

**ARTICLE 4  
ZONING DISTRICTS AND DIMENSIONAL REGULATIONS**

*Summary: This Article divides the Town into districts for the purpose of regulating the use of lands within the districts, as well as dimensional requirements and other standards applicable to construction, reconstruction and alterations of such uses. This Article establishes a series of basic zoning districts, overlay districts, Floodplain Overlay, Watershed Protection Overlay, Corridor Overlays, Historic Overlay) within which additional standards may apply, and “floating zones” (PUD districts) which may be designated by request. Refer to Article 5 for additional regulations applicable to particular uses.*

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## **4.1. PURPOSE STATEMENT FOR ZONING DISTRICTS.**

### **4.1.1. Purpose.**

The Town is hereby zoned and divided into districts. The purpose of establishing these districts is:

- To implement the Comprehensive Plan;
- To promote the health, safety, morals, or the general welfare;
- To provide for the orderly growth and development of the Town and for the efficient use of our resources (land, water, roads, etc.);
- To lessen congestion in the streets;
- To secure safety from fire, panic, and other dangers.
- To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

## **4.2. ESTABLISHMENT OF ZONING DISTRICTS.**

### **4.2.1. PURPOSE AND INTENT.**

In accordance with the requirement of NCGS § 160A-382 that zoning regulation be by districts, the Town Board, as shown on the Official Zoning Map accompanying this Ordinance and incorporated herein by this reference, is hereby divided into the following zoning districts which shall be governed by all of the uniform use and area requirements of this Ordinance, the respective symbol for each type of district being set forth opposite its title:

- AG Agricultural District
- RE Rural Estate District
- RL Residential Low Density
- RM Residential Medium Density
- RH Residential High Density
- O-I Office-Institutional District
- CC City Center District
- C-1 Light Commercial and Office District
- C-2 General Commercial District
- CD Campus Development District
- I-1 Light Industrial District
- I-2 Heavy Industrial District

### **4.2.2. OVERLAY DISTRICTS.**

In accordance with the authority provided by NCGS § 160A-382, the Town hereby establishes the following overlay districts which shall be governed by all of the uniform use and area requirements of this Ordinance. Within these overlay districts, additional requirements are imposed on certain properties within one or more underlying general or conditional zoning districts. The symbol for each type of district is as follows:

- H Historic Overlay District
- F Floodplain Overlay District
- MH-1 Manufactured Home Overlay
- MH-2 Manufactured Home Overlay

### **4.2.3. CONDITIONAL ZONING DISTRICTS.**

In addition to the base zoning districts established in § 4.2.1, above, the following conditional zoning districts are established which correspond to the above-referenced base zoning districts, and which are identical to the base zoning districts with the exception that a approval of a site plan and development conditions are required as a prerequisite to any use or development therein, as provided for in this Article and in § 3.4 of this Ordinance.

- AG-CZ Agricultural Conditional Zoning District
- RE-CZ Rural Estate Conditional Zoning District
- RL-CZ Residential Low Density Conditional Zoning District
- RM-CZ Residential Medium Density Conditional Zoning District
- RH-CZ Residential High Density Conditional Zoning District
- CC-CZ City Center Conditional Zoning District
- C-1-CZ Light Commercial and Office District Conditional Zoning District
- C-2- CZ General Commercial District Conditional Zoning District
- CD-CZ Campus Development Conditional Zoning District
- I-1-CZ Light Industrial District Conditional Zoning District

- I-2-CZ Heavy Industrial District Conditional Zoning District
- PUD-Planned Unit Development District

**4.2.4. ADDITIONAL ZONING DISTRICTS.**

Additional zoning districts may be added from time to time upon the recommendation of the Planning and Zoning Board to the Town Board pursuant to § 3.3 of this Ordinance.

### **4.3. ZONING DISTRICT PURPOSE STATEMENTS**

#### **4.3.1. PURPOSE STATEMENT.**

The purpose of this Article is to implement the land use policies of the Comprehensive Plan. Pursuant to NCGS § 160-A-383, all zoning ordinances or regulations adopted pursuant to this Ordinance shall be consistent with the Comprehensive Plan and any specific plans of the Town Board if any, as adopted under NCGS Article 19 of Chapter 160A. This Section describes the relationship between the various zoning districts and the Comprehensive Plan and a summary of each development district in tabular form. However, to the extent that there is any inconsistency between the tabular summary and the specific provisions of § 4.7 et seq. of this Ordinance, the provisions of § 4.7 et seq. shall prevail.

#### **4.3.2. PURPOSE STATEMENTS FOR BASE ZONING DISTRICTS.**

##### **4.3.2.1 (AG) AGRICULTURAL DISTRICT.**

The AG district is established to provide areas for low intensity agricultural operations as well as agri-business and supportive commercial uses. AG zoning protects and preserves valuable agricultural areas, implements agricultural protection zoning, establishes performance standards for rural businesses, preserves rural areas, preserves pasture land and agriculture, sets maximum permissible densities or new zoning districts, defines specific areas for rural commercial uses, and identifies areas appropriate for agricultural preservation.

##### **4.3.2.2 (RE) RURAL ESTATE DISTRICT.**

The RE district is established to provide areas for low density single family uses, with a maximum of one (1) dwelling unit per acre. Property zoned RE should include only those tracts which abut or are in close proximity to existing large-lot single family development, making RE an appropriate transition district between rural, agricultural, and suburban uses.

##### **4.3.2.3 (RL) RESIDENTIAL LOW DENSITY DISTRICT.**

The RL district is established to provide areas for low density single family uses, with a maximum of two (2) dwelling units per acre, which may provide buffers between the agricultural and RE classifications and the higher density areas of the Town. It includes flexible density and minimum lot size requirements in order to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to cluster development in order to preserve environmentally sensitive and agricultural land areas.

##### **4.3.2.4 (RM) RESIDENTIAL MEDIUM DENSITY DISTRICT.**

The RM district is established to provide areas for medium density, single-family residential uses, with a maximum of four (4) dwelling units per acre, where adequate public facilities and services exist with capacity to serve development. Residential Medium Density provides flexible minimum lot size and density requirements in order to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to cluster development in order to preserve environmentally sensitive and agricultural land areas.

##### **4.3.2.5 (RH) RESIDENTIAL-HIGH DENSITY DISTRICT.**

The RH district is established to provide areas for detached and attached single family homes, and, as a conditional use, multi-family residential. A maximum of eight (8) dwelling units per acre is permitted in areas where large-lot development is discouraged and adequate public facilities and services are available. RH supports the principles of concentrating urban growth and reinforcing existing community centers. Design controls are required for multi-family residential projects as set forth in Article 11.

**4.3.2.6 CC CITY CENTER DISTRICT.**

The CC district is established to provide concentrated downtown retail, service, office and mixed uses (including residential uses) in the existing central business districts. Shopping centers are permitted, but urban design standards as set forth in Article 11 are required in order maintain a neighborhood commercial scale, to promote pedestrian activity, and to maintain the unique character of the center. Pedestrian circulation is required as are common parking areas. The CC district promotes the long-term vitality of the central business districts. No rezoning to a CC or a CC-CD District shall be approved unless the lot, parcel or tract subject to the application adjoins an existing CC, or CC-CD zoning district.

**4.3.2.7 (O-I) OFFICE AND INSTITUTIONAL DISTRICT.**

The O-I district is established to provide for agencies and offices rendering specialized services and traditional institutional functions (both public and private) including, but not limited to, governmental facilities, cultural and recreational facilities, educational facilities and charitable institutions. To protect the low intensity character of this district, retail and wholesale trade are prohibited as permitted principal uses.

**4.3.2.8 (C-1) LIGHT COMMERCIAL DISTRICT.**

The C-1 district is established to provide areas for indoor retail, service and office uses. The purpose of the C-1 district is to accommodate well-designed development sites that provide excellent transportation access, make the most efficient use of existing infrastructure and provide for an orderly transition between uses. C-1 Zones should be located in areas which continue the orderly development and concentration of moderate commercial uses. C-1 zones should be located on or within proximity to major and/or minor thoroughfares.

**4.3.2.9 (C-2) GENERAL COMMERCIAL DISTRICT.**

The C-2 district is established to provide areas for general commercial activities designed to serve the community such as shopping centers, repair shops, wholesale businesses, and retail sales with limited outdoor display of goods and limited outdoor operations. This district promotes a broad range of commercial operations and services necessary for large regions of the County, providing community balance. C-2 zones should be located on or within proximity to major thoroughfares. This shall not apply where an existing building or structure used as permitted within the C-2 District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning.

**4.3.2.10 (CD) CAMPUS DEVELOPMENT DISTRICT.**

The CD district is established to provide for a high-quality mixture of employment and/or institutional uses of varying types in a single coordinated development. The district may include light manufacturing, office, warehousing, distribution, institutional and limited retail and service uses in an attractive campus or corporate park setting with architectural design standards, landscaping, screening and buffering. It is not intended that this district be used to accommodate single-use, single building developments which can be located in other zoning classifications. Development within the district shall conform to specific supplemental design standards of Article 11. Further, the district provides significant flexibility in internal arrangement of uses while assuring a satisfactory integration of the district into the surrounding area. Emphasis will be placed on the project's relationship to existing and future public facilities such as roads and greenways. The district is intended for application in select areas of the Town primarily for new development on previously undeveloped land. However, the district may also be applied to areas which are appropriate for redevelopment or conversion where it is apparent that all of the development standards may be fulfilled.

**4.3.2.11 (I-1) LIGHT INDUSTRIAL DISTRICT.**

The I-1 district is established to provide for areas that contain a mix of light manufacturing uses, office park and limited retail and service uses that service the industrial uses in an attractive business park setting with proper screening and buffering, all compatible with adjoining uses. I-1 districts should include areas which continue the orderly development and concentration of light industrial uses. I-1 zones should be located so as to have direct access to or within proximity to a major or minor thoroughfare. This shall not apply where an existing building or structure used as permitted within the I-1 District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning.

**4.3.2.12 (I-2) GENERAL INDUSTRIAL DISTRICT.**

The I-2 district is established to provide for areas of heavy and concentrated fabrication, manufacturing and industrial uses which are suitable based upon adjacent land uses, access to transportation and the availability of public services and facilities. It is the intent of this district to provide an environment for industries that is unencumbered by nearby residential or commercial development. I-2 should be located in areas where conflicts with other uses can be minimized to promote orderly transitions and buffers between uses. The I-2 district is established in order to provide sites for activities which involve major transportation terminals, and manufacturing facilities that have a greater impact on the surrounding area than industries found in the I-1 district. I-2 districts should not be located adjacent to any property that is zoned for residential use, including mixed-use developments with an adjacent residential designation. I-2 zones should be restricted so as to have direct access to or within proximity to a major or minor thoroughfare.

**4.3.3. STANDARDS FOR BASE DISTRICTS.**

**4.3.3.1.** Permitted Uses are listed in Table 4.6-1. Uses permitted by right, uses permitted as conditional uses and uses for which there are supplemental use regulations in Article 5 are indicated in the table. Accessory Uses shall be regulated in accordance with § 5.2 of this Ordinance.

**4.3.3.2.** Dimensional and density regulations, including setbacks, are listed in Table 4.7-1 and described in detail in § 4.7.

**4.3.3.3.** Standards for landscaping, screening and buffering are described in detail in Article 7.

**4.3.3.4.** Standards for off-street parking and loading facilities, and vehicular access are described in detail in Article 8.

**4.3.3.5.** Environmental control regulations, including those for stormwater and soil erosion and sedimentation control are described in detail in Article 9.

**4.3.3.6.** Design and improvement standards for some types of development are regulated in accordance with Article 11. In addition, Article 11 contains specific design standards for the CC Center City District, the CD Campus Development District, and the I-1 Light Industrial District that are unique to the respective districts.

**4.3.3.7.** Sign regulations are described in detail in Article 12.

**4.3.3.8.** Adequate public facilities standards are described in detail in Article 14.

**4.3.4. PURPOSE STATEMENT FOR OVERLAY ZONING DISTRICTS.**

The overlay zone creates special siting, use and compatibility issues which require use development regulations in addition to those found in the underlying zoning districts. If any regulation in an overlay zoning district requires lower densities, greater setbacks, or otherwise imposes greater standards than those required by the base zoning

district, the more restrictive standard applies. See Sections 4.12 - 4.15 and 15.1 for the purpose statements and regulations applicable to the overlay zoning districts.

**4.3.5. PURPOSE STATEMENTS FOR PUD-ZONES**

PUD zones are established in order to provide design flexibility and for special design regulations for mixed use development or large uses which provide special public benefits. These districts shall only be considered as Conditional Zoning districts. The purpose statement for-the PUD zoning district is set forth in Section 4.X.



**4.4. ZONING MAP.**

**4.4.1. BOUNDARIES OF ZONING DISTRICT**

**4.4.1.1.** The boundaries of zoning districts established by this Ordinance shall be designated on a map or maps entitled Official Zoning Map(s) of the Town of Mount Pleasant. These maps and all references and dates shown thereon shall be certified by the Mayor.

**4.4.2. OFFICIAL ZONING MAP.**

**4.4.2.1.** The Official Zoning Map shall be located in the Office of the Administrator and a copy of the Official Zoning Map shall be kept on file with the Town Clerk. Any changes thereto shall be clearly shown on the Official Zoning Map.

**4.4.2.2.** The Official Zoning Map shall show the effective date, shall be maintained by the Administrator and bear the seal of the Town under the words: "Official Zoning Map, Town of Mount Pleasant, North Carolina". Land within zoning districts on the Official Zoning Map shall be classified with a zoning district designation, which shall supersede any contrary designation on the Former Official Zoning Map. Regardless of the existence of any purported copy of the Official Zoning Map, the zoning map which shall be located in the office of the Administrator shall be the final authority as to the current zoning status of land, wet areas, buildings, and other structures.

**4.4.2.3.** If a zoning district is eliminated and there is no corresponding zoning district classification on the Official Zoning Map, the property shall remain subject to all restrictions, regulations and conditions imposed under the zoning ordinance in effect at the time that the Former Official Zoning Map was effective unless and until the zoning classification of the property is amended pursuant to this Ordinance.

**4.4.2.4.** The Official Zoning Map is hereby incorporated by reference as if set forth in its entirety herein, and may be referred to as Article Four, Section 4.4 of the UDO.

**4.5. DISTRICT BOUNDARIES.**

**4.5.1. ZONING DISTRICT BOUNDARIES.**

Unless otherwise provided, zoning district boundaries shall be located on municipal corporate lines, section lines, parcel lines, natural boundary lines or on the center lines of highways, streets, alleys, or railroad rights-of-way. In cases where these lines are not used, the zoning district lines shall be as determined by using the scale of the Official Zoning Map. If a parcel of land is divided by a zoning district boundary line at the time of enactment of this Ordinance or by subsequent amendments thereto, the appropriate standards and uses for each zone shall apply on the portion of the parcel covered by that zone.

**4.5.2. BOUNDARY OR LOCATION DISPUTES.**

Any dispute as to the boundary or location of property within a zoning district shall be resolved in accordance with the following:

**4.5.2.1.** When a district boundary is shown as approximately following a street, highway, alley, road, right-of-way, parkway, public utility right-of-way, railroad, stream or watercourse, the boundary shall be deemed to be the center line of such feature.

**4.5.2.2.** Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

**4.5.2.3.** Boundaries indicated as approximately following established municipal limits and county borders shall be construed as following such lines.

**4.5.2.4.** Boundaries indicated as separated from but approximately parallel to any of the features indicated in sections 4.5.2.1 through 4.5.2.3 above, or any landmarked or monumental line, shall be deemed to be parallel to the aforesaid center line or railroad track mid-point.

**4.5.2.5.** Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

**4.5.2.6.** Where a street, highway, railroad or other physical monument or marker on the ground, by which a boundary is determined, varies from that as shown on the Official Zoning Map, the physical monument or marker located on the ground shall control.

