

## ARTICLE VI

### CONDITIONAL USES AND SITE PLAN REVIEW PROVISIONS

600 Purpose – The purpose of this Article is to insure adequate review and control of various specific uses or developmental proposals that may have a direct influence or impact upon neighboring or contiguous land uses. This review is intended to aid in protecting the private and public values and interests in such land uses whether residential, institutional, commercial, or industrial in nature. To this end, these projects shall be evaluated according to the following criteria; that they:

600.1 are not detrimental to the public health or general welfare;

600.2 are appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar services; and

600.3 will not violate neighborhood character nor adversely affect surrounding land uses.

601 General – Most of the uses identified as Conditional Uses in Article III do not require compliance with specific design or other criteria in order to be approved, and the general criteria provided in Section 600 shall guide the review of these proposed uses. Other sections of this Article provide special review criteria for certain Conditional Uses and provide for site plan approval by the Planning Board of other uses by right which are likely to have direct influence or impact upon neighboring or contiguous land uses.

602 Application Procedure

602.1 Applicant – The applicant must be the owner, owners, lessee, or lessees, or their legal representative of all land and structures included within the tract, or a governmental agency. The holder of a conditional sale or lease contract for land and/or structures shall, for the purposes of application, be deemed to be the owner or lessee of the land and/or structures covered by such contract.

602.2 Application for Conditional Use Permit – Application forms for a Conditional Use Permit shall be obtained from the Zoning Administrator. Completed forms, in addition to information showing the location and intended use of the site, the names of all property owners and existing land uses within two hundred feet (200'), shall be filed with the Zoning Administrator who shall forward all information to the Planning Board. Applications for Shopping Center projects shall include additional information as specified in Section 603. Completed application and supporting information must be submitted in proper form, at least three (3) weeks prior to a regularly scheduled Planning Board meeting in order to be heard at that meeting. An application fee of \$40.00 shall accompany each application and this fee shall be non-refundable except in any case where the application is withdrawn prior to its consideration by an office or a board of the Town.

602.3 Public Hearing – Before passing judgment on a Conditional Use Permit, the Planning Board shall hold a public hearing in accordance with the provisions of NC General Statute 160A-364.

602.4 Use Permit – Following the public hearing, the Planning Board may issue a Conditional Use Permit. In granting such a permit, the Board shall designate such conditions in connection therewith as will, in its opinion, assure that the use will conform to the requirements of the Ordinance. If at any time after a Permit has been issued, the Board of Adjustment finds that the conditions imposed and agreements made have not been or are not being fulfilled by the owner of a permit, the permit shall be immediately terminated and the use discontinued. If a Conditional Use Permit is terminated for any reason, it shall not be reinstated until a public hearing regarding the Conditional Use has been held.

### 603 Shopping Center Developments

603.1 Purpose – To establish additional criteria for Shopping Center Developments of one (1) or more principal structures or buildings and accessory structures or buildings to be constructed on a lot or plot whether or not subdivided into the customary streets and lots.

#### 603.2 Requirements

603.2.1 No Shopping Center Development will contain less than one (1) acre.

603.2.2 Such development shall abut a major existing thoroughfare or collector street and shall have direct access thereto.

603.2.3 Points of ingress and egress shall be located a sufficient distance from highway intersections to minimize traffic hazards, inconvenience and congestion. Furthermore, each development shall have a minimum of two (2) such points to ensure the safety of the inhabitants.

603.2.4 Streets shall meet the standards set forth in the Town Code.

603.2.5 The number, width, and location of curb cuts shall be such as to minimize traffic hazards, inconvenience, and congestion.

603.2.6 Parking and loading areas shall be paved and provided as required in Article V of this Ordinance and all parking areas and traffic lanes shall be clearly marked.

