals.

AWNING A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building. This definition does not include any appurtenance meeting the definition of a “canopy.”

AWNING / CANOPY SIGN A sign integrated into a traditional storefront awning that projects over a sidewalk from the building façade.

BASE FLOOD The flood having a 1% chance of being equaled or exceeded in any given year base on current hydrologic conditions.

BASE FLOOD ELEVATION (BFE) A determination of the water surface elevations of the base flood based on current conditions as public in the Flood Insurance Study. When a BFE is not provided in a Special Flood Hazard Area, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies.

BASEMENT Any area of a building having its floor subgrade (below ground level) on all sides.

BERM An earthen mound designed to provide visual interest, screen undesirable views, and / or decrease noise.

BEST MANAGEMENT PRACTICES (BMP) Structural facilities designed to reduce the quantities of pollutants washed by rain and snow melt into nearby waters.

BONA FIDE FARM Includes the production and activities relating to or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture as defined in NCGS §153A-340.b.2.

BUFFER A combination of physical space and vertical elements, such as plantings and / or fencing, used to separate and screen incompatible land uses.

BUFFERYARD The area of required buffer in which plantings and other screening elements are required.

BUILDING A temporary or permanent structure having a roof supported by exterior walls or constructed columns and which can be used as a residence, business, industry, or other public or private purposes or accessory hereto. The term "building" shall be construed as if followed by the words "or parts thereof."

BUILDING HEIGHT: The vertical distance from the mean elevation of the finished grade along the front of the building, or from the established grade where the building is within 10 feet of the street line, to the highest point of a flat roof, the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

CANOPY A permanent structure other than an awning made of cloth, metal, or other material attached or unattached to a building for the purposes of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.

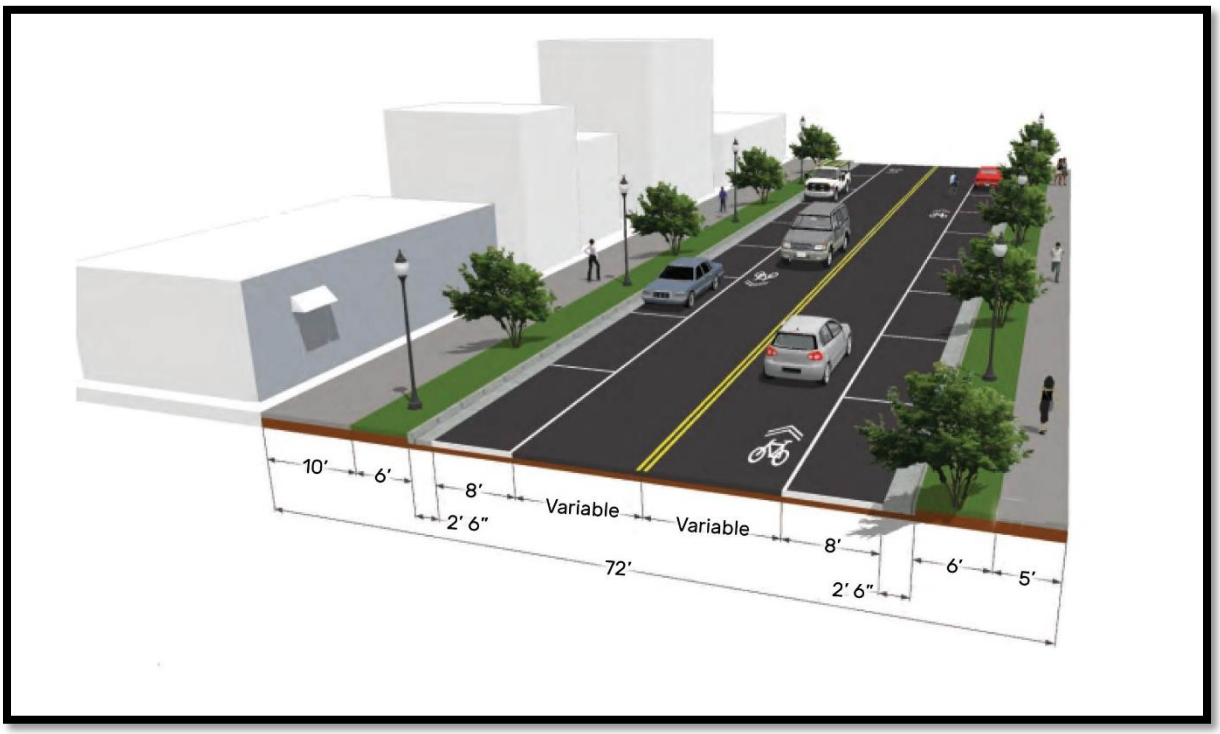
CANTILEVERED GROUND SIGN A sign supported by an upright post.

CARRIER OR WIRELESS CARRIER An entity licensed by the FCC to provide personal wireless service.

CHANGE OF USE Any alteration in the use of a lot or structure which, in the determination of the Administrator, changes the primary use on such lot or property from one use in the Permitted Use Table to another use type.

CO-LOCATION The use of an approved telecommunications structure to support antenna for the provision of wireless services.

COLLECTOR STREET



Urban 2-Lane Street Type Specifications	
Right-of-Way Width	72 feet
Lane Widths	12 ft
Design Speed	25 mph
Traffic Lanes	2 lanes
Parking Lanes	Both sides – 8 feet wide, marked
Sidewalks	10' sidewalk on one side, 5' sidewalk on one side
Planter Type	6' continuous planting strips on both sides
Curb Type	Vertical curb & gutter
Landscaping	1 canopy tree per 50 feet of street frontage (See Chapter 8)
Bicycle Facilities	Informal – pavement markings
Anticipated Average Daily Traffic	10,000 to 18,000 trips

COMPLEX With regards to a wireless telecommunications facility, the entire permitted site or facility, including all structures and equipment located on the site.

CONDITIONAL USE PERMIT A conditional use permit is a permit granted by the Board of Commissioners to a property owner for a use of property that is permitted as a conditional use in the Table of Permitted Uses.

