

CITY OF CLAREMONT

ORDINANCE 04 - 27

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF
THE CITY OF CLAREMONT**

- WHEREAS,** the City of Claremont proposes to amend Title 9 of the City Ordinances, to modernize development regulations; and
- WHEREAS,** the Planning Board of the City of Claremont has considered the proposed amendment and recommendation for approval by the City Council; and
- WHEREAS,** the Claremont Comprehensive Land Development Plan encourages Land Use Goal 1 – Encourage high-quality, progressive and efficient development that enhances the City’s sense of community and overall quality of life; and
- WHEREAS,** City Council has conducted a public hearing to consider comments relative to the proposed amendments; and
- WHEREAS,** notification of the public hearing was duly published,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Claremont, North Carolina, that:

Section 1. Text Amendment

That Title 9, Planning and Community Development; is hereby amended by changing as shown in **Attachment A** (new language appears as highlighted; deleted language and/or deleted sections appears as “strike-through”).

Section 2. Consistency Statement

City Council finds that the amendments as set forth in this Ordinance to Title 9, Planning and Community Development; are reasonable and in the public interest because they promote quality design and general welfare; and are consistent with the Land Development Plan’s Future Land Use Goal 1 – Encourage high-quality, progressive and efficient development that enhances the City’s sense of community and overall quality of life.

ADOPTED this 3rd day of August, 2026 by the City Council of the City of Claremont, North Carolina.

A handwritten signature in black ink, reading "Shawn R. Brown". The signature is fluid and cursive, with the first name "Shawn" and last name "Brown" clearly legible.

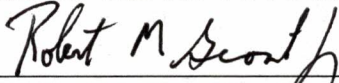
Shawn R. Brown, Mayor

ATTEST:

A handwritten signature in blue ink, reading "Wendy L. Helms". The signature is cursive and includes a large, stylized initial "W".

Wendy L. Helms, City Clerk

APPROVED AS TO FORM:

A handwritten signature in black ink, reading "Robert M. Grant Jr.". The signature is cursive and includes a large, stylized initial "R".

Robert M. Grant Jr., City Attorney

ATTACHMENT A

Sec. 9-3-9 Definitions.

Composting facility. A facility in which only stumps, limbs, leaves, grass and untreated wood collected from land clearing or landscaping operations is deposited.

Conditional Zoning Overlay. An overlay created through the approval of a zoning map amendment with a site specific plan in which the uses are limited to those in the base zoning district and are subject to conditions imposed by the City Council.

Condominium. The ownership of single units in a multi-unit structure with common areas and facilities, real estate portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. (Sources: Unit Ownership Act {NCGS 47A-3} and NC Condominium Act NCGS 47C-1-103).

Industrial development. Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product.

International Business Park. The industrial area within the jurisdiction of the City of Claremont which is bounded by Bethany Church Rd, US 70 and Keisler Dairy Rd, which is designated "International Business Park" in the Comprehensive Land Use Plan.

Junked vehicle. Any wrecked or non-operable automobile, truck, or other vehicle which does not bear a current license plate and current state inspection sticker.

Mini-warehouse. A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

Minor Modifications. In accordance with NCGS 160D-403(d), minor modifications to approved development plans including Special Use Permits, Subdivisions, Conditional Zoning plans, and other development approvals with Site Plans may be approved by the Administrator subject to the following criteria:

(A) For purposes of this Section, minor modifications or changes are those that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development. A minor modification is a change that does not:

(1) Substantially change any condition of approval;

(2) Alter the layout of the development plan by more than ten percent (10%) of the total development area;

(3) Increase the number of residential units or residential density;

(4) Decrease the amount of open space or increase the amount of impervious area by more than ten percent (10%);

(5) Significantly change the location of vehicular and pedestrian access or circulation;
or

(6) Add or take away the provision of public water or sewer.