**4.5.2.7.** Where physical or cultural features, such as flood plains, vary from those shown on the Official Zoning Map, or in other circumstances not covered by subsections 4.5.2.1 through 4.5.2.6 above, the Administrator shall determine the district boundaries. Any aggrieved person may appeal such determination to the Planning and Zoning Board, acting as Board of Adjustment, pursuant to § 3.7 of this Ordinance.

## **4.6. USE REGULATIONS.**

### **4.6.1. GENERALLY.**

**4.6.1.1.** No use shall be permitted pursuant to this Ordinance, and no Development Permit authorizing a use may be authorized, issued, or approved by any officer, official, or agency, unless said use is listed as a permitted or conditional use in this Section 4.6 and all applicable permits and approvals have been issued by the agency or official with final decision-making authority. Those uses permitted as Primary Uses or Buildings within each zoning district shall be those uses listed in the Use Matrix (Table 4.6-1) and as forth in Section 4.6.2, below.

**4.6.1.2.** Permitted Accessory Uses are set forth in § 5.2 of this Ordinance, while permitted Temporary Uses are set forth in § 5.22 of this Ordinance. If a Primary use is listed as prohibited in a Zoning District, but is permitted as an Accessory Use in § 5.2 of this Ordinance, the use is permitted only as an Accessory Use to a Principal Use or Principal Building on the same lot, tract or parcel. Such uses cannot be established unless and until there is a Principal Use or Principal Building on the same lot, tract or parcel to which that use is accessory.

### **4.6.2. PRIMARY USES.**

**4.6.2.1. Use Matrix.** No zoning clearance permit shall be issued for a Primary use not specifically mentioned or described by category in the Use Matrix (Table 4.6-1), Evaluation of these uses shall be as set forth in § 4.6.2.2, below. Notwithstanding any provision of this Section to the contrary, uses which are preempted by state statute are not listed in the Use Matrix, and may be permitted in accordance with state law.

**4.6.2.2. PUD Excluded.** Uses in the PUD districts shall be governed by their respective Sections in this Ordinance and not be included in Table 4.6-1.

**4.6.2.3. Use Determinations.** The Administrator shall make a determination if a use not mentioned can reasonably be interpreted to fit into a use category where similar uses are described. It is the intent of this Article to group similar or compatible land uses into specific zoning districts, either as permitted uses or as uses authorized by a conditional use permit. Uses not listed as a permitted or conditional use shall be presumed to be prohibited from the applicable zoning district. In the event that a particular use is not listed in the Use Matrix and such use 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 Section. 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 decision may be appealed to the Board of Adjustment. The Administrator may determine that a use is materially similar if it falls within the same industry classification of the latest edition of the *North American Industry Classification Manual* ("NAICS") (subject to § 4.6.2.4, below), and if the proposed use does not generate trips exceeding other uses proposed in the zoning district by more than ten percent (10%), as determined by the latest edition of Institute of Transportation Engineers, *Trip Generation*, which documents are hereby incorporated by this reference. The Administrator may also refer to similar studies relating to trip generation for the specific use prepared by a licensed professional engineer associated with a firm listed on the NCDOT "register of Firms" pursuant to 19A NCAC 2E.0702. In the event that the parties do not agree upon the Administrator's interpretation, the determination may be appealed to the Board of Adjustment.

**4.6.2.4. Matrix Symbols.** The use categories listed in the first column of Table 4.6-1 are defined in this Ordinance, the NAICS, or in other resources cross-referenced in this Ordinance.

**P** **Permitted Uses.** The letter “P” indicates that the listed use is permitted by-right within the zoning district. Permitted uses are subject to all other applicable standards of this Ordinance.

**S** **Permitted Uses with Supplemental Regulations.** The letter “S” indicates that the listed use is either a use permitted by-right or a conditional use within the zoning district. However, the use is also subject to specific design regulations as prescribed in Article 5 and/or Article 11. The specific reference is indicated in (§ \_\_\_\_ ) behind a specific use as listed in the Use column of Table 4.6-1.

**C** **Conditional Uses.** The letter “C” indicates that the listed use is permitted within the respective zoning district only after review and approval of a Conditional Use Permit, in accordance with the review procedures of § 3.5 of this Ordinance. Conditional Uses are subject to all other applicable standards of this Ordinance and those requirements that may reasonably be imposed by the Town consistent with the criteria set forth in § 3.5 of this Ordinance and any Supplementary Use Regulations which apply to said use.

**-** **Prohibited Uses.** A dash (“-”) indicates that the listed use type is not allowed within the respective zoning district, unless it is otherwise expressly allowed by other regulations of this Ordinance.

**4.6.3. ACCESSORY USES, SIGNS, AND TEMPORARY USES.**

**4.6.3.1.** Regulations pertaining to the permissible location of Accessory Uses, Signs, and Temporary Uses are set forth in the Accessory Use Regulations (Article 5, § 5.2), the Sign Regulations (Article 12), and the Temporary Uses Regulations (Article 5, § 5.22) of this Ordinance.

**4.6.3.2.** If a use is listed as prohibited in a Zoning District, but is permitted as an Accessory Use in § 5.2 of this Ordinance, the use is permitted only as an Accessory Use to a Principal Use or Principal Building on the same lot, tract or parcel. Such uses cannot be established unless and until there is a Principal Use or Principal Building on the same lot, tract or parcel to which that use is accessory

TABLE 4.6-1: PRINCIPAL USES PERMITTED IN ZONING DISTRICTS													
* All uses permitted in the CC, CD, and I-1 Districts are subject to supplemental design regulations in Article 11 of this Ordinance.													
P - Permitted Use      S - Permitted Use with Supplemental Regulations in Article 5 and/or Article 11													
C - Conditional Use      (-) Prohibited Use      Section 11.1 shall apply to all outdoor storage or display associated with a permitted use													
USE	AG	RE	RL	RM	RH	O-I	CC*	C-1	C-2	CD*	I-1*	I-2	
<b>RESIDENTIAL</b>													
Accessory Dwellings (§ 5.3)	P/S	P/S	P/S	P/S	P/S	-	-	-	-	-	-	-	-
Duplex (Two dwelling units per lot)	-	-	-	-	P	-	-	-	-	-	-	-	-
Family Care Home (see Appendix A for definition)	P	P	P	P	P	C	C/S	-	-	-	-	-	-
Home Occupations (§ 5.12)	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S
Multi-family Dwellings - 3 or more dwelling units (§ 11.2)	-	-	-	-	C/S	C/S	C/S	C/S	C/S	-	-	-	-
Single-family, attached (§ 11.2)	-	-	-	-	P/S	C/S	C/S	-	-	-	-	-	-
Single-family, detached	P	P	P	P	P	C	-	-	-	-	-	-	-
Single-family, manufactured home	( allowed in MH-1 and MH-2 Overlay Districts only)												
Single-family, modular home	P	P	P	P	P	C	-	-	-	-	-	-	-
Upper Story Dwelling	-	-	-	-	-	-	P	-	-	-	-	-	-
<b>INSTITUTIONAL AND CIVIC</b>													
Animal Shelter	C	-	-	-	-	-	-	C	P	-	C	P	-
Auditorium/Indoor Public Assembly, up to 350 seats	C	C	C	C	C	P	P	P	P	-	P	-	-
Auditorium/Indoor Public Assembly, more than 350 seats	-	-	-	-	C	C	P	P	P	-	P	-	-
Botanical Gardens/Nature Preserves	P	P	P	P	P	P	P	P	P	P	P	P	P
Campgrounds, private (§ 5.8)	C/S	-	-	-	-	-	-	-	-	-	-	-	-
Cemeteries, Crematories, & Mausoleums (§ 5.9)	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	P/S	-	P/S	P/S	P/S
Child Care Center (§ 5.16)	P/S	C/S	C/S	C/S	C/S	P/S	C/S	P/S	P/S	P/S	C/S	-	-
Civic, Social, and Fraternal Organizations	C	C	C	C	C	P	P	P	P	-	-	-	-
Correctional Institutions	C	-	-	-	-	-	C	-	-	-	C	C	-
Country Club	P	P	P	P	P	-	-	P	P	-	P	P	-
Convention Center/Visitors Bureau	-	-	-	-	-	-	P	P	P	P	P	-	-
Golf Course, public or private	P	P	P	P	P	-	-	P	P	-	-	-	-
Government Buildings (excl. correctional institutions) and Facilities	C	C	C	C	C	P	P	P	P	P	P	P	P
Hospital	-	-	-	-	-	-	P	P	P	P	-	-	-
Museums and Art Galleries	C	C	C	C	C	C	P	P	P	P	-	-	-
Park - Public, neighborhood	P	P	P	P	P	P	P	P	P	P	P	P	P
Park - Public, other than neighborhood	P	C	C	C	C	P	P	P	P	P	P	P	P
Performing Arts Companies & Artists	-	-	-	-	-	P	P	P	P	-	-	-	-
Postal Service Facilities	-	-	-	-	-	P	P	P	P	P	P	P	P
Recreational Sports Clubs (Hunting Clubs, Fishing Clubs, etc.)	C	C	C	C	C	P	P	P	P	-	-	-	-
Religious Institutions, up to 350 seats	C	C	C	C	C	P	P	P	P	-	-	-	-
Religious Institutions, more than 350 seats	-	-	-	-	C	C	P	P	P	-	-	-	-
Residential Care Facilities (includes Group Homes) (§ 5.17)	C/S	C/S	C/S	C/S	P/S	P/S	P/S	P/S	P/S	-	-	-	-
School - Boarding	C	C	C	C	C	C	C	C	C	-	-	-	-
School - Business, Computer and Management	-	-	-	-	-	P	P	P	P	-	P	P	-
School - Charter, Private & Parochial	C	C	C	C	C	C	C	P	P	-	-	-	-

<b>TABLE 4.6-1: PRINCIPAL USES PERMITTED IN ZONING DISTRICTS</b>													
* All uses permitted in the CC, CD, and I-1 Districts are subject to supplemental design regulations in Article 11 of this Ordinance.													
P - Permitted Use      S - Permitted Use with Supplemental Regulations in Article 5 and/or Article 11													
C - Conditional Use      (-) Prohibited Use      Section 11.1 shall apply to all outdoor storage or display associated with a permitted use													
USE	AG	RE	RL	RM	RH	O-I	CC*	C-1	C-2	CD*	I-1*	I-2	
<b>INSTITUTIONAL AND CIVIC (continued)</b>													
School - Fine Arts	-	-	-	-	-	C	P	P	P	P	-	-	
School - Public, Elementary & Secondary	P	P	P	P	P	P	P	P	P	-	-	-	
School - Technical and Trade	-	-	-	-	-	C	P	P	P	P	P	P	
School - University or College	C	-	-	-	-	C	P	P	P	P	-	-	
Social Assistance (excluding child care centers)	C	C	C	C	C	C	P	P	P	-	-	-	
Zoo, public or private	C	-	-	-	-	-	-	-	C	C	C	C	
<b>PROFESSIONAL OFFICE/BUSINESS SERVICES</b>													
Accounting & Tax Services	-	-	-	-	-	P	P	P	P	P	P	-	
Advertising & Related Services (excl. Sign Lettering/Painting)	-	-	-	-	-	P	P	P	P	P	P	-	
Architectural, Engineering & Related Services	-	-	-	-	-	P	P	P	P	P	P	-	
Automobile Repair & Maintenance, Major (§ 11.1)	C/S	-	-	-	-	-	-	-	P/S	P/S	P/S	-	
Automobile Repair & Maintenance, Minor (excl. commerical trucks) (§ 11.1)	C/S	-	-	-	-	-	-	P/S	P/S	P/S	P/S	-	
Banks, Finance and Insurance Offices	-	-	-	-	-	P	C	P	P	P	P	-	
Broadcasting & Telecommunications (excl. Towers)	-	-	-	-	-	P	P	P	P	P	P	-	
Building, Chimney, Pool Cleaning Services	-	-	-	-	-	-	P	P	P	P	P	-	
Carpet & Upholstery Cleaning Services	-	-	-	-	-	-	P	P	P	P	P	-	
Catering Services	-	-	-	-	-	-	P	P	P	P	P	-	
Clothing Alterations/Repair, Footwear Repair	-	-	-	-	-	-	P	P	P	P	P	-	
Collection Agencies	-	-	-	-	-	P	P	P	P	P	P	-	
Computer System Design & Related Services	-	-	-	-	-	P	P	P	P	P	P	-	
Credit Bureaus	-	-	-	-	-	P	P	P	P	P	P	-	
Data Processing and News Services	-	-	-	-	-	P	P	P	P	P	P	-	
Delivery/Courier Service, Local	-	-	-	-	-	P	P	P	P	P	P	-	
Dry Cleaning and Laundry Services	-	-	-	-	-	-	P	P	P	P	P	-	
Electronic and Appliance Repair	-	-	-	-	-	-	P	P	P	P	P	-	
Employment/Personnel Services/Agencies	-	-	-	-	-	P	P	P	P	P	P	-	
Environmental Consultanting Services	-	-	-	-	-	P	P	P	P	P	P	-	
Funeral Home & Services	-	-	-	-	-	P	C	C	P	P	P	-	
Graphic Design Services	-	-	-	-	-	P	P	P	P	P	P	-	
Hair, Nail & Skin Care Services	-	-	-	-	-	-	P	P	P	P	-	-	
Indoor Recreational Facilities	-	-	-	-	-	-	-	P	P	-	P	-	
Industrial Design Services	-	-	-	-	-	P	P	P	P	P	P	-	
Interior Design Services	-	-	-	-	-	P	P	P	P	P	P	-	

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P - Permitted Use		S - Permitted Use with Supplemental Regulations in Article 5 and/or Article 11											
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USE	AG	RE	RL	RM	RH	O-I	CC*	C-1	C-2	CD*	I-1*	I-2	
<b>PROFESSIONAL OFFICE/BUSINESS SERVICES (continued)</b>													
Investigation & Security Services, Locksmiths	-	-	-	-	-	-	P	P	P	P	P	-	
Janitorial Services	-	-	-	-	-	-	P	P	P	P	P	-	
Legal Services	-	-	-	-	-	P	P	P	P	P	P	-	
Management/Holding Company offices	-	-	-	-	-	P	P	P	P	P	P	-	
Management & Marketing consultants	-	-	-	-	-	P	P	P	P	P	P	-	
Medical/Health Care Offices	-	-	-	-	-	P	P	P	P	P	P	-	
Motion Picture & Sound Recording (excl. Theaters)	-	-	-	-	-	P	P	P	P	P	P	-	
Office Administrative Services	-	-	-	-	-	P	P	P	P	P	P	-	
Other Business Support Services	-	-	-	-	-	P	P	P	P	P	P	-	
Personal and Household Goods Repair	-	-	-	-	-	-	P	P	P	P	P	-	
Pest Control Services	-	-	-	-	-	-	C	C	P	P	P	-	
Pet Care Services (excluding Kennels & Veterinary Serv.)	P	-	-	-	-	-	P	P	P	-	P	-	
Pet Care Services - Kennels only (§ 5.5)	P	-	-	-	-	-	-	-	P/S	-	P/S	-	
Photocopy Services (excl. studios)	-	-	-	-	-	P	P	P	P	P	P	-	
Publishing Industries	-	-	-	-	-	P	P	P	P	P	P	-	
Real Estate & Leasing Offices (excl. mini-warehousing)	-	-	-	-	-	P	P	P	P	P	P	-	
Scientific Research & Development Services	-	-	-	-	-	P	C	C	P	P	P	P	
Services, Other (§ 11.1)	-	-	-	-	-	C	C	C	C	C	P	-	
Sports and Recreation Instruction/Camps	P	-	-	-	-	-	P	P	P	P	P	-	
Telemarketing/Telephone Call Centers	-	-	-	-	-	P	P	P	P	P	P	-	
Travel Services/Agents & Visitors Bureaus	-	-	-	-	-	P	P	P	P	P	P	-	
Veternarian Offices/Animal Hospitals (§ 5.5)	P/S	-	-	-	-	-	P/S	P/S	P/S	P/S	P/S	-	
Weight Reducing Centers, non-medical	-	-	-	-	-	-	P	-	P	P	-	-	
<b>RETAIL TRADE</b>													
Amusement Park	C	-	-	-	-	-	-	-	C	-	-	-	
Amusement Arcade (Indoor only)	-	-	-	-	-	-	-	-	P	-	-	-	
Art Dealers	-	-	-	-	-	P	P	P	P	P	-	-	
Art Supply Stores	-	-	-	-	-	-	P	P	P	P	-	-	
Auction House (General Merchandise) (§ 11.1)	-	-	-	-	-	-	-	P	P	-	C	-	
Automotive Parts, Tires, and Accessories (§ 11.1)	-	-	-	-	-	-	-	-	P	-	P	-	
Automobile Rental & Leasing (§ 5.6)	-	-	-	-	-	-	-	-	P/S	-	P/S	-	
Automobile Sales, New & Used (§ 5.6)	-	-	-	-	-	-	-	-	P/S	-	-	-	