CONSERVATION EASEMENT An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition.

CORNER LOT A lot which abuts the right-of-way of two streets at their intersection.

DEDICATION A gift or a right to use land for a specified purpose or purposes. Because a transfer of property rights is involved, dedication must be made by written instrument and is completed with an acceptance.

DENSITY The gross acreage of a parcel divided by the number of residential dwelling units to be developed thereon.

DEVELOPMENT With regards to the flood damage prevention ordinance, any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations, or storage of equipment or materials.

DIAMETER AT BREAST HEIGHT (DBH) Standard measure of a tree trunk size, measure at 4 ½ feet above ground level. If a tree splits into multiple trunks below 4 ½ feet, then the trunk is measure at its most narrow point before the split.

DIRECTIONAL OR IDENTIFICATION SIGNS Public purpose signs designed to identify parking areas, control traffic, and provide guidance to special areas and to announce one's arrival into a community. These signs are solely for the purpose of navigation and shall not contain commercial messages.

DISCHARGE POINT The point at which stormwater runoff leaves a tract of land.

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

DISTRIBUTIVE ANTENNA SYSTEM A technology using antenna combining technology allowing for multiple carriers or wireless service providers to use the same set of antennas, cabling, or fiber optics.

DRAINAGE EASEMENT A 20' wide minimum strip of land reserved for conveyance of stormwater required when the total drainage area exceeds 4 lots or 4 acres, whichever is less, generally located along rear or side lot lines, but may cross lots at such points that will not pose a hazard to persons or property.

DRAINAGEWAY A natural or artificial stream or depression that conveys surface water.

DRIVEWAY The portion of a vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

EASEMENT A grant of one or more of the property rights by the property owner for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures except when authorized by the town.

ELECTRONIC MESSAGE BOARD An electronically generated changeable copy message within a sign frame which does not incorporate any mechanical movement of the sign itself.

ELEVATED BUILDING For the purposes of the flood damage prevention ordinance, A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns

ELIGIBLE FACILITY An existing wireless tower or base station that involves collocation of new transmission equipment or the replacement of transmission equipment that does not constitute a Substantial Modification.

ENCROACHMENT For the purposes of the flood damage prevention ordinance, the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

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

EXISTING DEVELOPMENT Projects that are built or have a vested right in accordance with the provisions of this Ordinance.

FACILITY A set of wireless transmitting and/or receiving equipment, including any associated electronics and electronics shelter or cabinet and generator.

FINISHED GRADE The grade after construction, exclusive of any filling, berming, mounting, or excavating.

FINISHED (HABITABLE) AREA For the purposes of the flood damage prevention ordinance, an enclosed area having more than 20 linear feet of finished interior walls (paneling, etc.) or used for any purpose other than solely for parking of vehicles, building access, or storage.

FLAG LOT An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm of the lot that is less than 50% of the presumptive minimum required lot width.

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

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

FLOOD INSURANCE RATE MAP (FIRM) An official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas, the Future Conditions Flood Hazard Areas, and the risk premium zones applicable to the community are delineated.

FLOOD INSURANCE STUDY (FIS) An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

FLOODPLAIN / FLOOD PRONE AREA Any land area susceptible to being inundated by water from any source.

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

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

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

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

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

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

FRONTAGE The dimension of a property or portion of a property that is adjacent to a public or private street or required park space.

FRONTAGE BUILDOUT The percentage of the lot frontage that is occupied by a structure.

GREENWAY A linear natural preserve available for free and unstructured recreation to the general public. This term is not meant to be inclusive of required pedestrian/bicycle connections from adjacent development to greenways.

GROUND COVER Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

GROUND SIGN A freestanding sign attached to a contiguous structural base or planter box, which base or box shall be of the same width or greater than the message portion of the sign, and is permanently affixed to the ground. Ground signs do not include freestanding signs supported by poles.

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

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

INFILL LOT New development that is sited on a vacant or undeveloped lot within an existing community and that is surrounded by existing development.

JOINT PARKING The joint use of required parking spaces between multiple uses whose parking demands occur at different times and / or days.

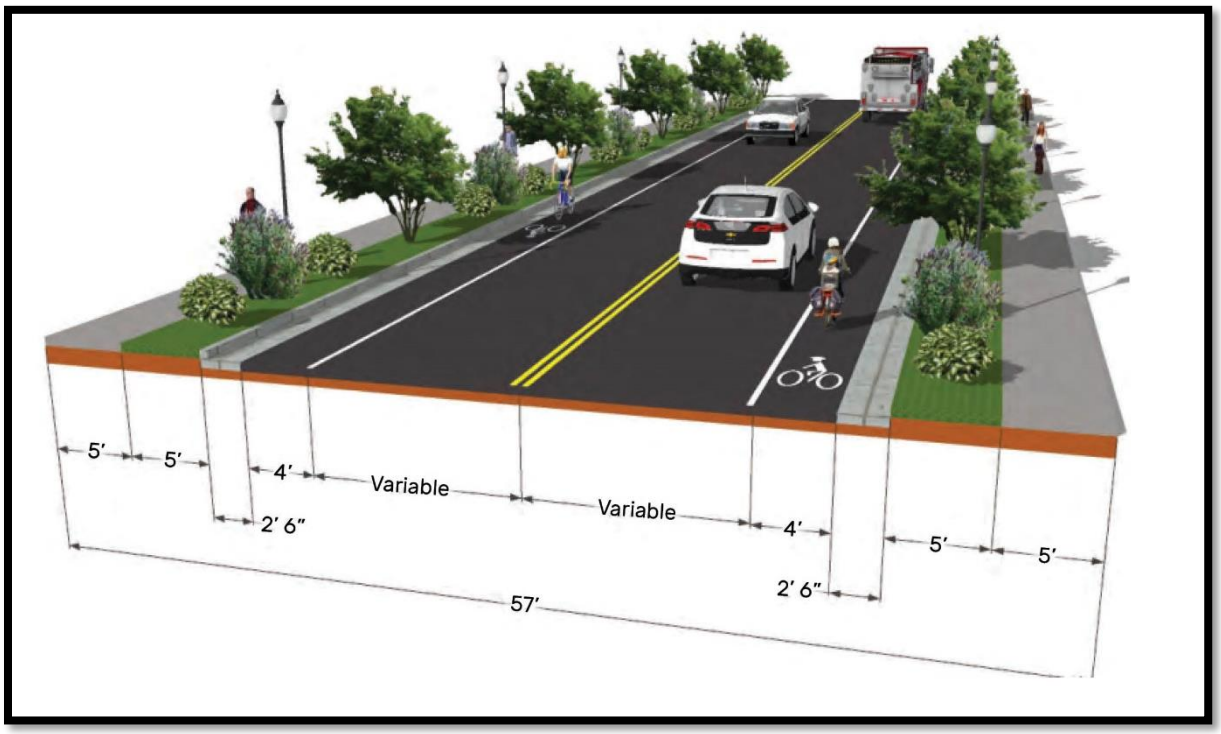
LAKE OR NATURAL WATERCOURSE Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.