(B) All other requests for changes in approved plans will be processed as new applications. If such requests are required to be acted upon by the Board of Adjustment, new conditions may be imposed, but the applicant retains the right to reject such additional conditions by withdrawing his/her request for an amendment and may then proceed in accordance with the previously issued permit.

(C) A developer requesting approval of changes shall submit a written request for such approval to the Administrator, and that request shall identify the changes. Approval of all changes must be given in writing.

Minor watershed variance. A variance that does not qualify as a major variance from the minimum statewide watershed protection rules that results in a relaxation by a factor up to five percent (5%) of any buffer, density, or built-upon requirements under the high density option; or that results in a relaxation, by a factor up to ten percent (10%), of any management requirement under the low density option.

Quasi-Judicial Hearing. A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under this Chapter.

Rail Park Overlay. The industrial area within the jurisdiction of the City of Claremont which is bounded by Heart Dr & US 70, which is designated "Rail Park Overlay" in the Comprehensive Land Use Plan.

Religious institution. A church, synagogue, temple, mosque, or other place of religious worship, including any accessory use or structure, such as a school, day care center, or dwelling, located on the same lot.

ARTICLE B

General Provisions

Sec. 9-3-35 Vested rights.

The purpose of this section is to implement the provisions of N.C.G.S. 160D-102 pursuant to which a statutory zoning vested right is established upon approval of a site specific development plan.

1. Definitions.

a. Approval authority. The City Council, Planning Board, Board of Adjustment, City Clerk, Zoning Administrator, or other board or official designated by this chapter as being authorized to grant the specific zoning or land use permit approval that constitutes a site specific development.

b. Site specific development plan. A plan of land development submitted to the City of Claremont for purposes of obtaining one (1) of the following zoning or land use permits or approvals:

1. Zoning permit as provided by this chapter.
2. Special use permit as provided by this chapter.
3. Variance as provided by this chapter.
4. Minor subdivision approval.
5. Major subdivision approval.

6. Conditional Zoning Overlay approval as provided by this chapter.

7. A multi-phased development pursuant to NCGS 160D-108.

8. A vested right established by the terms of a development agreement authorized by the terms of a development agreement authorized by Article 10 of NCGS Chapter 160D.

9. Notwithstanding the foregoing, neither a variance, a sketch plan, nor any other document that fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property shall constitute a site specific development plan.

c. Zoning vested rights. A right pursuant to N.C.G.S. 160D-102 to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan, provided that such development shall begin within two (2) years following issuance of the zoning vested right. Under the terms of this chapter, a two (2) year zoning vested right shall be established upon issuance of a zoning permit.

ARTICLE C

Establishment of Districts

Sec. 9-3-41 Use districts.

For the purpose of this chapter, the City of Claremont and its extraterritorial zoning jurisdiction is hereby divided into six (6) base districts and two (2) overlay districts designated as follows:

Neighborhood Residential District (R-1)

Residential Agricultural District (R-2)

Central Business District (B-1)

Community Business District (B-2)

Highway Business District (B-3)

Manufacturing District (M-1)

International Business Park District (IBP)

Rail Park Overlay District (RPO)

Manufactured Home Overlay District (MHO)

High Rise Sign Overlay District (HRSO)

(Ord. of 12-7-04, No. 37-02; Ord. of 8-1-11, No. 02-11)

ARTICLE D

Use Requirements by District

Sec. 9-3-51 Neighborhood Residential District (R-1).

Intent: The district shall provide for urban residential development within walking distance (generally one-fourth (1/4) mile) of services. Streets shall be interconnected and a range of lot sizes is encouraged. The Neighborhood Residential District permits the completion and conformity of residential subdivisions.

1. Permitted uses:

a. Uses permitted by right:

(1) Single-family dwellings excluding manufactured homes.

(2) Family care homes.

b. Uses permitted with conditions (see Article F):

(1) Cemeteries.

(2) Churches.