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USE	AG	RE	RL	RM	RH	O-I	CC*	C-1	C-2	CD*	I-1*	I-2	
<b>RETAIL TRADE (continued)</b>													
Baked Goods/Snack Shops (excluding drive-thru)	-	-	-	-	-	-	P	P	P	P	-	-	
Beach Bingo (§ 5.27)	-	-	-	-	-	-	C/S	C/S	C/S	-	C/S	-	
Bed & Breakfast Inns (§ 5.7)	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	-	-	-	
Book, Periodical & Music Stores	-	-	-	-	-	-	P	P	P	P	-	-	
Bowling Centers	-	-	-	-	-	-	-	-	P	-	-	-	
Building Material Supply (with outdoor storage) (§ 11.1)	-	-	-	-	-	-	-	-	C/S	-	C/S	P/S	
Building Material Supply (with no outdoor storage)	-	-	-	-	-	-	P	P	P	P	P	-	
Car Wash (as a principal use)	-	-	-	-	-	-	-	P	P	-	-	-	
Cemetery Monument Dealers (§ 11.1)	-	-	-	-	-	-	-	-	P/S	-	P/S	-	
Clothing & Clothing Accessories	-	-	-	-	-	-	P	P	P	P	-	-	
Consignment/Used Merchandise Stores	-	-	-	-	-	-	P	P	P	P	-	-	
Convenience Store (with or without gas sales) (§ 5.10)	-	-	-	-	-	-	P/S	P/S	P/S	-	-	-	
Equestrian Boarding & Riding Arenas, Commercial	P	-	-	-	-	-	-	-	-	-	-	-	
Equipment Rental & Leasing (with indoor storage)	C	-	-	-	-	-	-	-	P	P	P	-	
Equipment Rental & Leasing (with outdoor storage) (§ 11.1)	C/S	-	-	-	-	-	-	-	C/S	-	P/S	-	
Electronics & Appliance Rental	-	-	-	-	-	-	P	P	P	P	-	-	
Electronics, Camera & Appliance Stores	-	-	-	-	-	-	P	-	P	P	-	-	
Farmer's Market, Fruit & Vegetable Stand (§ 5.22)	P/S	-	-	-	-	-	C/S	-	P/S	-	P/S	-	
Florist	-	-	-	-	-	-	P	P	P	P	-	-	
Formal Wear & Costume Rental	-	-	-	-	-	-	P	P	P	P	-	-	
Furniture & Home Furnishings	-	-	-	-	-	-	P	-	P	P	-	-	
Furniture/Party Supply/Sporting Goods Rental	-	-	-	-	-	-	P	-	P	P	-	-	
Game Preserves	C	-	-	-	-	-	-	-	-	-	-	-	
General Merchandise Stores (less than 25,000 sq. ft.)	-	-	-	-	-	-	P	P	P	P	-	-	
Gift, Novelty & Souvenir Stores	-	-	-	-	-	-	P	P	P	P	-	-	
Grocery/Food Stores (excl. convenience stores)	-	-	-	-	-	-	P	P	P	P	-	-	
Health Clubs & Fitness Centers	-	-	-	-	-	-	P	C	P	P	-	-	
Hobby, Toy & Game Stores	-	-	-	-	-	-	P	-	P	P	-	-	
Hotel, Motels & Extended Stay Lodging Facilities	-	-	-	-	-	-	P	P	P	P	C	-	
Jewelry, Luggage and Leather Goods	-	-	-	-	-	-	P	C	P	P	-	-	
Lawn & Garden Supply (with outdoor storage) (§ 11.1)	-	-	-	-	-	-	-	-	C/S	C/S	C/S	-	
Lawn & Garden Supply (with no outdoor storage)	-	-	-	-	-	-	P	P	P	P	P	-	
Liquor Sales (ABC stores)	-	-	-	-	-	-	-	-	P	P	-	-	



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USE	AG	RE	RL	RM	RH	O-I	CC*	C-1	C-2	CD*	I-1*	I-2	
<b>RETAIL TRADE (continued)</b>													
LP Gas & Heating Oil Dealers	-	-	-	-	-	-	-	P	P	P	P	-	
Manufactured Home and Storage Building Sales	-	-	-	-	-	-	-	-	C	-	C	-	
Microbreweries, microwineries, & microdistilleries	-	-	-	-	-	-	P	P	P	P	P	-	
Minature Golf course	-	-	-	-	-	-	-	-	P	-	-	-	
Mini-warehousing/Self-storage Leasing (§ 5.15)	-	-	-	-	-	-	-	-	C/S	-	P/S	P/S	
Motion Picture Theaters (excl. drive-in)	-	-	-	-	-	-	C	-	P	-	-	-	
Motion Picture Theaters, drive-in	C	-	-	-	-	-	-	-	C	-	-	-	
Motorcycle, Boat & RV Dealers, New & Used (§ 5.6)	-	-	-	-	-	-	-	-	P/S	-	-	-	
Musical Instrument & Supplies	-	-	-	-	-	-	P	P	P	P	-	-	
Nurseries (§ 11.1)	P	-	-	-	-	-	C	C	P	P	-	-	
Office Supplies & Stationery Stores	-	-	-	-	-	-	P	P	P	P	-	-	
Parking Lots & Structures, Commercial	-	-	-	-	-	-	P	P	P	P	P	P	
Pawnshops (subject to NCGS, Chapter 91A)	-	-	-	-	-	-	C	C	P	-	-	-	
Pet & Pet Supply Stores	-	-	-	-	-	-	P	P	P	-	-	-	
Pharmacies, Health & Personal Care Stores	-	-	-	-	-	-	-	P	P	P	-	-	
Photography Studios	-	-	-	-	-	-	P	P	P	P	-	-	
Pool or Billiard Hall	-	-	-	-	-	-	-	C/S	C/S	-	-	-	
Private Clubs (§ 5.18)	-	-	-	-	-	-	-	-	C/S	C/S	-	-	
Racetracks/Spectator Sports (includes racing test tracks)	-	-	-	-	-	-	-	-	-	-	C/S	C/S	
Reception, Banquet, Events Facilities (§ 5.24)	C/S	C/S	C/S	-	-	C/S	C/S	P/S	P/S	-	P/S	-	
Restaurant	-	-	-	-	-	-	P	P	P	P	-	-	
Restaurant, (with drive-thru)	-	-	-	-	-	-	C	C	P	-	-	-	
Retail Sales, Outside (outside a fully enclosed building) (§ 11.1.2.4)	-	-	-	-	-	-	-	-	C/S	-	C/S	-	
Sewing, Needlework & Piece Goods Stores	-	-	-	-	-	-	P	C	P	P	-	-	
Sewer/Septic Cleaning Services	-	-	-	-	-	-	-	-	P	-	P	P	
Sexually-Oriented Businesses (§ 5.20)	-	-	-	-	-	-	-	-	C/S	-	-	-	
Shoe Stores	-	-	-	-	-	-	P	P	P	P	-	-	
Shopping Centers, less than 25,000 sq. ft. (§ 11.3)	-	-	-	-	-	-	P/S	P/S	P/S	P/S	-	-	
Shopping Ctr./Superstore, 25-100,000 sq. ft. (§ 11.3)	-	-	-	-	-	-	-	-	C/S	C/S	-	-	
Shopping Centers/Superstore, over 100,000 sq. ft. (§ 11.3)	-	-	-	-	-	-	-	-	C/S	-	-	-	
Shooting Ranges/Archery Ranges (indoor only)	-	-	-	-	-	-	-	-	P	-	P	-	
Sign Lettering & Painting	-	-	-	-	-	-	-	-	C	-	P	-	
Sporting Goods Stores	-	-	-	-	-	-	P	P	P	P	-	-	

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USE	AG	RE	RL	RM	RH	O-I	CC*	C-1	C-2	CD*	I-1*	I-2	
<b>RETAIL TRADE (continued)</b>													
Swimming Pool, Hot Tub Supply Stores	-	-	-	-	-	-	-	-	P	-	-	-	
Tanning Salons, Ear Piercing, Permanent Make-up Salons	-	-	-	-	-	-	-	P	P	-	-	-	
Tattoo Parlors, Body Piercing	-	-	-	-	-	-	-	-	C	-	-	-	
Tobacco Stores	-	-	-	-	-	-	P	P	P	P	-	-	
Trophy Shops	-	-	-	-	-	-	P	P	P	P	-	-	
Truck Stop, Travel Plaza	-	-	-	-	-	-	-	-	C	-	-	-	
Video Sales & Rental	-	-	-	-	-	-	P	P	P	P	-	-	
<b>WHOLESALE TRADE</b>													
Alcoholic Beverage Supply	-	-	-	-	-	-	-	-	P	P	P	P	
Audio/Video (prerecorded) Sales	-	-	-	-	-	-	-	-	P	P	P	P	
Book, Periodical, & Newspaper Sales	-	-	-	-	-	-	-	-	P	P	P	P	
Chemical, Plastics & Allied Products	-	-	-	-	-	-	-	-	-	P	C	C	
Clothing, Piece Goods & Shoe Supply	-	-	-	-	-	-	-	-	P	P	P	P	
Coal & Ore Supply (with outdoor storage) (§ 11.1)	-	-	-	-	-	-	-	-	-	-	-	C/S	
Electronic Equipment and Parts Supply	-	-	-	-	-	-	-	-	P	P	P	P	
Farm Products (Raw Material) Sales	P	-	-	-	-	-	-	-	-	-	-	C	
Farm Supply Product Sales (with indoor storage)	P	-	-	-	-	-	-	-	P	P	P	P	
Farm Supply Product Sales (with outdoor storage) (§ 11.1)	C/S	-	-	-	-	-	-	-	C/S	-	C/S	P/S	
Florist & Nursery Supply (with indoor storage)	C	-	-	-	-	-	-	-	P	P	P	P	
Florist & Nursery Supply (with outdoor storage) (§ 11.1)	C/S	-	-	-	-	-	-	-	C/S	-	C/S	P/S	
Furniture & Home Furnishing Sales	-	-	-	-	-	-	-	-	P	P	P	P	
Grocery/Food Sales	-	-	-	-	-	-	-	-	P	P	P	P	
Hardware, Plumbing & Heating Supply	-	-	-	-	-	-	-	-	P	P	P	P	
Jewelry Supply	-	-	-	-	-	-	-	-	P	P	P	P	
Lumber & Construction Materials (with indoor storage)	-	-	-	-	-	-	-	-	P	P	P	P	
Lumber & Construction Materials (with outdoor storage) (§ 11.1)	-	-	-	-	-	-	-	-	C/S	-	C/S	P/S	
Metal & Pipe Supply (with indoor storage)	-	-	-	-	-	-	-	-	P	-	P	P	
Metal & Pipe Supply (with outdoor storage) (§ 11.1)	-	-	-	-	-	-	-	-	-	-	C/S	P/S	
Motor Vehicle - Sales (§ 5.8)	-	-	-	-	-	-	-	-	P/S	-	P/S	P/S	
Motor Vehicle - Used/Salvaged Parts (indoor storage)	-	-	-	-	-	-	-	-	P	-	P	P	
Motor Vehicle-Used/Salvaged Parts (outside storage) (§ 5.13)	-	-	-	-	-	-	-	-	-	-	-	C/S	
Music & Musical Instrument Supply	-	-	-	-	-	-	-	-	P	P	P	P	

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<b>WHOLESALE TRADE (continued)</b>													
Forestry and Logging	C	-	-	-	-	-	-	-	-	-	-	-	
Swine Farms	C	-	-	-	-	-	-	-	-	-	-	-	
<b>MANUFACTURING AND INDUSTRIAL USES</b>													
Abrasive Products Manufacturing	-	-	-	-	-	-	-	-	-	C	C	P	
Automobile, Race Cars, and Parts Manufacturing	-	-	-	-	-	-	-	-	-	C	P	P	
Beverage Manufacturing	-	-	-	-	-	-	-	-	-	C	P	P	
Broom, Brush, & Mop Manufacturing	-	-	-	-	-	-	-	-	-	P	P	P	
Burial Casket Manufacturing	-	-	-	-	-	-	-	-	-	P	P	P	
Candle & Potpourri Manufacturing	-	-	-	-	-	-	-	-	-	P	P	P	
Cement/Concrete (ready-mix) and Concrete Product Manuf.	-	-	-	-	-	-	-	-	-	-	-	P	
Chemical Manufacturing	-	-	-	-	-	-	-	-	-	-	C	C	
Clay & Brick Product Manufacturing	-	-	-	-	-	-	-	-	-	-	C	P	
Computer, Electronics, & Appliance Manuf.	-	-	-	-	-	-	-	-	-	P	P	P	
Concerete (dry mix), Synthetic Stone, Stucco Manuf.	-	-	-	-	-	-	-	-	-	-	-	P	
Contractors Office/Shop (with outdoor storage) (§ 11.1)	-	-	-	-	-	-	-	-	-	-	P/S	P/S	
Contractors Office/Shop (with indoor storage)	-	-	-	-	-	-	-	-	P	P	P	P	
Cut Stone & Stone Product Manufactuirng (excl. quarrying)	-	-	-	-	-	-	-	-	-	-	C	P	
Electronic Shopping & Mail-Order Houses	-	-	-	-	-	-	-	-	-	P	P	P	
Equipment Manufacturing (all types)	-	-	-	-	-	-	-	-	-	P	C	P	
Fabricated Metal Product Manufacturing	-	-	-	-	-	-	-	-	-	-	-	C	
Fastener, Button, Needle & Pin Manufacturing	-	-	-	-	-	-	-	-	-	P	P	P	
Food Manuf. (excl. Animal Slaughtering & Processing)	-	-	-	-	-	-	-	-	-	-	C	P	
Food Manuf. - Animal Slaughtering & Processing	-	-	-	-	-	-	-	-	-	-	-	C	
Furniture & Related Products Manufacturing	-	-	-	-	-	-	-	-	-	C	C	P	
Gasket, Packing & Sealing Device Manufacturing	-	-	-	-	-	-	-	-	-	P	P	P	
Glass/Glass Product Manufacturing	-	-	-	-	-	-	-	-	-	C	C	P	
Industrial Launderers	-	-	-	-	-	-	-	-	-	-	P	P	
Jewelry & Silverware Manufacturing	-	-	-	-	-	-	-	-	-	P	P	P	
Landfill - Demolition & Inert Debris (§ 5.14)	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	
Lime & Gypsum Product Manufacturing (excl. quarrying)	-	-	-	-	-	-	-	-	-	-	C	P	
Mineral Wool/Fiberglass Insulation Manufacturing	-	-	-	-	-	-	-	-	-	C	C	P	
Mining/Extraction Industries (§ 5.19)	C/S	-	-	-	-	-	-	-	-	-	-	C/S	