LAND-DISTURBING ACTIVITY Any use of the land by any person in residential, industrial, educational, institutional, or commercial development, highway and road construction and maintenance, that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

LANDSCAPE PLAN A plan illustrating the design and specifications for the preservation of existing vegetation; the placement of any live plant materials such as trees, shrubs, grasses, ground covers, etc.; and the location and design of built features such as berms, fencing, walls, etc.

LARGE SHADE TREE Large-growing, shade producing trees with an expected mature height of 40 feet or greater and an expected mature crown spread of 30 feet or greater.

LOCAL RESIDENTIAL COLLECTOR



Urban 2-Lane Street Type Specifications	
Right-of-Way Width	57 feet
Lane Widths	10-12 feet
Design Speed	25 mph
Traffic Lanes	2 lanes
Parking Lanes	N/A
Sidewalks	5' sidewalk on both sides of street
Planter Type	5' continuous planting strip
Curb Type	Vertical curb
Landscaping	Type C Buffer (See Chapter 8)
Bicycle Facilities	Striped 4' bike lane
Anticipated Average Daily Traffic	Up to 1,000 trips

LOT A parcel of land having frontage on a public street or other officially approved means of access.

LOT FRONTAGE The lot width measured at the street right-of-way line from which the lot obtains access.

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

LOWEST FLOOR The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an

enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

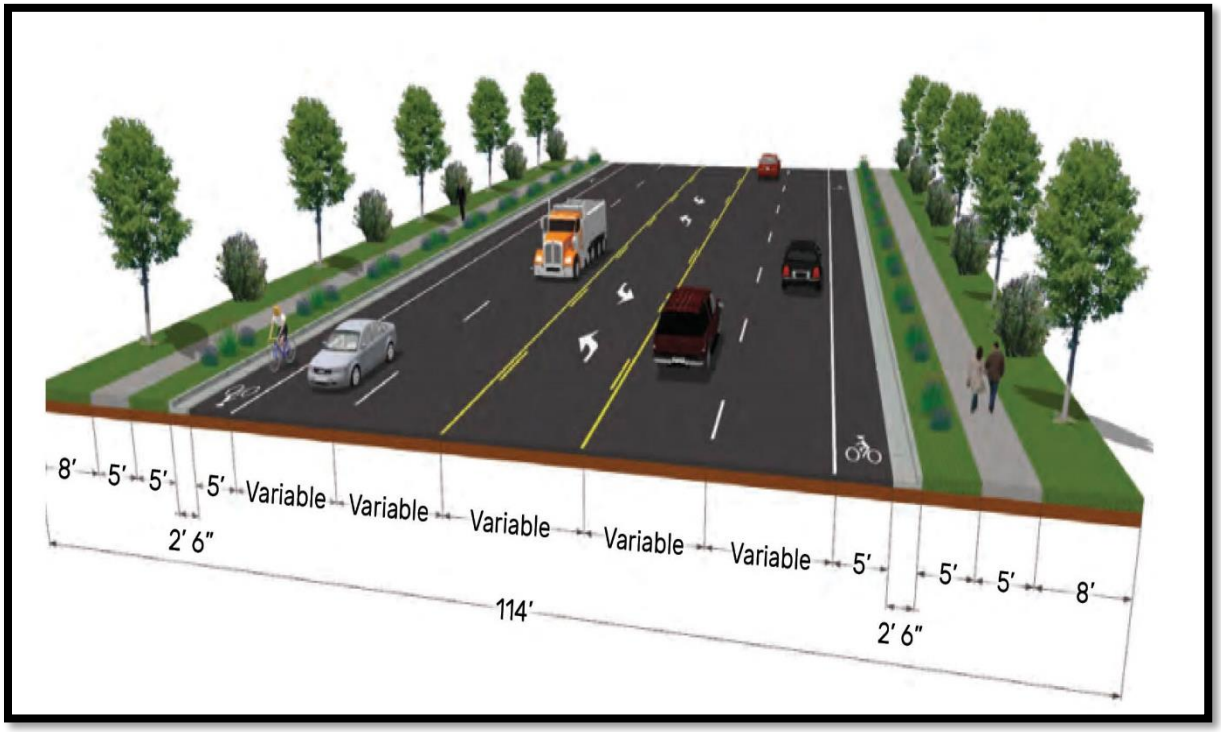
LOT WIDTH The width of a lot along a public or private street measured as the street setback.

MAJOR SUBDIVISION Any subdivision of land into more than 5 lots, or which requires the dedication of public utilities and/or public streets.

MARQUEE SIGNS A three dimensional sign projecting from a building which may extend above the roof line and/or incorporate changeable type or lettering.