- (3) Essential Services 1 and 2.
- (4) Government buildings up to five thousand (5,000) square feet of gross floor area.
- (5) Neighborhood and outdoor recreation.
- (6) Parks.
- (7) Temporary health care structures.

c. Uses permitted with a special use permit:

- (1) Multi-family dwellings (single building).

~~(2) Planned Unit Development—Residential.~~

- (2) Elementary and secondary schools.

- (3) Essential Services 3.

- (4) Neighborhood business.

d. Permitted with Conditional Zoning Overlay (CZO):

(1) Planned Unit Development

e. Permitted building and lot types (See Article E):

- (1) Civic building.
- (2) Detached house.
- (3) Attached house.
- (4) Apartment building.

f. Permitted accessory structures and uses:

- (1) Accessory dwellings.
- (2) Day care home (small).
- (3) Home occupations.
- (4) Accessory uses permitted in all districts.

g. General requirements:

(1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

(2) New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. Building massing illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.

- (3) On new streets, allowable building and lot types will establish the development pattern.
 2. Off-street parking and loading requirements. Off-street parking and loading requirements shall be provided for all uses as required by Article H of this chapter.
 3. Sign requirements. See Article I of this chapter.
 4. Dimensional requirements. See Article E (Lot and Building Types) and M (Watershed) of this chapter.
- (Ord. of 12-7-04; No. 37-02; Ord. of 10-2-06; No. 21-06; Ord. of 10-5-15; No. 07-15; Ord. of 6-21-21, No. 41-21)

Sec. 9-3-52 Residential Agriculture District (R-2).

Intent: The district shall provide for non-urban single-family development as well as agricultural uses. The purpose of the R-2 District is to provide an adequate amount of land for agricultural uses while also making provisions for single-family residential development that is rural in character. Multi-family and commercial uses are not appropriate in this district. Manufactured homes are allowed in the R-2 District only where the Manufactured Home Overlay (MHO) District is present.

1. Permitted uses:
 - a. Uses permitted by right:
 - (1) Single-family dwellings built in accordance with the N.C. Building Code (Manufactured homes are only allowed where the MHO District is present).
 - (2) Bona fide farms.
 - (3) Family care homes.
 - b. Uses permitted with conditions (see Article F):
 - (1) Cemeteries.
 - (2) Churches.
 - (3) Essential Services 1 and 2.
 - (4) Government buildings up to five thousand (5,000) square feet of gross floor area.
 - (5) Neighborhood and outdoor recreation.
 - (6) Parks.
 - (7) Utility scale solar energy systems.
 - (8) Temporary health care structures.
 - c. Uses permitted with a special use permit:

- (1) Elementary and secondary schools.
- (2) Essential Services 3.
- (3) Neighborhood business.

d. Permitted with Conditional Zoning Overlay (CZO):

(1) Planned Unit Development

(2) Manufactured Home Developments (as defined in Sec. 9-3-57)

e. Permitted building and lot types (See Article E):

- (1) Civic building.
- (2) Detached house.

f. Permitted accessory structures and uses:

- (1) Accessory dwellings.
- (2) Day care home (small).
- (3) Home occupations.
- (4) Accessory uses permitted in all districts.

g. General requirements:

(1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

(2) New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. Building massing illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.

(3) On new streets, allowable building and lot types will establish the development pattern.

2. Off-street parking and loading requirements. Off-street parking and loading requirements shall be provided for all uses as required by Article H of this chapter.

3. Sign requirements. See Article I of this chapter.

4. Dimensional requirements. See Article E (Lot and Building Types) and M (Watershed) of this chapter.

(Ord. of 12-7-04; No. 37-02; Ord. of 10-2-06; No. 21-06; Ord. of 9-4-12; No. 03-12; Ord. of 10-5-15; No. 07-15; Ord. of 6-21-21, No. 41-21)

Sec. 9-3-53 Central Business District (B-1).