TABLE 4.6-1: PRINCIPAL USES PERMITTED IN ZONING DISTRICTS													
* All uses permitted in the CC, CD, and I-1 Districts are subject to supplemental design regulations in Article 11 of this Ordinance.													
P - Permitted Use      S - Permitted Use with Supplemental Regulations in Article 5 and/or Article 11													
C - Conditional Use      (-) Prohibited Use      Section 11.1 shall apply to all outdoor storage or display associated with a permitted use													
USE	AG	RE	RL	RM	RH	O-I	CC*	C-1	C-2	CD*	I-1*	I-2	
<b>MANUFACTURING AND INDUSTRIAL USES (continued)</b>													
Musical Instrument Manufacturing	-	-	-	-	-	-	-	-	-	P	P	P	
Office Supply (excl. Paper) Manufacturing	-	-	-	-	-	-	-	-	-	P	P	P	
Paper/Paper Product Manufacturing	-	-	-	-	-	-	-	-	-	-	C	C	
Petroleum, Asphalt & Coal Manufacturing	-	-	-	-	-	-	-	-	-	-	-	C	
Plastics & Rubber Manufacturing	-	-	-	-	-	-	-	-	-	C	C	C	
Primary Metal Processing/Manufacturing	-	-	-	-	-	-	-	-	-	-	-	C	
Printing and Related Support Activities	-	-	-	-	-	-	-	-	C	P	P	P	
Retail outlet accessory to manufacturing use	-	-	-	-	-	-	-	-	P	P	P	P	
Sign Manufacturing (with indoor storage)	-	-	-	-	-	-	-	-	-	-	P	P	
Sign Manufacturing (with outdoor storage) (§ 11.1)	-	-	-	-	-	-	-	-	-	-	-	C/S	
Solid Waste Collection and/or Disposal (Non-Hazardous)	-	-	-	-	-	-	-	-	-	-	-	P	
Solid Waste Collection and/or Disposal (Hazardous) (§ 5.11)	-	-	-	-	-	-	-	-	-	-	-	C/S	
Sporting & Athletic Goods Manufacturing	-	-	-	-	-	-	-	-	-	P	P	P	
Textile Mills & Apparel Manufacturing	-	-	-	-	-	-	-	-	-	-	C	P	
Tobacco Manufacturing	-	-	-	-	-	-	-	-	-	-	-	P	
Toy, Doll & Game Manufacturing	-	-	-	-	-	-	-	-	-	P	P	P	
Transportation Equipment Manufacturing	-	-	-	-	-	-	-	-	-	C	C	P	
5.13)	-	-	-	-	-	-	-	-	-	-	-	C/S	
Wood Products Manuf. (excl. Sawmills, Manuf. Home, Furniture)	-	-	-	-	-	-	-	-	-	-	C	P	
Wood Products Manuf. - Manufactured Homes	-	-	-	-	-	-	-	-	-	-	-	C	
Wood Products Manuf. - Sawmills (§ 11.1)	-	-	-	-	-	-	-	-	-	-	P/S	P/S	
Vending Machine Operators	-	-	-	-	-	-	-	-	-	C	P	P	
<b>TRANSPORTATION, WAREHOUSING AND UTILITIES USES</b>													
Air Transportation & Support Facilities	C	-	-	-	-	-	-	-	-	-	-	C	
Charter Bus Services	-	-	-	-	-	-	-	-	P	-	-	-	
Electric Power Generation	C	-	-	-	-	-	-	-	-	-	-	C	
Electric Power Transmission and Distribution	P	P	P	P	P	P	P	P	P	C	P	P	
Limousine Service	-	-	-	-	-	-	C	C	P	-	-	-	
Lumber - Bulk Storage (§ 11.1)	-	-	-	-	-	-	-	-	-	-	P	P	
Natural Gas Distribution Facilities/Equipment	P	P	P	P	P	P	P	P	P	C	P	P	
Petroleum - Bulk Storage	-	-	-	-	-	-	-	-	-	-	-	C	
Pipeline Transportation of Petroleum & Natural Gas	C	C	C	C	C	C	C	C	C	C	C	C	

<b>TABLE 4.6-1: PRINCIPAL USES PERMITTED IN ZONING DISTRICTS</b>													
* All uses permitted in the CC, CD, and I-1 Districts are subject to supplemental design regulations in Article 11 of this Ordinance.													
P - Permitted Use	S - Permitted Use with Supplemental Regulations in Article 5 and/or Article 11												
C - Conditional Use	(-) Prohibited Use Section 11.1 shall apply to all outdoor storage or display associated with a permitted use												
USE	AG	RE	RL	RM	RH	O-I	CC*	C-1	C-2	CD*	I-1*	I-2	
<b>TRANSPORTATION, WAREHOUSING AND UTILITIES USES (cont.)</b>													
Public Urban, Interurban and Rural Transit Systems	P	P	P	P	P	P	P	P	P	P	P	P	P
Rail Transportation & Support Facilities	C	-	-	-	-	-	-	-	-	-	-	-	C
Sewage Treatment Facility, private	C	C	C	C	C	C	C	C	C	C	C	C	C
Taxi Service/Taxi Stand	-	-	-	-	-	-	C	C	P	-	-	-	-
Truck Transportation, Terminal & Support Facilities	-	-	-	-	-	-	-	-	-	-	-	-	P
Warehousing and Storage, Farm Products	P	-	-	-	-	-	-	-	-	-	-	-	P
Warehousing and Storage, General & Refrigerated	-	-	-	-	-	-	-	-	-	P	P	P	P
Water Distribution Facilities/Equip. (excl. Water Treatment)	P	P	P	P	P	P	P	P	P	P	P	P	P
Water Transportation & Support Facilities	C	-	-	-	-	-	-	-	-	-	-	-	C
Water Treatment Facility	C	-	-	C	-	-	-	-	-	-	-	-	P
Wireless Telecommunications (WTS) Tower** (§ 5.21)	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S^
WTS Co-location of equipment on existing tower (§ 5.21)	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S

\*\* WTS towers using approved stealth technology and less than 65 feet in height are permitted by right in all districts.

## **4.7. DIMENSIONAL AND DENSITY REGULATIONS.**

### **4.7.1. PURPOSE.**

**4.7.1.1.** This Section establishes minimum and maximum standards for the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings pursuant to NCGS §160A-381(a).

**4.7.1.2. PUD-Excluded.** Developments in PUD zones shall be governed by Section 4.X and not be subject to the dimensional and density regulations of this § 4.7 or Table 4.7-1.

### **4.7.2. DENSITY IN RESIDENTIAL DISTRICTS.**

**4.7.2.1.** This Section is applicable only to districts in which residential dwelling units are permitted, as listed in Table 4.6-1. For conventional developments, density shall be regulated by the minimum lot area in accordance with Table 4.7-1. For cluster developments, see § 4.8.

**4.7.2.2.** Every single-family dwelling unit shall be located on an individual lot of record, except as otherwise provided for in this ordinance.

### **4.7.3. DENSITY IN NONRESIDENTIAL DISTRICTS.**

**4.7.3.1.** Unless otherwise stated, all references to non-residential intensity shall refer to Floor Area Ratio (FAR). FAR is the ratio of enclosed gross floor area to the gross acreage of the lot.

### **4.7.4. DIMENSIONAL STANDARDS FOR LOTS.**

**4.7.4.1.** No permit for development shall be issued for a lot that does not meet the lot area requirements of Table 4.7-1 of this Ordinance except in the following instances:

**4.7.4.1.1.** Lots for public utilities, using land or an unoccupied building of generally less than 2,500 square feet of site area, are exempt from minimum lot standards. Exempted utility lots which exceed 2,500 square feet may be permitted subject to review and approval by the Administrator.

**4.7.4.1.2.** Nonconforming Lots of Record as defined in § 13.1.2 are exempt from minimum lot standards. Permits may be granted for structures to be built on a nonconforming lot, except that such structure shall conform to all dimensional setbacks as required in Table 4.7-1 and as set forth in § 4.7.5.1, below.

### **4.7.5. DIMENSIONAL STANDARDS FOR STRUCTURES.**

#### **4.7.5.1. Setbacks.**

**4.7.5.1.1.** Setbacks for buildings or structures are measured as the area between the furthest projection of a principal structure and the property line of the lot on which the structure is located, except as modified by the standards of this Section. Setbacks shall be unobstructed from the ground to the sky except as specified in this Section. Building setbacks for each zoning district are set forth in Table 4.7-1.

**4.7.5.1.2.** The following features may encroach into a required building setback:

- Bay windows or other structural overhang, not to exceed three (3) feet;
- Chimneys, not to exceed two (2) feet;

- Heating and cooling units, not to exceed (3) feet;
- Overhanging roof, eave, gutter, cornice, or other architectural feature and awnings, not to exceed 2 feet;
- Steps, stairs or fire escapes (non-enclosed), not to exceed 6 feet;
- Uncovered, unenclosed decks, terraces, stoops or porches, but in no case closer than five (5) feet to any property line;
- Fences and Garden/Yard Walls;
- Any accessory building or use customarily incidental to the permitted primary use or building as allowed in accordance with § 5.2 “Accessory Uses and Structures”.

**4.7.5.1.3. Setbacks for Lots with more than One Street Frontage.** Structures shall meet the front yard setback from all abutting street rights-of-way unless otherwise provided in this Ordinance. For undeveloped lots, the developer has the option to determine which yard shall be considered the “front” so long as the structure to be constructed on said lot shall have its front facing the same yard. For the purposes of applying setbacks to an existing developed lots, the front yard setback shall be defined as the yard with the shortest amount of street frontage. All other frontages shall be considered street side yards.

**4.7.5.1.4. Provisions for Reduced Front Yard Setback in Developed Areas.** The minimum front yard setback may be reduced for any lot where the average established front setback on developed lots located within 300 feet on each side of such lot, and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the front setback on such a lot may be less than the required front setback but not less than the average of the existing front setbacks on the developed lots within 300 feet of each side.

**4.7.5.2. Height regulations.**

**4.7.5.2.1.** Building height is measured as the vertical distance between the average natural grade between the lowest and highest grades along the foundation and 1) the average height level between the eaves and ridge line of a gable, hip or gambrel roof; or 2) the highest point of a mansard roof; or 3) the highest point of the coping of a flat roof. (See Figure 4.7-1)

**4.7.5.2.2.** The construction, maintenance, or establishment of any building, tree, smokestack, chimney, flagpole, wire, tower or other structure or appurtenances thereto, which may constitute a hazard or obstruction to safe air navigation, landing, or take-off of aircraft near an airport, is prohibited.

**4.7.5.2.3. Exceptions to Height Restrictions.** Zoning district height limits shall not apply to belfries, cupolas, spires, domes, monuments, airway beacons, structures for essential services, windmills, flagpoles, chimneys, or chimney flues. Height limits shall not apply to any bulkhead, elevator, water tank, or to any similar structure or necessary mechanical appurtenance extending above the roof of any building if such structure does not occupy more than thirty-three percent (33%) of the area of the roof.

TOWN OF MT PLEASANT UNIFIED DEVELOPMENT ORDINANCE

Table 4.7-1 Dimensional and Density Standards

Zoning District	A	B	C	D	E	G
	Min. Lot Size (sq. ft.)	Max. Density (per acre)	Impervious Surface Ratio	Min. Public Street Frontage (feet)	Min. Lot Width (feet)	Max. Building Height (feet)
AG	87,120	0.5	-	30^	200	35
RE	43,560	1	-	30^	150	35
RL	20,000	2	-	15^	100	35
RM	10,000	4	-	15^	75	35
RH*	7,500	8	0.5	15^	50	35
CC	-	-	-	-	-	72
O-I	-	-	0.7	-	-	35
C-1	-	-	0.7	-	-	48
C-2	-	-	0.8	30^	50	48
CD	-	-	0.8	30^	100	72
I-1	-	-	0.8	30^	50	72
I-2	-	-	0.9	30^	50	72

**Notes:**

Residences permitted in non-residential districts shall conform to the dimensional standards of the RH district.

In the districts where permitted, multi-family and/or single-family attached developments shall only be subject to Columns B, C, D, and G. Setbacks for Multi-family and Single-family attached developments are set forth in § 11.2

Cluster developments are not subject to lot size, width density, building height, & impervious surface ratio.

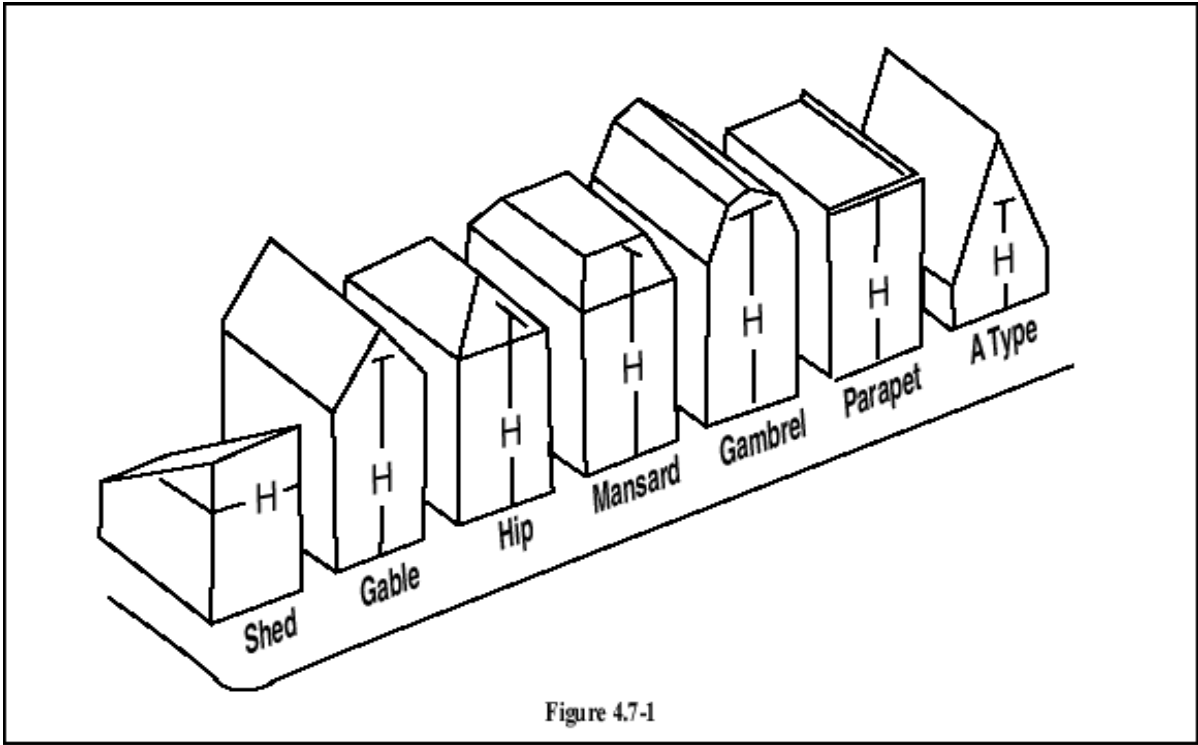
Where minimum bufferyard width (subject to § 7.4) exceeds the minimum structure setbacks, the bufferyard requirements shall prevail.

\*Duplexes and triplexes shall exceed the dimensional standards shown in columns A and E this table by 1.25 times.

**Building Setbacks**

Zoning District	PRINCIPAL STRUCTURES					ACCESSORY STRUCTURES		
	Min. Front Setback (feet)	Max. Front Setback (feet)	Min. Street Sideyard Setback (feet)	Min. Interior Sideyard Setback (feet)	Min. Rear Setback (feet)	Min. Street Sideyard Setback (feet)	Min. Interior Sideyard Setback (feet)	Min. Rear Setback (feet)
AG	50	-	35	20	30	35	10	10
RE	45	-	30	20	30	30	5	5
RL	35	-	25	15	30	25	5	5
RM	25	-	18	10	25	18	5	5
RH	20	35	15	7	5	15	5	5
CC	-	10	-	-	-	-	-	-
O-I	10	-	10	-	-	10	5	5
C-1	10	-	10	-	-	10	5	5
C-2	10	-	10	-	-	10	5	5
CD	15	-	15	-	-	15	5	5
I-1	15	-	15	-	-	15	5	5
I-2	30	-	20	-	-	20	15	15





## **4.8. CLUSTER DEVELOPMENTS.**

### **4.8.1. PURPOSE.**

The Cluster Development provisions provide an alternative to standard residential development practices. This land development technique involves siting clusters of home sites on smaller lots than those permitted under conventional development regulations with the remaining “saved” land being retained as common open space. The permanent, common open space, legally dedicated through subdivision plat recordation and deed restriction, can be used for natural conservation and/or recreational facilities for community benefit. A perimeter buffer defines the edges of a Cluster Development to provide visual screening and separation from adjoining properties and streets.