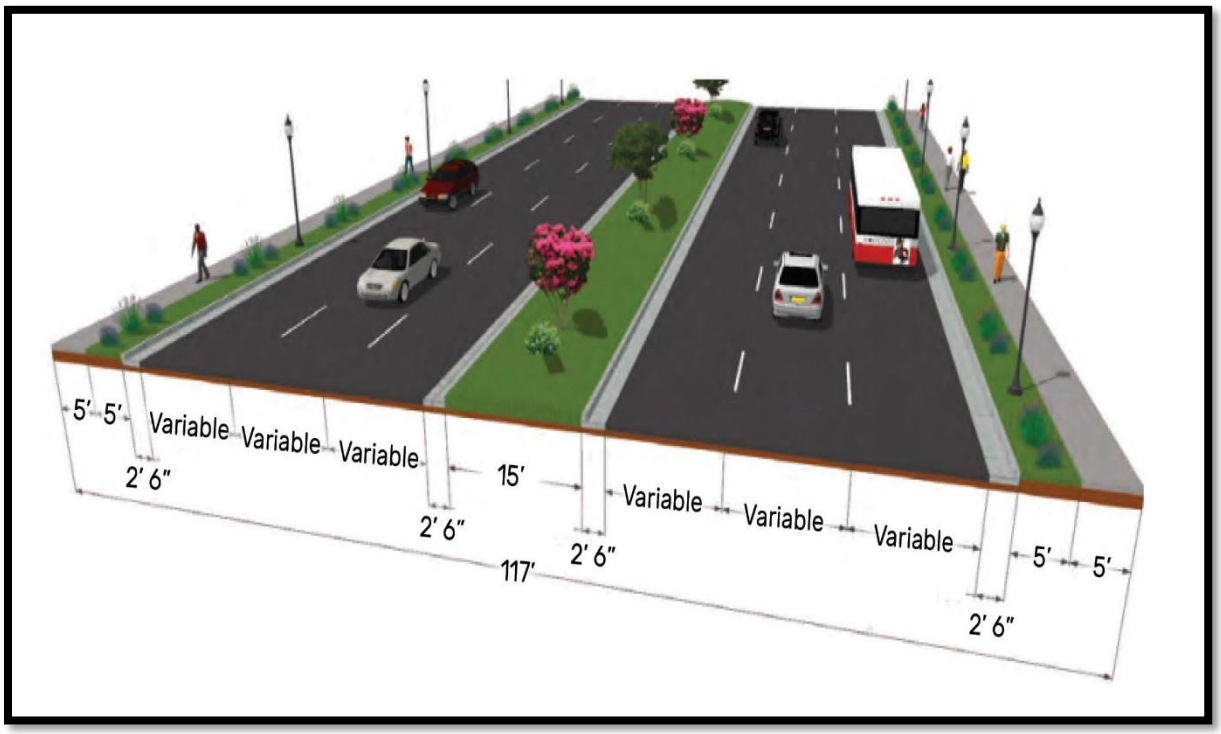
MECHANICAL UTILITY Any piece of machinery or equipment with moving parts, generates noise, or causes any kind of environmental disturbance or creates emission of any kind, including air movement. Said machinery or equipment is generally functional or utilitarian in nature.

MAJOR THOROUGHFARE



5-Lane Thoroughfare Street Type Specifications	
Right-of-Way Width	114 feet
Lane Widths	12-14 feet
Design Speed	35-45 mph
Traffic Lanes	4 travel lanes with a center-turn lane
Parking Lanes	N/A
Sidewalks	5' sidewalk on both sides of street
Planter Type	8' continuous planting strip
Curb Type	Vertical curb
Landscaping	1 canopy tree per 50 feet of street frontage (See Chapter 8)
Bicycle Facilities	Striped 5' bike lane
Anticipated Average Daily Traffic	15,000 to 30,000 trips

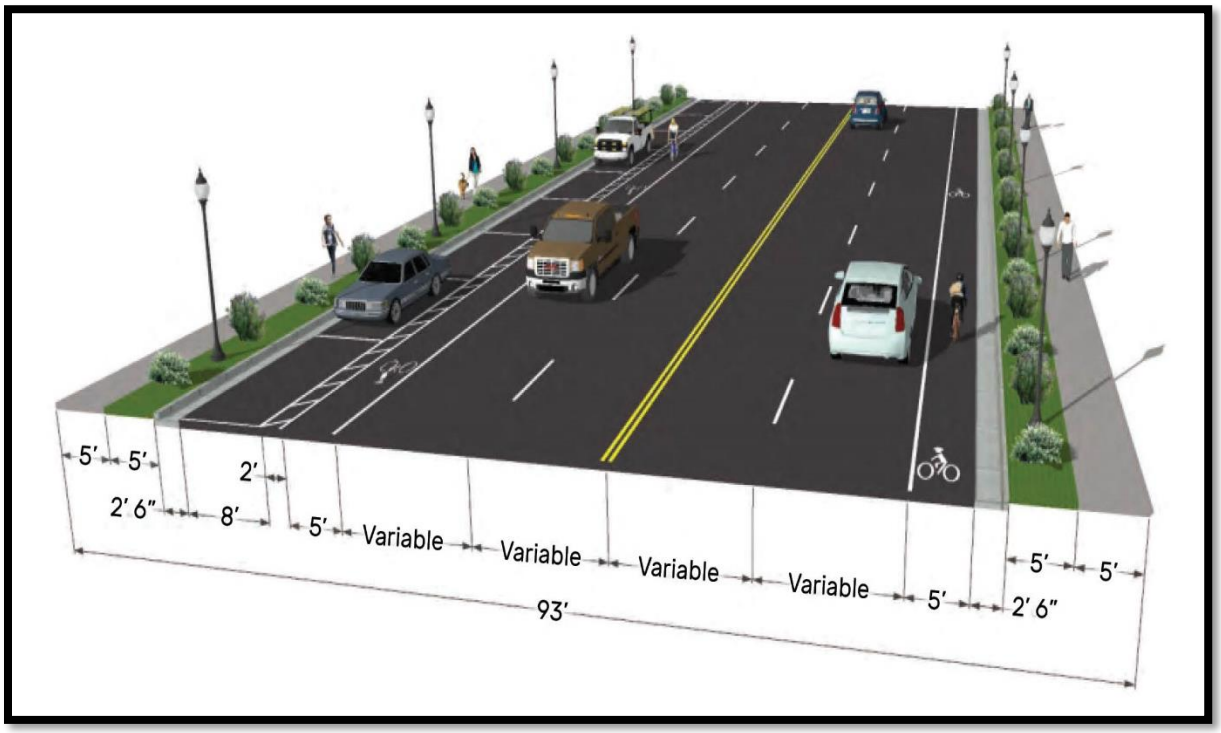
MAJOR THOROUGHFARE (DIVIDED)