Intent: The Central Business District (B-1) is intended to be the central commercial area of city. A broad array of uses is expected in a pattern which integrates shops, restaurants, services, work places, civic, educational, and religious facilities, and higher density housing in a compact, pedestrian-oriented environment. The Central Business District anchors the surrounding residential neighborhoods while also serving the broader community.

1. Permitted uses.

a. Uses permitted by right:

- (1) Bed and breakfast inns.
- (2) Boarding or rooming houses for up to six (6) boarders.
- (3) Churches.
- (4) Civic, fraternal, cultural, community, or club facilities.
- (5) Commercial uses.
- (6) Financial services.
- (7) Government buildings.
- (8) Indoor recreation.
- (9) Offices.
- (10) Professional services.
- (11) Single-family dwellings.

b. Uses permitted with conditions (See Article F):

- (1) Cemeteries.
- (2) Essential Services 1 and 2.
- (3) Parking lot as a principal use.
- (4) Parks.
- (5) Temporary sales of seasonal agricultural products and customary accessory products (example: farmers' markets, Christmas tree/pumpkin sales).
- (6) Automotive repair, small-scale.

c. Uses permitted with a special use permit:

- (1) Multi-family dwellings (single building).

~~—(2) Mixed-use development.~~

(2) Elementary and secondary schools.

~~(4) Planned Unit Development Business.~~

~~(5) Planned Unit Development Residential.~~

d. Permitted with Conditional Zoning Overlay (CZO):

(1) Planned Unit Development

e. Permitted building and lot types (See Article E):

(1) Apartment building.

(2) Attached house.

(3) Civic building.

(4) Detached house.

(5) Mixed use up to fifteen thousand (15,000) square feet of first floor area.

(6) The mixed-use building duplicates the shopfront building type and has at least two (2) occupiable stories; at least fifty percent (50%) of the habitable area of the building shall be in residential use, the remainder shall be in commercial use.

(7) Shopfront up to fifteen thousand (15,000) square feet of first floor area.

(8) Workplace up to fifteen thousand (15,000) square feet of first floor area.

f. Permitted accessory structures and uses:

(1) Accessory dwellings.

(2) Day care home (small).

(3) Drive through windows, excluding those associated with restaurants.

(4) Home occupations.

(5) Stalls or merchandise stands for outdoor sale of goods at street front (encroachment onto sidewalk may be permitted by agreement with city); outdoor storage is expressly prohibited.

(6) Items for outdoor sales are sold outside and returned to inside the building at the end of each business day; goods not brought in at the close of business each day are considered outdoor storage.

(7) Accessory uses permitted in all districts.

g. General requirements:

(1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

(2) New buildings, which exceed the scale and volume of existing buildings, may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. Building massing illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.

(3) On new streets, allowable building and lot types will establish the development pattern.

(4) New construction should favor retail on first floor, office and/or residential on upper floors.

(5) Every building lot shall have frontage upon a public street or square.

2. Off-street parking and loading requirements. Off-street parking and loading requirements shall be provided for all uses as required by Article H of this chapter.

3. Sign requirements. See Article I of this chapter.

4. Dimensional requirements. See Article E (Lot and Building Types) and M (Watershed) of this chapter.

(Ord. of 12-7-04, No. 37-02; Ord. of 5-1-17, No. 5-17; Ord. of 6-21-21, No. 41-21)

Sec. 9-3-54 Community Business District (B-2).

Intent: The Community Business District (B-2) is intended for general business uses and other uses which are properly and necessarily located near residential areas and which cater to the everyday needs of surrounding residential neighborhoods.

1. Permitted uses:

a. Uses permitted by right:

(1) Bed and breakfast inns.

(2) Boarding or rooming houses for up to six (6) boarders.

(3) Churches.

(4) Civic, fraternal, cultural, community, or club facilities.

(5) Small-scale retail services (five thousand (5,000) square feet or less), excluding automobile, boat, camper, or any other retail service requiring outdoor storage of goods.

(6) Financial services.

(7) Government and other institutional uses.

(8) Offices.