### **4.8.2. CLUSTERING PERMITTED.**

In any residential zoning district where clustering is permitted, a developer may create lots that are smaller and arranged differently than those required by the standard zoning district regulations if the developer complies with the provisions of this Section. Cluster developments are permitted only in the RM Residential Medium Density district.

### **4.8.3. PUBLIC WATER & SEWER.**

**4.8.3.1.** The development shall be served by a public water system and a public sewer system.

### **4.8.4. LOT DIMENSIONAL STANDARDS.**

**4.8.4.1.** A minimum percent of the entire tract shall be set aside as permanent open space. See Table 4.7-2.

**4.8.4.2.** Cluster Development lots shall be subject to the dimensional standards in Table 4.7-2; the Cluster Development shall not exceed the permissible density and the maximum impervious surface area per lot of the zoning district described in Table 4.7-2.

**4.8.4.3.** Any lots that are to have principal structure side yard setbacks less than five (5) feet shall comply with the standards of § 11.4.

### **4.8.5. OPEN SPACE STANDARDS.**

**4.8.5.1.** The lots intended to be open space dedications shall be designated on the subdivision plat as “Open Space Lots.” Residential structures shall not be permitted to be constructed on such lots.

**4.8.5.2.** Dedicated open space shall comply with the requirements of Section 6.5 of this Ordinance in addition to the standards set forth herein. Notwithstanding, the fee-in-lieu of open space dedications described in § 6.5.5 shall not be applied to any cluster development. Where there are conflicts, the more restrictive standards shall apply. In addition, § 6.5.2.2. shall not apply to Cluster Developments.

**4.8.5.3.** Active open space shall be located a minimum of fifty (50) feet from any residential lot line.

### **4.8.6. PROJECT LANDSCAPING AND BUFFERING REQUIREMENTS.**

**4.8.6.1.** Any Class “C” Buffer Yards pursuant to Article 7 of this Ordinance shall be established around the entire perimeter of a Cluster Development and designated as either undisturbed, conservation easements or common open space on all subdivision plats. The following additional provisions shall apply to any buffer yard:

**4.8.6.1.1.** A perimeter buffer yard may be designated as common open space on a subdivision plat

and may be used in calculating the required common open space. However, no more than twenty (20%) of the total required open space may be within the perimeter buffer yard.

**4.8.6.1.2.** The use of existing vegetation to meet the requirements will be judged on field observation by the Administrator.

**4.8.6.1.3.** Except in active recreation areas, existing healthy trees over twelve (12) inches in diameter in the common open space shall be preserved. The use of temporary fencing shall be employed to protect such trees during site development.

**4.8.6.1.4.** Recreational, single-family attached, multi-family, and non-residential development within a Cluster Development must meet the landscaping and screening requirements of Article 7.

**4.8.7 DESIGN STANDARDS**

**4.8.7-1** Multi-family Residential Development shall follow the design standards of Article 11, Section 2 (Multi-family Residential Design Standards)

**Table 4.8-1 Dimensional and Density Standards for Cluster Subdivisions**

A	B	C	D	E	G	H
Min.			Min. Public	Min.	Max.	Open
Lot	Max.	Impervious	Street	Lot	Building	Space
Size	Density	Surface	Frontage	Width	Height	Req.
(sq. ft.)	(per acre)	Ratio	(feet)	(feet)	(feet)	(% of gross acreage)
7,000	4	-	15^	60	35	35

<b>Building Setbacks</b>					<b>NOTES:</b>
<b>PRINCIPAL STRUCTURES</b>					
	Min.		Min.		* Houses may sit as close as 5' to a side property line but both side yards must equal 20'. A 20' separation shall be maintained between all principal structures.  **In the districts where permitted, multi-family and/or single-family attached residential developments shall only be subject to Columns B, C, D, and H. Setbacks for multi-family and single-family attached developments are set forth in Article 11.2.
Min.	Interior	Min.	Interior	Min.	
Front	Sidyard	Rear	Sidyard	Rear	
Setback	Setback	Setback	Setback	Setback	
(feet)	(feet)	(feet)	(feet)	(feet)	
20	*5/20	20	10	5	

**Figure 4.8-1 Examples of Clustering option**



Conventional Development style



Development using cluster techniques

**4.9. PLANNED UNIT DEVELOPMENT (PUD).**

**4.9.1. PURPOSE**

The purpose of the Planned Unit Development district (PUD) is to provide for the orderly development of land with a mix of land uses and intensity. PUD zoning is intended to permit flexibility in the design, construction and processing of residential and non-residential developments of a quality that could not be achieved under conventional zoning approaches. While the conventional zoning districts and the requirements of those districts set forth in the UDO are reasonable, there may be circumstances in which it is in the community's best interests to allow unique and/or creative designs and techniques that:

**4.9.1.1.** promote the most appropriate use of a parcel,

**4.9.1.2.** allow diversification of use,

**4.9.1.3.** facilitate the adequate and economical provision of streets, parks, open space, schools, storm drainage and sewer and water utilities,

**4.9.1.4.** preserve and utilize open space,

**4.9.1.5.** offer recreational opportunities close to residential uses,

**4.8.1.1.** enhance neighborhood appearance,

**4.9.2. PROCESSING PROCEDURES.**

A PUD shall be considered a conditional zoning district and shall be processed in accordance with § 3.4 of this Ordinance. Applications for PUD are also eligible for the expedited rezoning process as prescribed in § 3.3.

**4.9.3. PERMITTED USES.**

**4.9.3.1.** The uses permitted in a PUD district shall be the permitted uses as set forth in the approved site plan.

**4.9.3.1.1.** The site plan shall designate land use categories consistent with the zoning district classifications of this Ordinance. Within each land use category, proposed uses shall be subject only to the permitted uses in Tables 4.6-1 for each land use category and the maximum density for each land use category in Table 4.7-1. No conditional use permit shall be required for any conditional use listed for said land use category in Tables 4.6-1.

**4.9.4. LAND USE COMPOSITION.**

**4.9.4.1.** No site plan for a PUD district shall be approved unless the following minimum percentages of land uses are provided for within the boundaries of the district.

**4.9.4.1.1.** moderate density residential (4-7 units per acre) = 20%

**4.9.4.1.2.** high density residential (8 or more units per acre) = 10%

**4.9.4.1.3.** commercial uses as permitted in the B-1, C-1 or C-2 zones = 10%

**4.9.4.2.** Open space shall be required in accordance with § 6.5 of this Ordinance.

**4.9.5. DESIGN STANDARDS.**

**4.9.5.1.** The land uses within a PUD shall not be subject to any of the dimension and density provision of § 4.7, except that a perimeter setback of 25 feet shall be maintained.

**4.9.5.2.** PUD designs shall be subject to the recommended design elements for Table 4.9-1. The design elements in Table 4.9-1 are for consideration in the design of a Planned Unit Development and shall be considered as criteria for approval. This is not to state that all of the design elements of Table 4.9-1 shall be included in a PUD, rather all elements shall be considered and those that are considered appropriate and reasonable should be included.

**4.9.6. PROFESSIONAL DESIGN TEAM REQUIRED.**

An applicant for a PUD approval shall certify, in writing at the time of application, that a member of each of the following professions will be used in the planning and design process for the proposed development:

**4.9.6.1.** Project planning and design by a licensed North Carolina architect, licensed North Carolina landscape architect planner certified by the American Institute of Certified Planners (AICP), or a registered land surveyor;

**4.9.6.2.** Landscaping design by a certified nurseryman or licensed North Carolina landscape architect; and,

**4.9.6.3.** Site engineering by a North Carolina Registered Engineer.

**4.9.7. MODIFICATION OF APPROVED FINAL SITE PLAN.**

Following approval of the Conditional Zoning District rezoning no modification of the land use category designations, design standards, uses, densities or any other condition of the site plan shall be permitted unless the Conditional District is modified through the procedure by which it was initially approved. However, the Administrator may approve the following modifications in writing without a new site plan:

**4.9.7.1.** A change in the location of not more than ten percent (10%) of the dwelling units or floor area;

**4.9.7.2.** A change in the location of any part of open space acreage of not more than ten percent (10%) of the gross acreage;

**4.9.7.3.** A change in the location of any part of proposed street alignment and lot configuration of not more than ten percent (10%) of the gross acreage;

**4.9.7.4.** An increase or decrease of any setback by not more than five (5) feet for setbacks of less than fifty (50) feet, or ten percent (10%) for setbacks exceeding fifty (50) feet.

**Table 4.9-1. - Recommended Design Elements for a PUD Planned Unit Development**

As indicated in § 4.9.1, PUD zoning is intended to permit flexibility in the design, construction and processing of residential, commercial and/or industrial developments of a quality that could not be achieved under conventional zoning concepts. Therefore, the following elements are recommended for consideration in the design of a Planned Unit Development and shall be considered as criteria for approval. This is not to state that all of the following elements shall be included in a PUD, rather all elements shall be considered and those that are considered appropriate and reasonable should be included.

***Architectural elements***

- Building height, rhythm, articulation, massing and bulk are compatible with the individual site attributes and are compatible with the surrounding neighborhoods.
- Distinctive architectural details such as covered front entries, covered front porches, door and window details, roof overhangs, and/or parapet walls with cap features shall be provided on each dwelling, or principle structure. A variety of roofing colors, textures, and component shapes including shake shingle, shale, and wood compositions, should be provided.
- Significant architectural differences in the choice of elevations, roof lines, and exterior colors for each residential floor plan should be provided. Not more than three (3) adjacent homes should contain the same front facade, and not more than three (3) adjacent homes should contain the same rear facade visible from arterial street view, on any block front. Homes facing one another (across the street) shall not have the same facade. No adjacent home should contain the same elevation.
- Residential design guidelines are provided, which include a variety of conceptual standard plans, and may include: variation in building setbacks, detached garages, recessed garages if attached to the principal building and fencing alternatives.
- Garage fronts should be de-emphasized and not be the most prominent architectural feature of the house. This should be accomplished by providing side access garages, detached “in-line” garages, and/or L-shaped floor plans on not less than fifty percent (50%) of the lots. Garages should be recessed at least one car length in order to provide interest and relief from the street. The front elevation shall prominently feature an entrance for persons rather than automobiles with the garage area not to exceed forty percent (40%) of the front facades.

***Recreation elements***

- Not less than 20 percent (20%) of the residential units are located within 660 feet of a pedestrian, equestrian and bicycle trail.
- Recreation and open space facilities should be aligned with the community parks and open space network, as provided in any locally adopted land use plans or parks and recreation master plans.
- Neighborhood scale recreation facilities and amenities should be provided which are functional, not retention/detention or basin-like in design. Retention basins used in conjunction with recreational facilities or amenities should be designed in accordance with the Stormwater Management Standards of this Ordinance. Such areas should include turf or landscaping within all areas not permanently covered with standing water.
- Gateway treatments may be incorporated at appropriate locations along an open space network.

***Transportation elements***

- Park-and-ride lots may be incorporated with planned facilities.
- Bicycle lanes should be included along at least seventy percent (70%) of the linear frontage of all planned collector streets.
- Bicycle parking facilities should be provided for all uses except single family detached and duplex residences.
- A customized entrance may be provided at the entry street intersecting a thoroughfare or collector which features a waterfall, sculpture, monument signage, special landscaping, specialty pavement, enhanced fence wall details, boulevard median or other similar treatment.



***Landscaping and Buffering elements***

- Higher density or intensity developments abutting lower density or intensity areas include buffering and should substantially mitigate any negative impacts consistent with the Landscaping Standards of this Ordinance.

***Other design considerations***

- Homeowner or property owners associations should be required to maintain all roadway/right-of-way landscaping, pedestrian-bicycle, and equestrian paths (arterial, collector and local as proposed) to the standards of this Ordinance.
- Areas designated for industrial land uses should be designed to create a campus-style environment.

## **4.10. HISTORIC PRESERVATION OVERLAY (HPOD) DISTRICTS.**

### **4.10.1. PURPOSE.**

**4.10.1.1.** Mount Pleasant’s designated historic districts, hereinafter referred to as the “districts,” and historic landmarks, hereinafter referred to as “landmarks” are some of the most valued and important assets of the Town of Mount Pleasant. They are established for the purpose of protecting and conserving the heritage of the Town of Mount Pleasant, County and State; for the purpose of safeguarding the character and heritage of the districts by preserving the districts as a whole and any property therein that embodies important elements of their social, economic, cultural, political, or architectural history; for the purpose of promoting the conservation of such districts or landmarks for the education, pleasure and enrichment of residents of the districts and the Town of Mount Pleasant, County and State as a whole; for the purpose of fostering civic beauty; and for the purpose of stabilizing and enhancing property values throughout the districts as a whole, thus contributing to the improvement of the general health and welfare of the Town of Mount Pleasant and the residents of the districts.

### **4.10.2. HISTORIC DISTRICT ESTABLISHMENT.**

**4.10.2.1.** The historic districts are hereby established as districts which overlap and overlay existing zoning districts, the extent and boundaries of which are as indicated on the official zoning map for the Town of Mount Pleasant. The boundaries of the districts are as shown on the Official Zoning Map of the Town of Mount Pleasant.

**4.10.2.2.** Historic districts, as provided for in this section, may from time-to-time be designated, amended, or repealed, provided; however, that no district shall be recommended for designation unless it is deemed to be of special significance in terms of its historical, prehistorical, architectural, or cultural importance. Such districts must also possess integrity of design, setting, workmanship, materials, feeling, and/or association. No district shall be designated, amended, or repealed until the following procedure has been carried out:

**4.10.2.2.1.** An investigation and report describing the significance of the buildings, structures, features, sites, or surroundings included in any such proposed district, and a description of the boundaries of such district has been prepared, and;

**4.10.2.2.2.** The Department of Cultural Resources, acting through the State Historic Preservation Officer or his or her designee, shall have made an analysis of and recommendations concerning such report and description of proposed boundaries. Failure of the Department to submit its written analysis and recommendations to the Town Board within 30 calendar days after a written request for such analysis has been received by the Department of Cultural Resources shall relieve the Town Board of any responsibility for awaiting such analysis, and the Town Board may at any time thereafter take any necessary action to adopt or amend its Zoning Ordinance.

**4.10.2.3.** The Town Board may also, in its discretion, refer the report and the proposed boundaries to any other interested body for its recommendations prior to taking action to amend the Zoning Ordinance.

**4.10.2.4.** With respect to any changes in the boundaries of such district subsequent to its initial establishment, or the creation of additional districts within the jurisdiction, the investigative studies and reports required by subsection (1) of this section shall be prepared by the Commission and shall be referred to the Planning and Zoning Board for its review and comment according to the procedures set forth in the Zoning Ordinance. Changes in the boundaries of an initial district or proposal for additional districts shall be submitted to the Department of Cultural Resources in accordance with the provisions of subsection (2) of this section.

**4.10.2.5.** Upon receipt of these reports and recommendations, the Town Board may proceed in the same manner as would otherwise be required for the adoption or amendment of any appropriate Zoning Ordinance provisions.

**4.10.3. HISTORIC LANDMARK ESTABLISHMENT**

**4.10.3.1.** Upon complying with the required landmark designation procedures set forth herein, the Town Board may adopt and from time-to-time amend or repeal an ordinance designating one or more historic landmarks. No property shall be recommended for designation as a landmark unless it is deemed and found by the Commission to be of special significance in terms of its historical, prehistorical, architectural, or cultural importance, and to possess integrity of design, setting, workmanship, materials, feeling, and/or association.

**4.10.3.2.** The ordinance shall describe each property designated in the Ordinance, the name or names of the owner or owners of the property, those elements of the property that are integral to its historical, architectural or prehistorical value, including the land area of the property so designated, and any other information the governing board deems necessary. For each building, structure, site, area or object so designated as a landmark, the ordinance shall require that the waiting period set forth in this ordinance be observed prior to its demolition. A suitable sign for each property designated as a landmark may be placed on the property at the owner's consent; otherwise the sign may be placed on a nearby public right-of-way.