6-Lane Thoroughfare, Divided Street Type Specifications	
Right-of-Way Width	117 feet
Lane Widths	12 feet
Design Speed	45 mph
Traffic Lanes	6 lanes
Parking Lanes	N/A
Sidewalks	5' sidewalk on both sides of street
Planter Type	5' continuous planting strip
Curb Type	Vertical curb
Landscaping	1 canopy tree per 50 feet of street frontage (See Chapter 8)
Bicycle Facilities	N/A
Median	15 feet
Anticipated Average Daily Traffic	25,000 to 55,000 trips

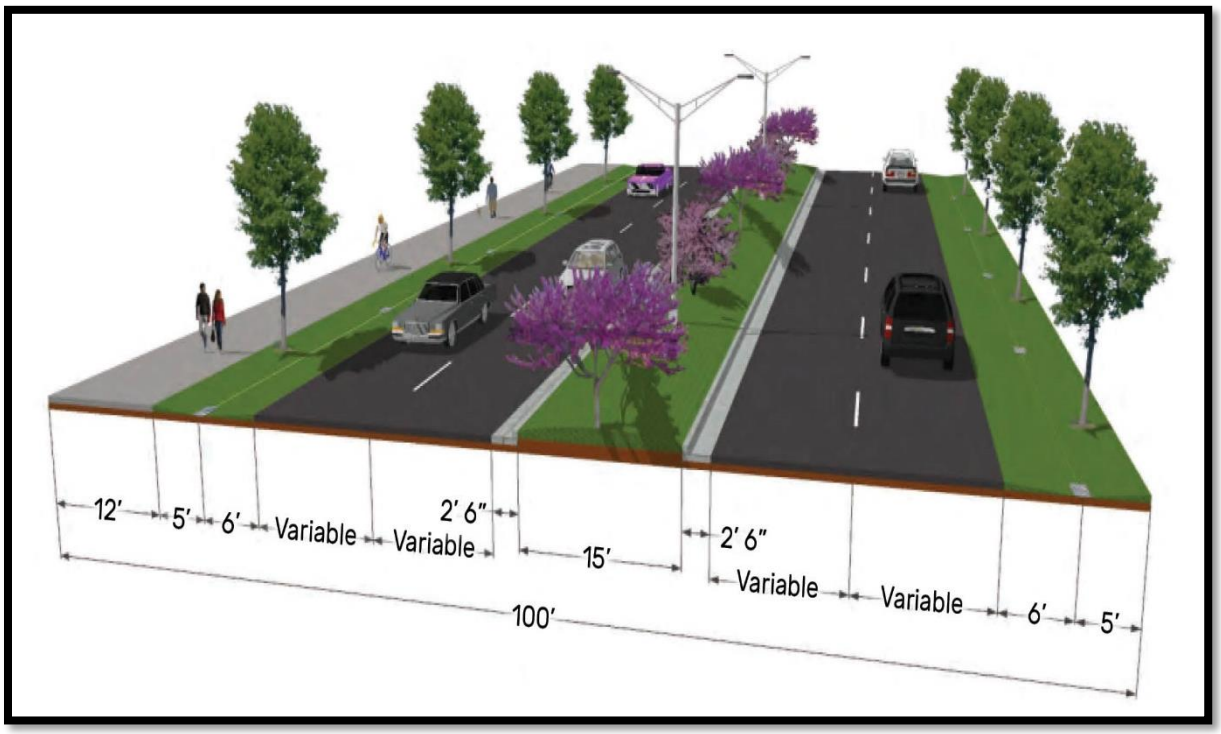
MINOR SUBDIVISION Any subdivision of land into 5 or fewer lots which does not require the dedication of public utilities and/or public streets.

MINOR THOROUGHFARE



4-Lane Suburban Thoroughfare Street Type Specifications	
Right-of-Way Width	93 feet
Lane Widths	12 feet
Design Speed	35-45 mph
Traffic Lanes	4 lanes
Parking Lanes	One side, 8' wide – marked
Sidewalks	5' sidewalk on both sides of street
Planter Type	5' continuous planting strip
Curb Type	Vertical curb
Landscaping	1 canopy tree per 50 feet of street frontage (See Chapter 8)
Bicycle Facilities	Striped 5' bike lane
Anticipated Average Daily Traffic	15,000 to 30,000 trips

MINOR THOROUGHFARE (DIVIDED)



4-Lane Suburban Thoroughfare, Divided Street Type Specifications	
Right-of-Way Width	100 feet
Lane Widths	10-12 feet
Design Speed	35-45 mph
Traffic Lanes	4 lanes
Parking Lanes	N/A
Sidewalks	12' multi-use path on one side
Planter Type	5' continuous planting strip
Curb Type	Vertical curb
Landscaping	1 canopy tree per 50 feet of street frontage (See Chapter 8)
Bicycle Facilities	N/A
Median	15 feet
Anticipated Average Daily Traffic	15,000 to 30,000 trips

NCGS The North Carolina General Statutes and all rules and orders adopted pursuant to them.

NONCONFORMING SIGN A sign legally established prior to the effective date of this ordinance or subsequent amendment thereto, that does not conform to the sign regulations found herein.

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

OFFICIAL MAPS OR PLANS Any maps or plans officially adopted by the Wingate Board of

Commissioners as a guide to the development of the Town of Wingate.