(9) Professional services.

b. Uses permitted with conditions (See Article F):

- (1) Cemeteries.
 - (2) Day care center.
 - (3) Essential Services 1 and 2.
 - (4) Neighborhood gasoline stations, excluding major service and repair of motor vehicles.
 - (5) Parking lot as a principal use.
 - (6) Parks.
 - (7) Temporary sales of seasonal agricultural products and customary accessory products (example: farmers' markets, Christmas tree/pumpkin sales).
 - (8) Automotive repair, small-scale.
- c. Uses permitted with a special use permit:
- (1) Single-family homes.
 - (2) Multi-family homes (single building).
 - (3) Elementary and secondary schools.

~~(4) Planned Unit Development—Business.~~

- (4) Essential Services 3.

d. Permitted with Conditional Zoning Overlay (CZO):

(1) Planned Unit Development

e. Permitted building and lot types (See Article E):

- (1) Apartment building.
- (2) Attached house.
- (3) Civic building.
- (4) Detached house.
- (5) Mixed use up to fifteen thousand (15,000) square feet of first floor area.
- (6) The mixed-use building duplicates the shopfront building type and has at least two (2) occupiable stories; at least fifty percent (50%) of the habitable area of the building shall be in residential use, the remainder shall be in commercial use.
- (7) Shopfront up to fifteen thousand (15,000) square feet of first floor area.
- (8) Workplace up to fifteen thousand (15,000) square feet of first floor area.

f. Permitted accessory structures and uses:

- (1) Accessory dwellings.

- (2) Day care home (small).
- (3) Drive through windows, excluding those associated with restaurants.
- (4) Home occupations.
- (5) Stalls or merchandise stands for outdoor sale of goods at street front (encroachment onto sidewalk may be permitted by agreement with city); outdoor storage is expressly prohibited.
- (6) Items for outdoor sales are returned to inside the building at the end of each business day; goods not brought in at the close of business each day are considered outdoor storage.
- (7) Accessory uses permitted in all districts.

(8) Caretaker's Residence.

g. General requirements:

- (1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
 - (2) New buildings, which exceed the scale and volume of existing buildings, may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. Building massing illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
 - (3) On new streets, allowable building and lot types will establish the development pattern.
 - (4) New construction should favor retail on first floor, office and/or residential on upper floors.
 - (5) Every building lot shall have frontage upon a public street or square.
2. Off-street parking and loading requirements. Off-street parking and loading requirements shall be provided for all uses as required by Article H of this chapter.
 3. Sign requirements. See Article I of this chapter.
 4. Dimensional requirements. See Article E (Lot and Building Types) and M (Watershed) of this chapter.

(Ord. of 12-7-04, No. 37-02; Ord. of 5-1-17, No. 5-17; Ord. of 6-21-21, No. 41-21)

Sec. 9-3-55 Highway Business District (B-3).

Intent. The Highway Business District (B-3) is appropriate and reserved primarily for high intensity/density auto-dependent commercial development and contemplates commercial development that utilizes the limited prime property with I-40 access and thoroughfares of N. Oxford and Centennial as well as the necessary utility infrastructure including water and sewer. While not easily developed for a comfortable pedestrian environment, connectivity via sidewalks is necessary. The Highway Business District (B-3) will serve not only the local community, but

interstate and highway travelers as well. Because of the scale and access requirements of uses for this category, they often cannot be compatibly integrated with the Central Business and Community Business Districts. Development at district boundaries must provide a compatible transition to uses outside the district and frontages on major or minor arterials will require formal street tree planting.

1. Permitted uses:

a. Uses permitted by right:

(1) Business, convenience. See Definition Sec. 9-3-9.

(2) Business, general. See Definition Sec. 9-3-9.

(3) Indoor recreation, commercial.

(4) Motels and hotels.

(5) Wholesale sales with related offices, storage and warehousing entirely within an enclosed building; truck terminals not permitted.