603.2.7 Public improvements shall be provided as required by the State of North Carolina and the Town Code.

603.3 General Plan – Each application shall be accompanied by a general plan, drawn neatly and to scale, showing:

- 603.3.1 Property lines, street or other public rights-of-way lines, public utility easements and rights-of-ways.
  - 603.3.2 Topography of the site showing five foot (5') contours and true elevations;
  - 603.3.3 Location and approximate size of all existing and proposed buildings and structures within the site and ownership of abutting properties within five hundred feet (500');
  - 603.3.4 Proposed points of ingress and egress together with the proposed pattern of internal circulation and parking areas.
  - 603.3.5 Proposed provision of storm water collection and disposal, including both natural and man-made features, and the proposed treatment of ground cover, slopes, banks and ditches;
  - 603.3.6 Proposed connections with the Town water and sewer systems and proposed location of trash and garbage bulk containers;
  - 603.3.7 Landscaping, consisting of grass, trees, and ornamental shrubs, to occupy five percent (5%) of the total lot area; such landscaping shall be done in addition to any required screening or buffer; and location and type of landscaping shall be shown on the site plan;
  - 603.3.8 Each plan shall be accompanied by an Erosion Control Plan, a copy of which has been approved by the NC Department of Natural Resources and Community Development.
  - 603.3.9 Other requirements as may be considered essential by the Planning Board for the protection of the public health, safety, welfare, and convenience.
- 603.4 Area Requirements – Area and building requirements shall be the same as for the district in which the development is located.
- 603.5 Screening Requirements – If the property adjoins a residential district, then the owner or developer shall provide a fence, hedge, or other natural planting of comparable opacity shall be provided along the side or rear lines where the property adjoins said residential district. Such fence, wall or hedge shall be at least six feet (6') in height measured from the ground along common lot line of the adjoining lot in the residential district. Hedges or comparable natural evergreen plantings shall be planted at an initial height of at least three feet (3').
- 603.6 Subsequent Performance – After the approval by the Planning Board of the application and general plans, the applicant shall file detailed plans for review by the Zoning Administrator showing the details of the proposed development as fully as possible and including elevations and perspectives of proposed construction. If the applicant later wishes to change the details of the proposed

development, further detailed plans shall be filed for review by the Zoning Administrator. No zoning permit for the proposed development or any part thereof shall be issued until the Zoning Administrator has determined that the pertinent detailed plans are in accordance with the application and general plans as approved and with the objectives of this Section.

If construction or improvements have not begun within a twelve (12) month period beginning from the date of approval of the detailed plans, then the approval of the development shall become null and void. One (1) six month (6) extension may be granted by the Planning Board when reasonable cause is shown. No Certificate of Occupancy shall be issued until a detailed report is submitted by the applicant to the Zoning Administrator showing the outcome of construction and he has certified that all of the requirements of this Ordinance have been met.

604 Site Plan Review – Site Plan review procedures shall be established to promote development of land in accordance with standards which protect the health, safety, and welfare of the community. It shall be unlawful for any person to construct, erect, or alter a building or structure, or to develop, change or improve land for which a site plan is required, except in accordance with the approved site plan. No zoning permit shall be issued to construct, erect, or alter any building or structure or to develop or improve any land and no work on site improvements shall be performed in any district subject to the provisions of this section until a site plan has been submitted to and approved by the Planning Board.

604.1 Plans Required – A site plan is required and shall be submitted for approval for the following types of development in the following districts:

- All multi-family uses of more than four (4) units in the R-3 District.
- All new development or substantial alteration of existing structures in the C-1 District and C-2 District.
- All new development or substantial alteration/redevelopment of existing structures or uses in the I District.

604.2 Preparation of Plans – Site plans, or any portion thereof, involving engineering, architecture, or land surveying shall be prepared and certified by the professional engineer, architect, or land surveyor who is duly registered by the state to practice as such and who prepared the site plan or portion thereof within his particular professional expertise.

604.2.1 Site Plans – Site Plans submitted in accordance with this section shall show:

- The boundary of the property by courses and distances, area, present zoning of the tract, and the location of any and all rights-of-way, easements and required yards.
- The ownership, and present use of all abutting property.

- Widths and names of abutting streets and alleys.
- Date, north point, and scale.
- Name and address of the owner or owners of record of the tract and name of the applicant.
- Existing and proposed topography of the site.
- The location of existing and proposed improvements on the site, such as streams, buildings, driveways, and parking areas, utility lines, storm drainage systems, and landscaping.
- The location of any areas to be dedicated to public use.
- Name, address, signature, and registration number of any professionals preparing the plan.

604.3 Review and Approval – Two (2) copies of each site plan shall be submitted to the Zoning Administrator, who shall review the plan for general completeness and compliance with adopted plans. After completion of this review, the Zoning Administrator shall forward the site plan and any comments to the Planning Board. The Planning Board shall recommend any needed changes in the site plan or approve the plan as presented. A copy of each site plan shall be returned to the applicant by the Planning Board with notations thereon outlining any changes that will be required. The Zoning Administrator shall monitor the project as needed to assure conformity with the approved site plan.

604.4 Period of Validity – An approved site plan shall become null and void if no significant work is done or no significant development is made on the site within twelve (12) months after site plan approval. Construction or development may begin upon approval of the plan by the Planning Board and acquisition of permits. The planning Board may grant a single one (1) year extension upon written request of the applicant made at least thirty (30) days before the expiration of the approved site plan.

604.5 Adjustments of Approved Site Plan – After a site plan has been approved, minor changes in the site plan which comply with the spirit of this section, may be approved by the Zoning Administrator. However, no such changes shall be made on the site until approval of such change has been granted. Any major revision of an approved site plan shall be submitted, reviewed, and approved in the same manner as the originally approved site plan. Any requirements of this subsection may be waived by the Planning Board in specific cases where such requirement would be adverse to the purpose of this section.