OPEN SPACE Those areas set aside and protected from development which may be left in a generally unimproved state. Includes, but is not limited to, sensitive environmental areas such as wetlands, floodplains, and stream buffers. No lands occupied by streets, street rights-of-way, or off-street parking shall be included in areas designated as open space.

OWNER The legal or beneficial owner of land, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property. "Owner" shall include long-term commercial tenants; management entities, such as those charged with or engaged in the management of properties for profit; and every person or entity having joint ownership of the property. A secured lender not in possession of the property does not constitute an owner, unless the secured lender is included within the meaning of "owner" under another description in this definition, such as a management entity.

PARK SPACE Open space that is developed and/or designed for active recreation uses. Park space may include amenity facilities, playgrounds, tot lots, and similar uses.

PARKING AREA AISLES The portion of a vehicle accommodation area consisting of travel lanes to provide access to parking spaces.

PARKING BAY A parking module consisting of one or more sets of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave.

PARKING SPACE A portion of the vehicle accommodation area set for the parking of one vehicle.

PE Professional Engineer License.

PERMIT The approval document allowing land-disturbing activities to be initiated. A project may be developed in phases with separate permits for each phase.

PERSON Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.

PERSON CONDUCTING LAND-DISTURBING ACTIVITY Any person who may be held responsible for a violation unless expressly provided otherwise by the erosion and sedimentation control regulations of this article, the SPCA Act, or any order adopted pursuant to these regulations or the SPCA Act.

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

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

PRE-FIRM Construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map for the area.

PRINCIPAL BUILDING OR USE The building, structure, or land that contains the primary function or activity on a lot.

PRIVATE DRIVEWAY A roadway serving 2 or fewer lots, building sites or other divisions of land and not intended to be used for public ingress or egress.

PROJECTING SIGNS A projecting sign is a sign attached to and supported by a building and extending beyond the building to which it is attached.

PROTECTIVE COVER Natural or artificial ground cover of grass, trees, shrubs, or mulch sufficient to reduce erosion potential.

PUBLIC OR COMMUNITY SEWAGE DISPOSAL SYSTEM A sanitary sewage disposal system, regulated by the Division of Environmental Management, North Carolina Department of Natural and Economic Resources, with 3,000 gallons or more design capacity and/or whose effluent is discharged to surface water.

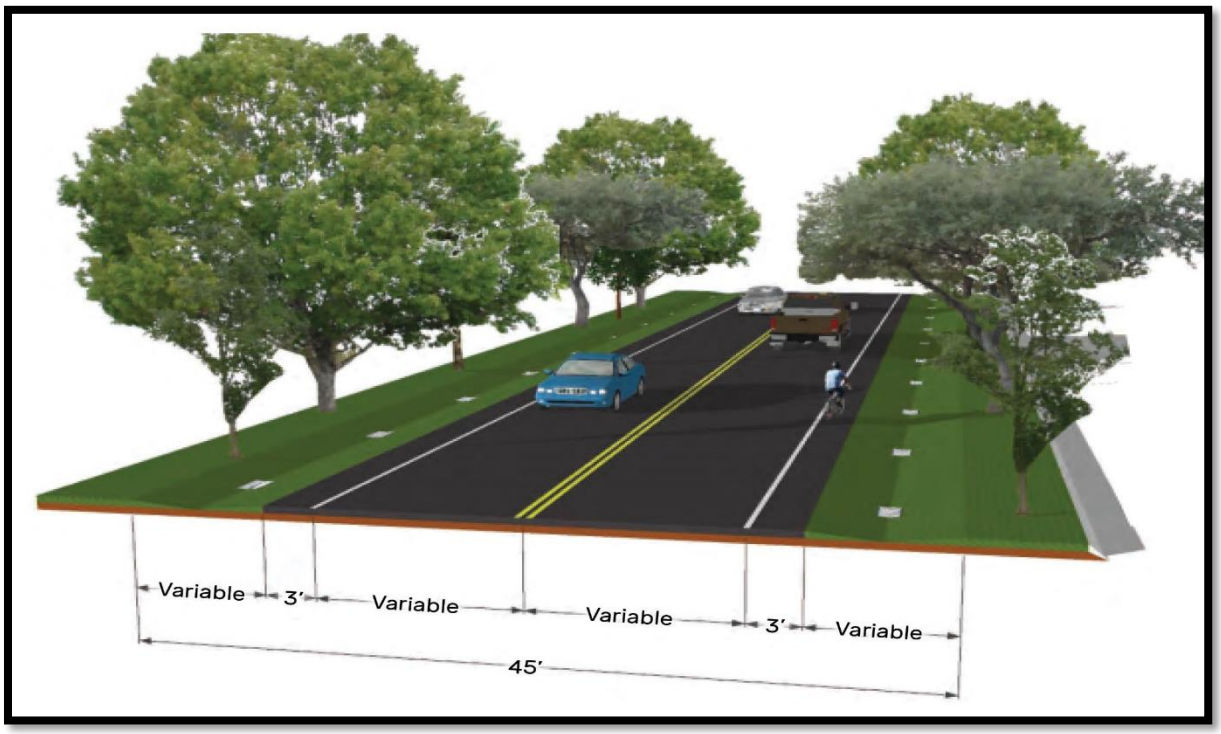
PUBLIC OR COMMUNITY WATER SUPPLY SYSTEM A system serving 10 or more residences or businesses or combination of residences and businesses, including municipal and sanitary district water systems as well as water systems designed to serve particular subdivisions at full development constructed to specifications approved by the Division of Health Services, North Carolina Department of Human Resources.

REAR SETBACK The rear setback is measured from the point on the rear property line of the parcel nearest a principal or accessory structure, establishing a setback line parallel to the rear property line that extends between the side property lines.

RECREATION / PARK SPACE Those areas within a development that are programmed for use by groups or individuals. Structures or facilities are not required to qualify as park space, but the land must be improved so as useable by humans. Sensitive environmental areas do not qualify as park space.