(6) Automotive service station (gas, filling station). See Definition Sec. 9-3-9.

b. Uses permitted with conditions (See Article F):

(1) Adult business.

(2) Electronic gaming operations.

(3) Essential Services Class 1.

(4) Existing and applied for as of April 5, 2021 Vehicle and boat sales, service, rental, cleaning, mechanical repair and body repair with conditions of Article F – Sec. 9-3-98 Outdoor display of vehicles and boats for sale or rental.

c. Uses permitted with a special use permit:

~~(1) Planned Unit Development – Business.~~

(1) Essential Services 3.

(2) Existing Mini-warehouse as of March 1, 2021.

(3) Wireless telecommunications facilities.

(4) Multi-family Dwellings (single building)

d. Permitted with Conditional Zoning Overlay (CZO):

(1) Planned Unit Development

e. Permitted building and lot types (See Article E):

(1) Highway business up to sixty-five thousand (65,000) square feet of first floor area on major thoroughfare; up to fifteen thousand (15,000) square feet of first floor area on minor thoroughfare.

(2) The maximum first floor area for highway business buildings may be exceeded only where massing of building is varied to reduce perceived scale and volume.

(3) Shopfront, up to sixty-five thousand (65,000) square feet of first floor area on major thoroughfare; up to fifteen thousand (15,000) square feet of first floor area on minor thoroughfare; second floor apartments or offices encouraged for most uses.

(4) Workplace up to sixty-five thousand (65,000) square feet of first floor area on major thoroughfare; up to fifteen thousand (15,000) square feet of first floor area on minor thoroughfare; second floor apartments or offices encouraged for most uses.

f. Permitted accessory structures and uses:

(1) Temporary Accessory Structures with conditions in Article F – Sec. 9-3-105.2 Temporary accessory structures (does not include temporary sales lots allowed in Sec. 9-3-105.1).

(2) Drive through windows associated with any use with conditions in Article F – Sec. 9-3-91 Drive-through windows as an accessory use.

(3) Single bay car wash with conditions in Article F – Sec. 9-3-86.

(4) Stalls or merchandise stands for outdoor sale of goods at street front (encroachment onto sidewalk may be permitted by agreement with city); outdoor storage is expressly prohibited. Items for outdoor sales are returned to inside the building at the end of each business day; goods not brought in at the close of business each day are considered outdoor storage.

(5) Bars as accessory to a restaurant as allowed by NC ABC permitting laws.

(6) Warehousing accessory to merchandise showroom, within an enclosed building.

(7) Accessory uses permitted in all districts.

(8) Caretaker's Residence.

g. General requirements:

(1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

(2) New buildings, which exceed the scale and volume of existing buildings, may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. Building massing illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.

(3) On new streets, allowable building and lot types will establish the development pattern.

(4) Where screening is required by Article F for activities involving any sale, use, repair, storage, or cleaning operation, the specified standard of Article K shall apply.

(5) Any Highway Business District shall be bordered on at least one (1) side by a major or minor thoroughfare.

(6) The arrangement of multiple buildings on a single lot shall establish facades generally parallel to the frontage property lines along existing streets and proposed interior streets.

(7) Every building lot shall have frontage upon a public street or square.

2. Off-street parking and loading requirements. Off-street parking and loading requirements shall be provided for all uses as required by Article H of this chapter.

3. Sign requirements. See Article I of this chapter.

4. Dimensional requirements. See Article E (Lot and Building Types) and M (Watershed) of this chapter.

(Ord. of 12-7-04, No. 37-02; Ord. of 6-4-12, No. 15-11; Ord. of 3-1-21, No. 29-21; Ord. of 4-5-21, No. 33-21; Ord. of 6-21-21, No. 41-21)

Sec. 9-3-56 Light Manufacturing District (M-1).