**4.10.3.3.** No property shall be designated as a landmark until the following steps have been taken:

**4.10.3.3.1.** As a guide for the identification and evaluation of landmarks, the Commission shall, at the earliest possible time and consistent with the resources available to it, undertake an inventory of properties of historical architectural, prehistorical, and cultural significance with Board.

**4.10.3.3.2.** The Commission shall make or cause to be made an investigation and report on the historic, architectural, prehistorical, educational, or cultural significance of each building, structure, site, area, or object proposed for designation or acquisition. Such report shall be forwarded to the Division of Archives and History, North Carolina Department of Cultural Resources.

**4.10.3.3.3.** The Department of Cultural Resources, acting through the State Historic Preservation Officer, or his/her designee, shall either upon request of the Department or at the initiative of the Commission be given an opportunity to review and comment upon the substance and effect of the designation of any landmark. All comments will be provided in writing. If the Department does not submit its comments to the Commission within 30 days following receipt by the Department of the report, the Commission and the Town Board shall be relieved of any responsibility to consider such comments.

**4.10.3.3.4.** The Commission and the Town Board shall hold a joint public hearing (or separate public hearings) on the proposed ordinance. Reasonable notice of the time and place thereof shall be given.

**4.10.3.3.5.** Following the public hearings(s), the Town Board may adopt the ordinance as proposed, adopt the ordinance with any amendments it deems necessary, or reject the proposed ordinance.

**4.10.3.3.6.** Upon adoption of the ordinance, the owners and occupants of each landmark shall be given written notification of such designation insofar as reasonable diligence permits. One copy of the ordinance and amendments thereto shall be filed by the Commission in the office of the Register of Deeds of Cabarrus County. Each landmark shall be indexed according to the name of the owner of the property in the grantor and grantee indexes in the Register of Deeds office and the Commission shall pay a reasonable fee for filing and indexing. A second copy of the ordinance and all amendments thereto shall be kept on file in the office of the Concord Town Clerk and be made available for public inspection at any reasonable time. A third copy of the ordinance and all amendments thereto shall be given to the building inspector.

The fact that a building, structure, site, area, or object has been designated a landmark shall be clearly indicated on all tax maps maintained by Cabarrus County for such period as the designation remains in effect.

**4.10.3.3.7.** Upon the adoption of the landmark ordinance or any amendments thereto, it is the duty of the Commission to give notice thereof to the tax supervisor of Cabarrus County. The designation and any recorded restrictions upon the property limiting its use for preservation purposes shall be considered by the tax supervisor in appraising it for tax purposes.

**4.10.4. PERMITTED USES.**

**4.10.4.1.** The districts contain several zoning classifications. All uses permitted in any such district, whether by right or as a special exception, shall be permitted in the historic districts according to the procedures established for such uses.

**4.10.5. DIMENSIONAL REGULATIONS.**

**4.10.5.1.** Structures within the historic districts shall observe the dimensions and other regulations of this Ordinance, except as follows:

**4.10.5.2.** No structures or part thereof shall extend nearer to or be required to be set back further from the front lot line than the average distance of the setbacks of the nearest principal buildings within 300 feet on each side of such building and fronting on the same side of the street.

**4.10.5.3.** No building shall exceed a height of 35 feet.

**4.10.5.4.** The minimum side yard setback shall be 15 feet.

**4.10.5.5.** The minimum new side yard setback shall be 10 feet.

**4.10.5.6.** It is the intent of this section to supersede, within the historic districts, the dimensional regulations of the basic districts applying to the property.

**4.10.6. AUTHENTIC RESTORATION OR RECONSTRUCTION**

**4.10.6.1.** Permitted Subject to Approval of Historic Preservation Commission and Planning and Zoning Board, Although Not Complying with Dimensional Regulations. Where it is found by the Historic Preservation Commission that an application for a building permit covers activity constituting an authentic restoration or reconstruction in the same location as the original location and in the original conformation of the structure of a structure of historic and/or architectural significance to the historic district, such activity may be approved by the Planning and Zoning Board, following the approval by the Historic Preservation Commission.

**4.10.6.2. Approval Subject to Conditions-**The Planning and Zoning Board, in approving such authentic reconstruction or restoration, may attach reasonable and appropriate conditions to the approval, such that the public health, safety and general welfare shall be protected.

**4.10.6.3. Limitation on Approval-**The Planning and Zoning Board shall not be authorized, in action undertaken by this section, to approve a use of property which is not a use permitted by right or as a special exception use within the district in which the property is located.

**4.10.6.3.1.** In addition to any other condition the Planning and Zoning Board may make regarding such

authorization, any items restored, reconstructed, or maintained on, over, or within a public sidewalk, public alley area, or other such public way shall be the responsibility of the owner, his heirs and assigns. The owner's restoration, reconstruction, or maintenance of any such item within such area shall constitute the owner's agreement to protect and hold the Town of Mount Pleasant blameless against any and all liability, cost, damage, or expense suffered by the Town of Mount Pleasant as a result of or growing out of the restoration, reconstruction, or maintenance thereof. Such items, so approved, may be lawfully restored, reconstructed, or maintained. Any such item projecting over the vehicular truck way of a street or alley shall be, at its lowest point, 10 feet above the travel way.

**4.10.7. PARKING WAIVER**

**4.10.7.1.** Where the Historic Preservation Commission, in considering an application for a Certificate of Appropriateness, shall find that the number of off-street parking spaces required by the zoning regulations for a building or structure for which a building permit is requested would render the building incongruous with the historic aspects of the district, it shall recommend to the Planning and Zoning Commission a waiver, in part or in whole, of the off-street parking requirements. The Planning and Zoning Board may authorize a lesser number of off-street parking spaces, provided: (1) the Board finds that the lesser number of off-street parking spaces will not create problems due to increased on-street parking, and (2) will not constitute a threat to the public safety.

**4.10.8. RECOMMENDATIONS ON SPECIAL EXCEPTION APPLICATIONS**

**4.10.8.1.** All special exception applications within the historic districts shall be reviewed by the Historic Preservation Commission at its next regular meeting after the application has been submitted in accordance with the requirements of this Ordinance. The Historic Preservation Commission shall forward its comments and recommendations within 45 days of the filing of the application. The recommendations shall be presented to the Planning and Zoning Board which has final decision responsibility on applications for special exceptions.

**4.10.9. HISTORIC PRESERVATION COMMISSION**

**4.10.9.1.** Refer to Section 2.5 of this Ordinance.

**4.10.10. CERTIFICATE OF APPROPRIATENESS**

**4.10.10.1.** Required.

**4.10.10.1.1.** From and after the designation of a landmark or a historic district, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps, and pavement, or other appurtenant features) no above-ground utility structure nor any type of outdoor advertising sign or business identification sign shall be erected, altered, restored, moved, or demolished on such landmark or within the historic district until after an application for a Certificate of Appropriateness as to exterior features has been submitted to and approved by the Historic Preservation Commission. The municipality shall require such a certificate to be issued by the Commission prior to the issuance of a compliance permit or building permit granted for the purposes of constructing, altering, moving, or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purpose of this part. A Certificate of Appropriateness shall be required whether or not a building permit or compliance permit is required. Any building permit or such other permit not issued in conformity with this section shall be invalid.

**4.10.10.1.2.** The Town of Mount Pleasant and all public utility companies shall be required to obtain a Certificate of Appropriateness prior to initiating any changes in the character of street paving, sidewalks, trees, utility installations, lighting, walls, fences, structures and buildings on property, easements, or streets owned or franchised by the Town of Mount Pleasant or public utility companies.

**4.10.10.2. Procedures.**

**4.10.10.2.1.** An application for a Certificate of Appropriateness shall be obtained from and, when completed, filed with the Planning Services Director. Applications for Certificates of Appropriateness shall be considered by the Historic Preservation Commission at its next regular meeting, provided they have been filed, complete in form and content, at least 28 days prior to the regularly scheduled meeting of the Commission; otherwise, consideration shall be deferred until the following meeting.

**4.10.10.2.2.** The Commission shall, by uniform rule in its Rules of Procedure, require data as are reasonably necessary to determine the nature of the application. An application for a Certificate of Appropriateness shall not be considered complete until all required data have been submitted. Nothing shall prevent the applicant from filing with the application additional relevant information bearing on the application.

**4.10.10.2.3.** Upon receipt of an application, the Administrator shall notify the Historic Preservation Commission at least seven calendar days before its regularly scheduled meeting.

**4.10.10.2.4.** Prior to issuance or denial of a Certificate of Appropriateness, the Commission shall conduct a public hearing in accordance with Section 3.1.7 of this Ordinance. The Administrator shall be responsible for notifying the affected parties per section 3.1.5 or this Ordinance.

**4.10.10.2.5.** The Commission shall take action on the application and in doing so shall apply the Review Criteria, contained in Section 4.12.11 of this Ordinance.

**4.10.10.2.6.** The Commission's action on the application shall be approval, approval with modifications, or disapproval.

**4.10.10.2.7.** Prior to final action on an application, the Commission, using the guidelines in Section 4.12.11, shall make findings of fact indicating the extent to which the application is or is not congruous with the historic aspects of the district.

**4.10.10.2.8.** The Commission shall cause to be entered into the minutes of its meeting the reasons for its action, whether it be approval, approval with modifications, or denial.

**4.10.10.2.9.** If the Commission fails to take final action upon any application within 60 days after the complete application is submitted to the Planning Services Director, the application shall be deemed to be approved.

**4.10.10.2.10.** If the Commission determines that a Certificate of Appropriateness should not be issued, a new application affecting the same property may be submitted only if substantial change is made in plans for the proposed construction, reconstruction, alteration, restoration or moving.

**4.10.11. Review Criteria**

**4.10.11.1. Intent**

**4.10.11.1.1.** It is the intention of these regulations to insure, insofar as possible, that construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features in the district or of landmarks shall be harmonious with the special character of the district or landmark. However, it is not the intention of these regulations to

require the reconstruction or restoration of individual or original buildings or prohibit the demolition or removal of same or to impose architectural styles from particular historic periods. In considering new construction, the Commission shall encourage contemporary design which is harmonious with the character of the district.

**4.10.11.1.2.** In granting a Certificate of Appropriateness, the Commission shall take into account the historic or architectural significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure as well as the effect of such change or additions upon other structures in the vicinity.

**4.10.11.1.3.** The Commission shall take no action under this ordinance except to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant features, outdoor advertising signs, or other significant features which would be incongruous with the special character of the historic district or landmark.

**4.10.11.2. Exterior Form and Appearance**

**4.10.11.2.1.** The following criteria shall be considered, when relevant, by the Commission in reviewing applications for a Certificate of Appropriateness. All applications for Certificates of Appropriateness shall be subject to review based upon the Design Guidelines then in effect. These guidelines are set forth in a manual prepared and adopted by the Commission:

- lot coverage, defined as the percentage of lot area covered by primary structures;
- setback, defined as the distance from the lot lines to the building(s);
- building height;
- spacing of buildings, defined as the distance between adjacent buildings;
- exterior building materials;
- proportion, shape, positioning, location, pattern and sizes of any elements of fenestration;
- surface textures;
- roof shapes, forms and materials;
- use of local or regional architectural traditions;
- general form and proportions of buildings and structures, and relationship of any additions to the main structure;
- expression of architectural detailing, such as lintels, cornices, brick bond, and foundation materials;
- orientation of the building to the street;
- scale, determined by the size of the units of construction and architectural details in relation to the size of man and also by the relationship of the building mass to adjoining open space and nearby buildings and structures;

- proportion of width to height of the total building facade;
- archaeological sites and resources associated with standing structures;
- appurtenant fixtures and other features such as lighting;
- structural condition and soundness;
- walls--physical ingredients, such as brick, stone or wood walls, wrought iron fences, evergreen landscape masses, building facades, or combination of these;
- ground cover or paving;
- maintenance of pedestrian scale and orientation as well as provision for safe pedestrian movement;
- color (new construction only and not for existing residences); and
- effect of trees and other landscape elements.

**4.10.11.2.2.** The Secretary of the Interior’s “Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings” shall be the sole principles and guidelines used in reviewing applications of the State of North Carolina for Certificates of Appropriateness.

**4.10.11.3.** Interior arrangement or design shall be exempt from review by the Historic Preservation Commission. Interior construction and/or reconstruction shall not require a Certificate of Appropriateness.

**4.10.12. CERTAIN CHANGES NOT PROHIBITED**

**4.10.12.1.** Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the historic district which does not involve a substantial change in design, material, or outer appearance thereof, nor to prevent the construction, alteration, restoration, or demolition of any such feature which the Building Inspector, Zoning Enforcement Officer or similar official shall certify in writing to the Commission is required by the public safety because of an unsafe or dangerous condition. Nothing herein shall be construed to prevent (a) the maintenance, or (b) in the event of an emergency, the immediate restoration, of any existing above-ground utility structure with approval by the Commission.

**4.10.13. DELAY IN DEMOLITION**

**4.10.13.1.** An application for a Certificate of Appropriateness authorizing the demolition, removal, or destruction of a designated landmark or a building structure or site within a historic district may not be denied. However, the effective date of such a certificate may be delayed for a period of up to 365 days from the date of approval. The period of delay shall be reduced by the Commission if it finds that the owner should suffer extreme hardship or be permanently deprived of all beneficial use or return from such property by virtue of the delay. During the delay period the Commission shall negotiate with the owner in an effort to find a means of preserving the building, structure, or site. If the Commission finds that a building, structure, or site has no special significance or value toward maintaining the character of a district, it shall waive all or part of such period of delay and authorize earlier demolition or removal.

**4.10.13.2.** In the case of action initiated by the Town, the application for such a certificate will first be reviewed by



the Commission and secondly by the Town Board for final order of demolition or removal. The Commission shall consider the Housing Code Officer's inspections and recommendations for demolition or removal of the building or structure.

**4.10.13.3.** If the Commission has voted to recommend the designation of a landmark or the designation of an area as a historic district and the final designation has not been made by the Town Board, the demolition or destruction of any building, structure, or site in the proposed district or on the property of the designated landmark may be delayed by the Commission for up to 180 days or until the Town Board takes final action on the designation, whichever occurs first.

**4.10.14. APPLICATION REVIEW BY COMMISSION**

**4.10.14.1.** As part of its review procedure, the Commission may view the premises and seek the advice of the Department of Cultural Resources or such other expert advice as it may deem necessary under the circumstances.

**4.10.15. APPEAL OF DECISION**

**4.10.15.1.** In any action granting or denying a Certificate of Appropriateness, an appeal by an aggrieved party may be taken to the Board of Adjustment.

**4.10.15.2.** Written notice of the intent to appeal must be sent to the Commission, postmarked within 30 days following the decision. Appeals shall be in the nature of certiorari. Appeals of decisions of the Board of Adjustment shall be heard by the Superior Court of Cabarrus County.

**4.10.15.3.** The State of North Carolina shall have a right of appeal to the North Carolina Historical Commission, which shall render its decision with 30 days from the date that a notice of appeal by the state is received by the Historical Commission. The decision of the Historical Commission shall be final and binding upon both the State and the Commission.

**4.10.16. COMPLIANCE**

**4.10.16.1.** Compliance with the terms of the Certificate of Appropriateness shall be enforced by the Development Services Director. Failure to comply with a Certificate of Appropriateness shall be a violation of the Zoning Ordinance. The discontinuance of work or the lack of progress toward achieving compliance with a Certificate of Appropriateness for a period of six months shall be considered as a failure to comply with a Certificate of Appropriateness.

**4.10.16.2.** Nothing contained in this Ordinance shall prohibit, impair, or limit in any way the power of the Town Board to prevent the construction, reconstruction, alteration, restoration, or removal of buildings, structures, appurtenant fixtures, or outdoor signs in the Historic Districts in violation of the provisions of this Ordinance. The enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws. (See General Statute 160A-175 and 160A-389.)