REDEVELOPMENT Any rebuilding activity other than a rebuilding activity that results in no net increase in built- upon area and provides equal or greater stormwater control than the previous development.

RURAL RESIDENTIAL STREET



Rural 2-Lane Street Type Specifications	
Right-of-Way Width	46 feet
Lane Widths	Variable
Design Speed	35-45 mph
Traffic Lanes	2 lanes
Parking Lanes	N/A
Sidewalks	N/A
Planter Type	N/A
Curb Type	Swale or vertical curb[1]
Landscaping	N/A
Bicycle Facilities	Striped 3' bike lane
Anticipated Average Daily Traffic	2,500 to 15,000 trips

SATELLITE PARKING A parking facility located on a separate lot from the principal use it is intended to serve.

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

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

SEEDING Seed, straw and tack, hydroseed, sod, or other approved seeding method.

SEDIMENT POLLUTION CONTROL ACT (SPCA ACT) North Carolina Sediment Pollution Control Act of 1973 and all rules and orders adopted pursuant to it.

SETBACK (MINIMUM) A line parallel to the front property line in front of which no structure shall be erected. Setbacks shall be figured from the right-of-way line.

SIDE SETBACK The side setback is an open, unoccupied space on same lot with a main building situated between the side line of the building and adjacent side line of the lot and extending from the rear line of the front yard to the rear yard. Any yard that is not a rear or front yard shall be deemed a side yard.

SIGHT TRIANGLE / SIGHT DISTANCE TRIANGLE The triangular area formed by a diagonal lone connecting two points on intersecting property lines (or a property line and the curb or a driveway), each point being 15 feet and 75 feet from the point of intersection.

SIGN Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

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

SMALL TREE Small-growing trees with an expected mature height of 20-40 feet.

SOLID WASTE DISPOSAL FACILITY As defined in NCGS §130A-290(a) (35), any facility involved in the disposal of solid waste.

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

SPECIAL FLOOD HAZARD AREA (SFHA) The land in the floodplain subject to a 0.2% or greater chance of being flooded in any given year based on current conditions hydrology.

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

floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

STEALTH OR STEALTH DESIGN A design or treatment such as a Distributed Antenna System or its equivalent that minimizes adverse aesthetic and visual impacts on the land, property and buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

STABILIZATION The process of restoring a site with ground cover or armor to resist soil erosion from the forces of air, wind, or water.

STEALTH OR STEALTH TECHNOLOGY A design or treatment that minimizes adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean building the least visually and physically intrusive facility and Complex that is not technologically or commercially impracticable under the facts and circumstances. Stealth technology includes such techniques as DAS or its functional equivalent or camouflage where the Tower is disguised to make it less visually obtrusive and not recognizable to the average person as a Wireless Facility or Complex.

STOP WORK ORDER A written order to stop work, issued by the Administrator, upon determining that work is being conducted in violation of this ordinance.

STOREFRONT WINDOW SYSTEM An architectural wall assembly of large glass panes formed in relatively thin metal members and typically used at the ground floor of commercial buildings.

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

STORMWATER BEST MANAGEMENT PRACTICE MANUAL The Stormwater Best Management Practice Manual approved for use in Phase II jurisdictions by the N.C. Division of Water Resources and certified by this jurisdiction is at least as stringent as the Stormwater Best Management Practice Manual approved for use in Phase II jurisdictions the proper implementation of the requirements of the federal Phase II stormwater program. All references herein to the Stormwater Best Management Practice Manual are to the latest published edition or revision.

STORMWATER RUNOFF The surface flow of water resulting from precipitation in any form and occurring immediately after rainfall or melting.

STREAM An intermittent or perennial surface water subject to US Army Corps of Engineers (Corps) and/or NC Division of Water Resources (DWR) 404/401 jurisdiction. To confirm jurisdictional status, a formal Corps and/or DWQ response is required (e.g. Jurisdictional Determination).

STREAM CLASSIFICATION The existing or contemplated best usage of streams, pursuant to 15A NCAC 02B .0300, and/or subsequent clarifications, modifications, and addenda.

STREET A dedicated and accepted public right-of-way, or privately-maintained access, for vehicular traffic that conforms to any of the street classifications contained within this Ordinance or other adopted plans and policies of the Town of Wingate.

STREET SETBACK A setback measured across the full width of the lot, extending from the front line of the nearest building on the lot to the front line of the lot.

STRUCTURE A walled and roofed building that is principally above ground, a gas or liquid storage tank, or other man-made facilities or infrastructure. For floodplain management purposes "principally above ground" means that at least 51% of the actual cash value of the structure is above ground.

STRUCTURED PARKING A covered structure or portion of a covered structure that provides parking areas for motor vehicles. Parking on top of a structure, where there is gross building area below the parking, is also considered structured parking.

STRUCTURAL CAPABILITY OR "STRUCTURAL CAPACITY" With regards to wireless telecommunications facilities, anything to the contrary in any other standard, code, regulation or law, up to and not exceeding a literal 100% of the designed loading and stress capability of the support structure.

STRUCTURAL BMP A physical device designed to trap, settle out, or filter pollutants from stormwater runoff; to alter or reduce stormwater runoff velocity, amount, timing, or other characteristics; to approximate the pre-development hydrology on a developed site; or to achieve any combination of these goals. Structural BMP includes physical practices such as constructed wetlands, vegetative practices, filter strips, grassed swales, and other methods installed or created on real property. "Structural BMP" is synonymous with "structural practice", "stormwater control facility," "stormwater control practice," "stormwater treatment practice," "stormwater management practice," "stormwater control measures," "structural stormwater treatment systems," and similar terms used in this ordinance.

SUBDIVIDER Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

SUBDIVISION All divisions of a tract or parcel of land into 2 or more lots, building sites, or other divisions for the purpose of sale, or building development (whether immediate or future) and shall include all divisions of land involving the dedications of a new street or a change in existing streets.

SUBSIDIARY An affiliate that is, directly or indirectly, through one or more intermediaries, controlled by another person.