Intent: The Light Manufacturing (M-1) District is established as a district in which the principal use of land is for industrial manufacturing uses which normally seek locations on large tracts where the operation involved does not detract from the development potential of nearby undeveloped properties. This district is reserved for high intensity development that supports the community tax base and welfare and best utilizes the investment in infrastructure including water, sewer, roads, rail, electric and gas. Development at district boundaries must provide a compatible transition to uses outside the district. Frontages on major or minor arterials will require formal street tree planting.

1. Permitted uses:

a. Uses permitted by right:

- (1) Appliances/appliance components manufacturing.
- (2) Assembly or fabrication of previously manufactured parts.
- (3) Automobiles and automobile components manufacturing.
- (4) Bedding/Carpet manufacturing.
- (5) Boat works.
- (6) Bottling plants.
- (7) Breweries manufacturing.
- (8) Cabinet shops.
- (9) Canvas goods manufacturing.

- (10) Clothing/textile manufacturing.
- (11) Communication equipment manufacturing.
- (12) Component parts for aircraft manufacturing.
- (13) Cosmetics, drugs and pharmaceutical products manufacturing.
- (14) Data storage.
- (15) Drafting, optical and musical instruments manufacturing.
- (16) Electric devices/components manufacturing.
- (17) Electrical equipment manufacturing and repair.
- (18) Electronic equipment/components manufacturing.
- (19) Environmental services and consulting.
- (20) Farm machinery manufacturing.
- (21) Firearms manufacturing.
- (22) Food manufacturing.
- (23) Food processing manufacturing (but not slaughtering of poultry or animals).
- (24) Furniture manufacturing and repair.
- (25) Leather product manufacturing.
- (26) Machines and parts manufacturing.
- (27) Mechanical devices manufacturing.
- (28) Medical and dental equipment manufacturing.
- (29) Meter manufacturing.
- (30) Photographic and metering equipment manufacturing.
- (31) Plastic products manufacturing.
- (32) Publishing and printing.
- (33) Printing, finishing, and textiles and fibers manufacturing.
- (34) Product testing.
- (35) Pumps manufacturing.
- (36) Rubber product manufacturing.
- (37) Sheet metal shops.

- (38) Springs manufacturing.
- (39) Stone and clay product manufacturing.
- (40) Telecommunications manufacturing.
- (41) Tools, dies, machinery and hardware products manufacturing.
- (42) Tobacco products manufacturing.
- (43) Wholesale distribution facilities.
- (44) Wire products manufacturing.
- (45) Woodworking shops.

b. Uses permitted with conditions (See Article F):

- (1) Essential Services Class 1.
- (2) Existing as of March 1, 2021 Parking lot as a principal use.
- (3) Existing as of September 15, 2023 Contractor storage yard associated with an existing primary office building (Reference Article F, Sec. 9-3-110c.)

c. Uses permitted with a special use permit:

(1) Deviations from the architectural standards set forth in 9-3-77. Any deviations must have a proven need, that the building would not be able to serve its purpose adhering to the architectural standards.

(2) Essential Services Class 3.

~~(3) Planned Unit Development Business.~~

(3) Wireless telecommunications facilities.

d. Permitted with Conditional Zoning Overlay (CZO):

(1) Planned Unit Development

e. Permitted building and lot types:

(1) Industrial.

f. Permitted accessory structures and uses:

- (1) Outdoor storage limited to 25% of square footage of principal manufacturing building(s).
- (2) Warehouses as accessory to manufacturing.

(3) Accessory uses permitted in all districts, Sec. 9-3-36, limited to 25% of square footage of principal manufacturing building(s).

(4) Caretaker's Residence.

g. General requirements:

(1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

(2) New buildings, which exceed the scale and volume of existing buildings, may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. Building massing illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.

(3) On new streets, allowable building and lot types will establish the development pattern.

(4) Where screening is required by Article F for activities involving any sale, use, repair, storage, or cleaning operation, the specified standard of Article K shall apply.

(5) The arrangement of multiple buildings on a single lot shall establish facades generally parallel to the frontage property lines along existing streets and proposed interior streets.