**4.10.17. STATE RECOMMENDATIONS**

**4.10.17.1.** The districts shall not be established or the authority and powers of Section 2.5 Commission Powers be implemented until the Department of Cultural Resources shall have been given an opportunity, in accordance with the provisions of North Carolina General Statute 160A-400.4 (2), to make recommendations with respect to the establishment of the districts.

## **4.11. FLOODPLAIN PROTECTION OVERLAY (FPOD) DISTRICT.**

### **4.11.1. FINDINGS OF FACT.**

**4.11.1.1.** The flood hazard areas of the Town are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

**4.11.1.2.** These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or other hazards.

### **4.11.2. STATEMENT OF PURPOSE.**

The purpose of the Floodplain Protection Overlay District is to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

### **4.11.3. OBJECTIVES**

The objectives of the Floodplain Protection Overlay District are to:

- Protect human life, safety, and health;
- Minimize expenditure of public money for costly flood control projects;
- Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- Minimize prolonged business losses and interruptions;
- Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;

- Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- Ensure that potential buyers are aware that property is in a Special Flood Hazard Area

**4.11.4. DEFINITIONS.**

The words and phrases set forth herein shall apply exclusively to the Floodplain Protection Overlay District:

**ACCESSORY STRUCTURE (APPURTENANT STRUCTURE)** means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

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

**APPEAL** means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

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

**AREA OF SPECIAL FLOOD HAZARD** see “Special Flood Hazard Area (SFHA)”.

**BASE FLOOD** means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

**BASE FLOOD ELEVATION (BFE)** means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation”.

**BASEMENT** means any area of the building having its floor subgrade (below ground level) on all sides.

**BUILDING** see “Structure”.

**CHEMICAL STORAGE FACILITY** means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

**DEVELOPMENT** means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

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

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

**ENCROACHMENT** means the advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

**EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

**FLOOD** or **FLOODING** means 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 or runoff of surface waters from any source.

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

**FLOOD INSURANCE RATE MAP (FIRM)** means an official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

**FLOOD INSURANCE STUDY (FIS)** means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

**FLOOD PRONE AREA** see “Floodplain”

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

**FLOODPLAIN** means any land area susceptible to being inundated by water from any source.

**FLOODPLAIN ADMINISTRATOR** is the individual appointed to administer and enforce the Floodplain Protection Overlay District regulations.

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

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

**FLOODPLAIN MANAGEMENT REGULATIONS** means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

**FLOODPROOFING** means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

**FLOODWAY** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

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

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

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

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

**HISTORIC STRUCTURE** means any structure that is:

- Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- Individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
- Certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program”.

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

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

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

**MANUFACTURED HOME** means a structure, transportable in one or more sections, which is built on a

permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

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

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

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

**NEW CONSTRUCTION** means structures for which the “start of construction” commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

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

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

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

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

**PUBLIC SAFETY AND/OR NUISANCE** means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

**RECREATIONAL VEHICLE (RV)** means a vehicle, which is:

- Built on a single chassis;
- Four hundred (400) square feet or less when measured at the largest horizontal projection;
- Designed to be self-propelled or permanently towable by a light duty truck; and
- Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

**REFERENCE LEVEL** is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, A99 or AO.

**REGULATORY FLOOD PROTECTION ELEVATION** means the “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this

elevation shall be the BFE plus two (2) feet of freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

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

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

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

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

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

**SPECIAL FLOOD HAZARD AREA (SFHA)** means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Section 4.11.6 of this ordinance.

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

**STRUCTURE** means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

**SUBSTANTIAL DAMAGE** means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (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 two separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one (1) year period for which the cost equals or exceeds fifty percent (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.

**VARIANCE** is a grant of relief from the requirements of this ordinance.

**VIOLATION** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Section is presumed to be in violation until such time as that documentation is provided.

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

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

**4.11.5. LANDS TO WHICH THIS ARTICLE APPLIES.**

This Section shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdiction (ETJ), of the Town of Mount Pleasant and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

**4.11.6. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.**

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS), for Cabarrus dated November 5, 2008, and its accompanying Flood Insurance Rate Map Panels (5557, 5558, 5567, 5568, 5569, 5579, 5660, 5661, 5670, 5671, & 5680) which are adopted by reference and declared to be a part of this Ordinance.

**4.11.7. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.**

A Floodplain Development Permit shall be required in conformance with the provisions of this Section prior to the commencement of any development activities within Special Flood Hazard Areas as determined in accordance with the provisions of Section 4.11.6.

**4.11.8. COMPLIANCE REQUIRED.**

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this Section and other applicable regulations.

**4.11.9. ABROGATION AND GREATER RESTRICTIONS.**

This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where the regulations set forth in this Section and others conflict or overlap, whichever imposes the more stringent restrictions shall prevail.



**4.11.10. INTERPRETATION.**

In the interpretation and application of this Section, all provisions shall be:

- Considered as minimum requirements;
- Liberally construed in favor of the governing body; and
- Deemed neither to limit nor repeal any other powers granted under state statutes.

**4.11.11. WARNING AND DISCLAIMER OF LIABILITY.**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part the Town of Mount Pleasant or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

**4.11.12. PENALTIES FOR VIOLATION.**

Violation of the provisions of this Section or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance, shall be a violation and shall be subject to the penalties and remedies set forth in Section 1.6 of this Ordinance.

**4.11.13. DUTIES OF ADMINISTRATOR.**

In administering this Section, the Floodplain Administrator shall perform, but not be limited to, the following duties:

**4.11.13.1.** Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.

**4.11.13.2.** Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received.

**4.11.13.3.** Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

**4.11.13.4.** Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.

**4.11.13.5.** Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 4.11.25 are met.

**4.11.13.6.** Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Section 4.11.15.

**4.11.13.7.** Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Section 4.11.15.

**4.11.13.8.** Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Section 4.11.15.

**4.11.13.9.** When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Section 4.11.15 and Section 4.11.24.3.

**4.11.13.10.** Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

**4.11.13.11.** When Base Flood Elevation (BFE) data has not been provided in accordance with the provisions of Section 4.13.6, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Section 4.11.26.2, in order to administer the provisions of this ordinance.

**4.11.13.12.** When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of Section 4.11.6, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.

**4.11.13.13.** When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.

**4.11.13.14.** Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

**4.11.13.15.** Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

**4.11.13.16.** Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

**4.11.13.17.** Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

**4.11.13.18.** Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right,

upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

**4.11.13.19.** Follow through with corrective procedures of Section 4.11.21.

**4.11.13.20.** Review, provide input, and make recommendations for variance requests.

**4.11.13.21.** Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with the provisions of 4.11.6 of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.

**4.11.13.22.** Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

**4.11.14. DEVELOPMENT PERMIT.**

**4.11.14.1.** A floodplain development permit shall be required in conformance with the provisions of this Section prior to the commencement of any development activities.

**4.11.14.2.** The Applicant shall submit a Flood Damage Prevention Plan as set forth in Appendix B, drawn to scale, showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

**4.11.14.3.** The Administrator shall review the permit application and shall approve the Floodplain Development Permit, approve the Floodplain Development Permit with conditions, or deny the Floodplain Development Permit, in accordance with the standards set forth in this Section.

**4.11.14.4.** The Floodplain Development Permit shall be valid for the use for which zoning clearance was granted, as long as the use is not altered or expanded in any way and is in compliance with applicable codes.

**4.11.14.5.** The Floodplain Development Permit shall include:

- A description of the development to be permitted under the floodplain development permit.
- The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Article 3, Section B.
- The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.
- The Regulatory Flood Protection Elevation required for the protection of all public utilities.
- All certification submittal requirements with timelines.
- A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
- The flood openings requirements, if in Zones A, AO, AE or A1-30.
- Limitations of below BFE enclosure uses (if applicable). (I.e., parking, building access and limited storage only).

**4.11.15. CERTIFICATION REQUIREMENTS**

**4.11.15.1 Elevation Certificates**

- An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
- A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

**4.11.15.2 Floodproofing Certificate**

- If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
- If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than thirty-six (36) inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Section 4.11.24.2.
- If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer’s certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

**4.11.15.3 Certification Exemptions**

The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in this subsection:

- Recreational Vehicles meeting requirements of Section 4.11.24.8;

- Temporary Structures meeting requirements of Section 4.11.24.5; and
- Accessory Structures less than one hundred fifty (150) square feet meeting requirements of Section 4.11.24.6.

**4.11.16 CORRECTIVE PROCEDURES**

**4.11.16.1** When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

**4.11.16.2** If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

- That the building or property is in violation of the floodplain management regulations;
- That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
- That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.

**4.11.16.3** If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one hundred eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

**4.11.16.4** Any owner who has received an order to take corrective action may appeal the order to the Board of Adjustment by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

**4.11.16.5** If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

**4.11.17 VARIANCE PROCEDURES.**

**4.11.17.1** The Board of Adjustment, shall hear and decide requests for variances from the requirements of this Section in accordance with the procedures and standards set forth in § 3.7 of this Ordinance and this Section.

**4.11.17.2** Variances may be issued for:

- The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;

- Functionally dependent facilities if determined to meet the definition as stated in Section 4.11.4 of this ordinance, provided provisions of Section 4.11.22 been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
- Any other type of development, provided it meets the requirements of this section.

**4.11.17.3** In passing upon variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other Sections of this Ordinance, and:

- The danger that materials may be swept onto other lands to the injury of others;
- The danger to life and property due to flooding or erosion damage;
- The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- The importance of the services provided by the proposed facility to the community;
- The necessity to the facility of a waterfront location as defined under Section 4.11.4 of this ordinance as a functionally dependent facility, where applicable;
- The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- The compatibility of the proposed use with existing and anticipated development;
- The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- The safety of access to the property in times of flood for ordinary and emergency vehicles;
- The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

**4.11.17.4** A written report addressing each of the above factors shall be submitted with the application for a variance.

**4.11.17.5** Upon consideration of the factors listed above, and the purposes of this Section, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Section.

**4.11.17.6** Conditions for variances are as follows:

- Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
- Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.

- Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- Variances shall only be issued prior to development permit approval.
- Variances shall only be issued upon:
  - A showing of good and sufficient cause;
  - A determination that failure to grant the variance would result in exceptional hardship; and
  - A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

**4.11.17.7** A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.

- The use serves a critical need in the community.
- No feasible location exists for the use outside the Special Flood Hazard Area.
- The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.
- The use complies with all other applicable Federal, State and local laws.
- The Town of Mount Pleasant has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

**4.11.17.8** Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

**4.11.17.9** The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

**4.11.18 GENERAL PROVISIONS FOR FLOOD HAZARD REDUCTION.**

In all Special Flood Hazard Areas the following provisions are required:

- All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- All new construction and substantial improvements shall be constructed by methods and practices that minimize

flood damages.

- Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Regulatory Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
- All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of “new construction” as contained in this ordinance.
- Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Section 4.11.22.7. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of Section 4.11.15.
- All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
- When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.



**4.11.19 SPECIFIC STANDARDS FOR FLOOD HAZARD REDUCTION**

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Section 4.11.6, or Section 4.11.26, the following provisions, in addition to the provisions of Section 4.11.23, are required:

**4.11.19.1 Residential Construction.**

New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Section 4.11.4 of this ordinance.

**4.11.19.2 Manufactured Homes**

The following shall apply to manufactured homes only:

- New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in Section 4.11.4 of this ordinance.
- Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
- All enclosures or skirting below the lowest floor shall meet the requirements of Section 4.11.24.4
- An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

**4.11.19.3 Nonresidential Construction.**

New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Section 4.13.4 of this ordinance. Structures located in A, AE, AO, and A1-30 Zones may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Section 4.11.28. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 4.11.15, along with the operational plan and the inspection and maintenance plan.

**4.11.19.4 Elevated buildings.**

Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

- Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the

enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

- Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and
- Shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
  - (1) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
  - (2) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
  - (3) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
  - (4) The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
  - (5) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
  - (6) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

**4.11.19.5 Temporary Nonresidential Structures.**

Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

- a specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
- the name, address, and phone number of the individual responsible for the removal of the temporary structure;
- the time frame prior to the event at which a structure will be removed (i.e., minimum of seventy-two (72) hours before landfall of a hurricane or immediately upon flood warning notification);
- a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
- designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

**4.11.19.6 Accessory Structures.**

When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
- Accessory structures shall not be temperature-controlled;
- Accessory structures shall be designed to have low flood damage potential;
- Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- Accessory structures shall be firmly anchored in accordance with the provisions of Section 4.11.23;
- All service facilities such as electrical shall be installed in accordance with the provisions of Section 4.11.23; and
- Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Section 4.11.24.4.

An accessory structure with a footprint less than one hundred fifty (150) square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 4.11.15.

**4.11.19.7 Additions/Improvements**

**4.11.19.7.1** Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

- Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
- A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

**4.11.19.7.2** Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

**4.11.19.7.3** Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications with any interior modifications to the existing structure are:

- Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
- A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

**4.11.19.8 Recreational Vehicles.**

Recreational vehicles shall either:

- Be on site for fewer than one hundred eighty (180) consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
- Meet all the requirements for new construction.

**4.11.20 FLOODWAYS AND NON-ENCROACHMENT AREAS**

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Section 4.11.6. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Sections 4.11.23, and 4.13.24, and shall apply to all development within such areas:

**4.11.20.1** No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:

- It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit, or
- A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.

**4.11.20.2** If Section 4.11.25.1 is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

**4.11.20.3** No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:

- The anchoring and the elevation standards of Section 4.11.24.2; and
- The no encroachment standard of Section 4.11.25.1.

**4.11.21 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS**

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 4.11.6, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Section 4.11.23, shall apply:

**4.11.21.1** No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five (5) times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

**4.11.21.2** The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on

the following criteria:

- When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Sections 4.11.23 and 4.11.24,.
- When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Sections 4.11.23, 4.11.24, and 4.11.25
- All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Section 4.13.6 and utilized in implementing this ordinance.
- When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in 4.11.4. All other applicable provisions of Section 4.11.24 shall also apply.

**4.11.22 STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS**

Along rivers and streams where Base Flood Elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- Standards of Sections 4.11.23 and 4.11.24; and
- Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

**4.11.23 STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES).**

Located within the Special Flood Hazard Areas established in Section 4.11.6, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Sections 4.11.23 and 4.11.24, all new construction and substantial improvements shall meet the following requirements:

- The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two (2) feet, above the highest adjacent grade; or at least four (4) feet above the highest adjacent grade if no depth number is specified.

- Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 4.11.28 so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Sections 4.11.15 and 4.11.24.3.
- Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures

**4.12 WATERSHED PROTECTION (W) OVERLAY DISTRICTS.**

**4.12.1 PURPOSE.**

The purpose of these overlay districts is to implement the Water Supply Watershed Protection Act (the Act) (NCGS §§ 143-214.5 & 143-214.6). The Water Supply Watershed Protection Rules adopted by the North Carolina Environmental Management Commission (the “EMC”) requires that all local governments having land use jurisdiction within water supply watersheds adopt and implement water supply watershed protection ordinances, and maps. The Town of Mount Pleasant has adopted watershed protection overlay restrictions as part of its development ordinance. It is the intent of this Section to continue these restrictions. While the restrictions previously codified separately are combined herein and rewritten for clarity and it is the intent of this Ordinance to carry forth these regulations which previously existed and which have been approved by the EMC.

**4.12.2 JURISDICTION.**

The provisions of this Ordinance shall apply within the areas designated within the following watershed overlay districts as shown on the Official Zoning Map. All explanatory matter contained thereon accompanies and is hereby made a part of this Ordinance.

**4.12.3 ESTABLISHMENT.**

The watershed overlay zones listed in this subsection have been established by the Town of Mount Pleasant. Said overlay zoning districts are also established and continued in effect by this Ordinance. The watershed protection districts, the watershed classification, and the jurisdiction within which the watershed districts are established, are as listed in Table 4.12-1.

**4.12.4 CRITICAL AREA BOUNDARY ADJUSTMENTS**

The Planning Board may, in carrying out its plan review authority under this Ordinance, including its subdivision review authority under the Subdivision Ordinance, adjust the boundary of a Watershed Critical Area Overlay District to fit existing or proposed streets, lot lines or other features provided that such adjustments are agreed to by the property owner(s) involved and provided that any such adjustment is made with no loss of total area in the affected Watershed Critical Area Overlay District.