SUBSTANTIAL DAMAGE As used in the flood damage prevention ordinance, damage of any origin sustained by a structure during any 1-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. See definition of "substantial improvement". Substantial damage also means flood-related damage sustained by a structure on 2 separate occasions during a 10-year period for which the

cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT As used in the flood damage prevention ordinance, any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any 1-year period for which the cost equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.
The term does not, however, include either:

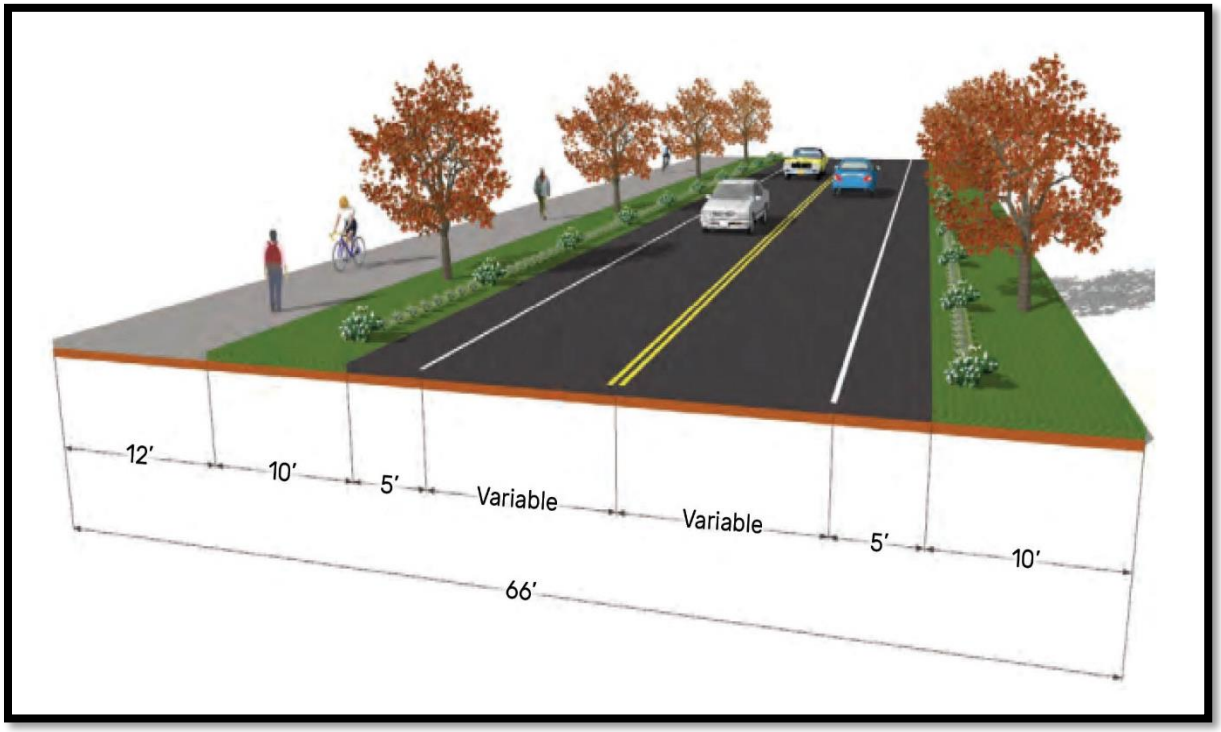
- Any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or,

- Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

SUBSTANTIAL MODIFICATION As it relates to wireless telecommunications facilities, a change or Modification that increases the existing vertical height of the structure by the greater of (a) more than ten percent (10%) or (b) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet; or (a) except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance; or (b)increases the square footage of the existing equipment compound by more than 2,500 square feet.

SUBSTANTIAL PROGRESS For the purposes of determining whether sufficient progress has been made on an approved plan, one or more of the following construction activities toward the completion of a site or subdivision plan shall occur: obtaining a grading permit and conducting grading activity on a continuous basis and not discontinued for more than 30 days; or installation and approval of on-site infrastructure; or obtaining a building permit for the construction and approval of a building foundation. "Substantial progress" for purposes of determining whether an approved plan is null and void is not necessarily the same as "substantial expenditures" used for determining vested rights pursuant to applicable law.

SUBURBAN RESIDENTIAL STREET



Suburban 2-Lane Street Type Specifications	
Right-of-Way Width	66 feet
Lane Widths	10-12 feet
Design Speed	25-35 mph
Traffic Lanes	2 lanes
Parking Lanes	N/A
Sidewalks	12' multi-use path on one side
Planter Type	10' continuous planting strip
Curb Type	Swale or vertical curb[1]
Landscaping	N/A
Bicycle Facilities	Striped 5' bike lane
Anticipated Average Daily Traffic	2,500 to 15,000 trips

TELECOMMUNICATIONS The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

TELECOMMUNICATIONS STRUCTURE OR SUPPORT STRUCTURE A structure used in the provision of services described in the definition of Wireless Telecommunications Facilities to physically support antennas and other equipment necessary for the provision of wireless service.

TEMPORARY SIGNS Portable signs used to announce or advertise specific events which have a definite beginning and end date/time.

TOWER Any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.

TRACT All contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

VEHICLE ACCOMODATION AREA The portion of a lot that is used by vehicles for access, circulation, parking, loading, and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking spaces and aisles. In the vernacular, this area is typically referred to as a "parking lot."

WALL SIGNS A sign attached to or painted on a wall or building, with the exposed display surface of the sign in a plane parallel to the plane of the wall to which it is attached or painted, and including signs affixed to or otherwise displayed on or through a façade window.

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

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

WATERCOURSE BUFFER ZONE The strip of land adjacent to a lake, river, creek, stream.

WETLANDS Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. This definition of wetlands is used by the U.S. Army Corps of Engineers (Corps) and the U.S. Environmental Protection Agency (EPA) since the 1970s for regulatory purposes in Section 404 of the Clean Water Act.