**4.12.5 INTERPRETATION OF THE WATERSHED BOUNDARIES**

The Board of Adjustment shall have the power to make adjustments to the exterior boundary of Watershed Overlay Districts by removing all or part of a piece of property from a Watershed Overlay District where it finds that all or part of such property actually lies outside the drainage area of such Watershed. In any case where there is a dispute as to whether a property or any part of a property that is shown on the Official Zoning Map as being in a Watershed Overlay District actually drains to that Watershed, the Board of Adjustment shall, upon appeal by the owner, make a determination as to the facts of the matter as it affects the subject property.

In determining whether a property or part of a property drains to the Watershed as indicated on the Map, the Board of Adjustment shall base its determination on actual field conditions of the property as determined by topographical conditions. In making its determination, the Board of Adjustment may require the appellant to produce relevant expert testimony and exhibits.

After hearing such appeal, the Board shall find that the subject property (all or part) is either in the designated Watershed or out of the designated Watershed. If the Board shall find that the subject property is out of the designated Watershed, the Board shall order the Map to be adjusted to show the subject property to be outside the designated Watershed. In making such order, the Board of Adjustment shall designate the Watershed in which the subject property is located. If such designation causes the subject property to be located in another Watershed

Overlay District, the order shall cause the Map to be adjusted to show the same.

**4.12.6 GENERAL PROVISIONS APPLICABLE TO ALL WATERSHED OVERLAY DISTRICTS**

The following general provisions apply to all Watershed Overlay Districts. These provisions and the provisions contained in the Individual Watershed Overlay Districts are designed to protect the water quality of the Water Supply Watersheds that lie within the jurisdiction of this Ordinance and to implement the rules adopted by the North Carolina Environmental Management Commission for the classified watersheds pursuant to North Carolina General Statutes 143-214.5.

**4.12.6.1** The construction of new roads and bridges and non-residential development should minimize built-upon area, divert stormwater away from surface water supply waters as much as possible, and employ best management practices (BMPs) to minimize water quality impacts. To the extent practicable, the construction of new roads in the critical area should be avoided. The N.C. Department of Transportation BMPs as outlined in their document entitled "Best Management Practices for the Protection of Surface Waters" shall be used in all road and bridge construction projects in the Watershed Overlay Districts.

**4.12.6.2** All development activities within Watershed Overlay Districts, in addition to those activities specifically regulated by these provisions, are subject to the standards, usage conditions and other regulations contained in the Rules and Requirements of the Surface Water Supply Protection Rules adopted by the North Carolina Environmental Management Commission.

**4.12.6.3** A minimum fifty (50) foot vegetative buffer for development activities is required along all perennial waters, including streams, rivers and impoundments, indicated on the most recent versions of United States Geodetic Survey (USGS) 1: 24,000 scale topographic maps; provided, that nothing in this Subsection shall prevent artificial streambank or shoreline stabilization. No new development is allowed in the buffer, except that water dependent structures, or other structures such as flagpoles, signs, and security lights, which result in only de minimis increase in impervious area and public works projects such as road crossings and greenways may be allowed where no practicable alternative exists. These activities shall minimize built-upon surface area, direct runoff away from the surface water, and maximize the utilization of BMPs.

**4.12.6.4** Where otherwise permitted in the underlying Primary Zoning District, Cluster Development is allowed on a project by project basis as follows:

**4.12.6.4.1** The overall density of the project meets the density requirements of this Ordinance;

**4.12.6.4.2** The appropriate vegetative buffer in 4.12.6.3 above is provided;

**4.12.6.4.3** Built upon areas are designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, and maximize the flow length through vegetated areas;

**4.12.6.4.4** Areas of concentrated development are located in upland areas and away, to the maximum extent practicable, from surface waters and drainage ways;

**4.12.6.4.5** Remainder of tract to remain in vegetated or natural state;

**4.12.6.4.6** The area in the vegetated or natural state may be conveyed to a property owners association; a local government for preservation as a park or greenway; a conservation organization; or placed in a permanent conservation or farmland preservation easement. A maintenance agreement shall be filed with the property deeds and;

**4.12.6.4.7** Cluster development shall transport stormwater runoff from the development by vegetated conveyances to the maximum extent practicable.



**4.12.6.5** All development in Watershed Overlay Districts, shall, to the maximum extent practical, minimize built-upon surface area, direct stormwater runoff away from surface waters and incorporate best management practices to minimize water quality impacts.

**4.12.6.6** Existing development, as defined in this Ordinance, is not subject to the requirements of the overlay provisions. Expansions to structures classified as existing development must meet the requirements of these provisions, provided however, the built-upon area of the existing development is not required to be included in the density calculations. In determining expansions to existing development, the maximum permitted additional built-upon area is derived by multiplying the area of the portion of the property that is not built-upon by the appropriate percent built-upon limitation for the Overlay District in which the property is located.

**4.12.6.7** A pre-existing lot created prior to the effective date of this Ordinance, regardless of whether or not a vested right has been established, may be developed or redeveloped for single family residential purposes without being subject to the restrictions of these overlay provisions.

**4.12.6.8** Any existing building or built-upon area not in conformance with the limitations of these provisions that has been damaged or removed for any reason may be repaired and/or reconstructed, provided:

**4.12.6.8.1** Repair or reconstruction is initiated within twelve (12) months and completed within two (2) years of such damage or removal.

**4.12.6.8.2** The total amount of space devoted to built-upon area may not be increased.

**4.12.6.8.3** The repair or reconstruction is otherwise permitted under the provisions of this Ordinance.

**4.12.6.9** No activity, situation, structure or land use shall be permitted or allowed to operate within a watershed which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for toxic and hazardous materials; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.

**4.12.6.9.1** The Administrator may require such information on Zoning Clearance Permit and Site Plan or Subdivision Plan applications, including density/built-upon area calculations, as he may deem necessary to determine compliance with Watershed Overlay District provisions.

**4.12.6.9.2** The Administrator may, prior to the issuance of any permit in a Watershed Overlay District, require evidence of a valid Sedimentation Control Permit or evidence satisfactory to the Administrator that no permit is required.

**4.12.6.9.3** The Administrator shall maintain records of the administration of the Watershed Overlay District regulations and shall submit any modifications of the regulations to the Division of Environmental Management, Division of Environmental Health and Division of Community Assistance. The Zoning Administrator shall also maintain a record of variances issued and shall submit an annual report of each project receiving a variance and the reason for the variance to the Division of Environmental Management. The annual report shall contain the record of each variance granted by the Board of Adjustment during the previous calendar year and shall be submitted on or before January 1 of the following year.

**4.12.7 PROHIBITED USES.**

Permitted principal, conditional and accessory uses shall be those permitted within the underlying zoning districts provided, however, that the uses listed in Column (B) of Table 4.12-2 shall be prohibited.

**4.12.8 DEVELOPMENT CRITERIA.**

**4.12.8.1 RESIDENTIAL DENSITY & BUILT-UPON AREA.**

Residential development activities shall comply with the minimum lot size for the applicable underlying zoning district as established in Section 4.7 of this Ordinance. Notwithstanding, residential density shall not exceed that permitted for the corresponding watershed overlay district in one of either Column (B) or Column (C) of Table 4.12-3. As an option to complying with these residential density limitations, maximum built-upon area may be used instead. In such cases, the development project shall not exceed the built-upon amount established in Column (E) of Table 4.12-3 for each Overlay District on a project-by project basis. Using the built-upon area method shall not be permitted in the Dutch Buffalo Creek WS-II CA.

**4.12.8.2 NON-RESIDENTIAL LOT SIZE & BUILT UPON AREA.**

Non-residential Development activities shall comply with the minimum lot size for the applicable underlying zoning district as established in Section 4.7 of this Ordinance. Notwithstanding, individual non-residential development projects shall not exceed the built-upon amount established in Column (E) of Table 4.12-3 for each Overlay District.

**Table 4.12-1: Watershed Overlay Districts**

<b>WATERSHED</b>	<b>CLASSIFICATION</b>
Dutch Buffalo Creek	WS-II CA
Dutch Buffalo Creek	WS-II BW
<u>Notes:</u> "CA" denotes "Critical Area" "BW" Balance of Watershed"	

**Table 4.12-2: Prohibited Uses**

<b>(A) DISTRICT</b>	<b>(B) PROHIBITED USES</b>
Dutch Buffalo Creek WS-II CA	Commercial or industrial uses or hazardous material
Dutch Buffalo Creek WS-II BW	<ul style="list-style-type: none"> <li>No National Pollution Discharge Elimination System (NPDES) Permits shall be issued for landfills that discharge treated leachate.</li> <li>Uses involving the storage of toxic and hazardous materials unless a spill containment plan is implemented.</li> </ul>

**Table 4.12-3: Maximum Development Intensity**

<b>(A) DISTRICT</b>	<b>(B) MINIMUM LOT SIZE</b>	<b>(C) MINIMUM LAND REQUIRED PER DWELLING UNIT</b>	<b>(D) MAXIMUM DENSITY (DWELLING UNITS/ACRE)</b>	<b>(E) MAXIMUM BUILT-UPON AREA</b>
Dutch Buffalo Creek WS-II CA	Determined by underlying zoning district, provided the limitations of Column C or D of this Table are complied with.	2 acres	0.5	6% <sup>(1)</sup>
Dutch Buffalo Creek WS-II BW		1 acre	1.0	12%

Notes: (1) Applicable to non-residential development only

**4.12.9 ADDITIONAL DEVELOPMENT CRITERIA**

**4.12.9.1 Dutch Buffalo Creek WS-II CA.**

A 150 foot vegetative buffer shall be maintained from the normal pool level on all property adjoining the reservoir. No permanent structures shall be permitted within this buffer area.

**4.12.10 VARIANCE PROCEDURES.**

The Board of Adjustment may authorize variances from the specific requirements of the Watershed Overlay Districts in the same manner and subject to the same procedures and requirements of this Article for authorizing other variances, provided that:

- The notice required in Section 3.1.5 shall also be mailed by first class mail to all other local governments having watershed regulation jurisdiction within the particular watershed where the variance is requested and to each entity using that water supply for consumption; and
- If the variance request is for a major variance as defined herein the following procedure shall apply. If the Board of Adjustment decides in favor of granting the major variance, the Board shall then prepare a preliminary record of the hearing and submit it to the North Carolina Environmental Commission (EMC) for review and action. If the Board does not decide in favor of granting the major variance such unfavorable action shall constitute denial. In the event of favorable action by the Board on a major variance, the Board, shall cause the record of their hearing to be promptly submitted to the EMC. The record of the hearing shall include but not be limited to:
  - (a) The variance application;
  - (b) The hearing notices;
  - (c) The evidence presented;
  - (d) Motions, offers of proof, objections to evidence and rulings on them;
  - (e) Findings and exceptions;
  - (f) The action of the Board including any conditions proposed.

## **4.13 MANUFACTURED HOME OVERLAY (MHOD) DISTRICT.**

### **4.13.1 PURPOSE.**

The purpose of this Section is to provide sufficient land area for the provision of manufactured housing in order to implement NCGS § 160A-383.1 and to provide affordable housing opportunities for low and moderate income persons. A manufactured home is defined as structure, used or intended to be used as a Dwelling Unit, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §5401, et seq. (Source: The Uniform Standards Code for Manufactured Homes Act," NCGS § 143-145). For purposes of this Ordinance, a "manufactured home" does not include a structure which otherwise complies with this subsection, but which was built prior to June 15, 1976, which units shall be classified as "mobile homes."

### **4.13.2 MODULAR HOMES EXEMPTED.**

Manufactured (or Modular) Housing constructed to meet the N.C. State Building Code shall be exempt from the restrictions of this Section and shall be permitted in any single-family detached dwelling zoning district subject to any other provisions of this Ordinance.

### **4.13.3 ESTABLISHMENT.**

This Section establishes two (2) Manufactured Home Overlay Districts in order to provide flexibility with regard to various manufactured home products:

**MH-1 Manufactured Home Overlay District**

**MH-2 Manufactured Home Overlay District**

### **4.13.4 CLASSIFICATION OF MANUFACTURED HOMES.**

**4.13.4.1** The following classification system is hereby adopted for purposes of this Section:

- **MANUFACTURED HOME - TYPE I.** A single-section manufactured home less than seventeen (17) feet in width.
- **MANUFACTURED HOME - TYPE II.** A multi-section manufactured home greater than or equal to seventeen (17) feet in width.

**4.13.4.2** The width of a manufactured home shall be determined by mean width when all sections are in a final assembly arrangement.

### **4.13.5 MH-1, MANUFACTURED HOME OVERLAY DISTRICT.**

#### **4.13.5.1 Purpose.**

The purpose of the MH-1, Manufactured Home Overlay District, is to provide for the principal use of land developed in harmony with the Underlying Zoning District regulations; however, permitting the substitution of a Manufactured Home as a Principal Building provided the specific design and/or installation regulations appearing in

§ 4.13.7 herein are met.

**4.13.5.2 Uses Permitted.**

Use permitted as of right within the MH-1 Overlay District include:

- All uses permitted in the Underlying Zoning District (see Use Matrix, Table 4.6-1 of this Ordinance).
- Manufactured Homes - Type I (permanent installations only)
- Manufactured Homes - Type II (permanent installations only)

**4.13.5.3 Design Standards.**

(Refer to § 4.13.7 herein.)

**4.13.6 MH-2, MANUFACTURED HOME OVERLAY DISTRICT.**

**4.13.6.1 Purpose.**

The purpose of the MH-2, Manufactured Home Overlay District, is to provide for the Principal Use of land developed in harmony with the Underlying Zoning District regulations; however, permitting the substitution of a Manufactured Home as a Principal Building provided the specific design and/or installation regulations appearing in § 4.13.7 herein are met.

**4.13.6.2 Uses Permitted.**

Use permitted as of right within the MH-2 Overlay District include:

- All uses permitted in the Underlying Zoning District (see Table 4.6-1 of this Ordinance).
- Manufactured Homes - Type II (permanent installations only)

**4.13.6.3 Design Standards.**

Refer to § 4.13.7 herein.

**4.13.7 DESIGN STANDARDS.**

All individual manufactured homes within an MH-1, MH-2 or Overlay District shall comply with the following design and installation standards:

**4.13.7.1.1** Any manufactured home on an individual lot shall conform to the same building setback standards, side and rear yard requirements, standards for enclosures, access, vehicle parking, and square footage standards and requirements to which a conventional single-family residential dwelling on the same lot would be subject.

**4.13.7.1.2** All manufactured homes on individual lots shall be oriented so that the side having the front (main) entrance shall be no more than twenty (20) degrees from parallel to the front property line. This does not apply to manufactured homes that are at least 200 feet from the right of way.

**4.13.7.1.3** The roof on Type II manufactured homes shall have a minimum pitch of 3:12 (a rise of a nominal three (3) feet for each twelve (12) feet of horizontal run or portion thereof). The roof shall be finished with a type of shingle that is commonly used in standard residential construction with a class C or better fire rating. All roof structures on Type II manufactured homes shall provide eaves and raker projections of no less than six inches, excluding guttering.

**4.13.7.1.4** The exterior siding on manufactured homes shall consist of non-reflective vinyl or aluminum lap siding, wood or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.

**4.13.7.1.5** A continuous masonry (brick, stone or decorative block) curtain wall or foundation, unpierced except for ventilation and access, shall be installed under the outer perimeter of the Dwelling from its base to the ground so as to be compatible with surrounding residential land uses.

**4.13.7.1.6** The Dwelling shall be attached to a permanent foundation system in compliance with the N.C. State Building Code as may be amended.

**4.13.7.1.7** All wheels, axles, transporting lights and removable towing apparatus shall be permanently removed prior to installation of the dwelling unit.

**4.13.7.1.8** The foundation shall be excavated and shall have continuous skirting or backfill leaving no uncovered open areas except vents and crawl spaces. The foundation shall be exposed no more than twelve (12) inches above grade.

**4.13.7.1.9** All manufactured homes shall have a deck or porch, at least thirty-two (32) square feet in area, at each entrance.