(6) Every building lot shall have frontage upon a public street or square.

h. Off-street parking and loading requirements. Off-street parking and loading requirements shall be provided for all uses as required by Article H of this chapter.

i. Sign requirements. See Article I of this chapter.

j. Dimensional requirements. See Article E (Lot and Building Types) and M (Watershed) of this chapter.

(Ord. of 12-7-04, No. 37-02; Ord. of 3/18/10, No. 07-10; Ord. of 9/4/12, No. 03-12; Ord. of 10-3-16, No. 07-16; Ord. of 6-5-17, No. 8-17; Ord. of 3-1-21, No. 31-21; Ord. of 6-21-21, No. 41-21; Ord. of 9-11-23, No. 06-24)

Sec. 9-3-56.1 International Business Park District (IBP)

Intent: The International Business Park (IBP) District is established as a district in which the principal use of land is manufacturing uses that require large buildings and make best use of the utilities available in the Southwest portion of the City. This district is reserved for high intensity uses that require large tracts of land, support the community tax base, and provide employment opportunities.

1. Permitted uses:

a. Uses permitted by right:

(1) Appliance / Appliance Components Manufacturing.

(2) Automobiles and automobile components manufacturing.

(3) Bottling plants.

(4) Breweries manufacturing.

- (6) Canvas goods manufacturing.
- (7) Clothing/textile manufacturing.
- (8) Communication equipment manufacturing.
- (9) Component parts for aircraft manufacturing.
- (10) Cosmetics, drugs and pharmaceutical products manufacturing.
- (11) Drafting, optical and musical instruments manufacturing.
- (12) Electric devices/components manufacturing.
- (13) Electrical equipment manufacturing and repair.
- (14) Electronic equipment/components manufacturing.
- (15) Farm machinery manufacturing.
- (16) Furniture manufacturing and repair.
- (17) Glass Manufacturing
- (18) Leather product manufacturing.
- (19) Machines and parts manufacturing.
- (20) Mechanical devices manufacturing.
- (21) Medical and dental equipment manufacturing.
- (22) Meter manufacturing.
- (23) Photographic and metering equipment manufacturing.
- (24) Plastic products manufacturing.
- (25) Printing, finishing, and textiles and fibers manufacturing.
- (26) Pumps manufacturing.
- (27) Rubber product manufacturing.
- (28) Sheet metal shops.
- (29) Springs manufacturing.
- (30) Stone and clay product manufacturing.
- (31) Telecommunications manufacturing.
- (32) Tools, dies, machinery and hardware products manufacturing.
- (33) Tobacco products manufacturing.

(34) Wire products manufacturing.

b. Uses permitted with conditions (See Article F):

(1) Essential Services Class 1.

(2) Essential Services Class 2.

c. Uses permitted with a special use permit:

(1) Deviations from the architectural standards set forth in 9-3-77. Any deviations must have a proven need, that the building would not be able to serve its purpose adhering to the architectural standards.

(2) Essential Services Class 3.

(3) Wireless Telecommunications Facilities

d. Uses permitted by Conditional Zoning Overlay (CZO):

(1) Planned Unit Development

e. Permitted building and lot types:

(1) Industrial.

f. Permitted accessory structures and uses:

(1) Temporary Accessory Structures

(2) Warehouses as accessory to manufacturing.

(3) Accessory uses permitted in all districts, Sec. 9-3-36, limited to 25% of square footage of principal manufacturing building(s).

(4) Parks

(5) Caretaker's Residence

g. General requirements:

(1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

(2) New buildings, which exceed the scale and volume of existing buildings, may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. Building massing illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.

(3) On new streets, allowable building and lot types will establish the development pattern.

(4) Where screening is required by Article F for activities involving any sale, use, repair, storage, or cleaning operation, the specified standard of Article K shall apply.

(5) The arrangement of multiple buildings on a single lot shall establish facades generally parallel to the frontage property lines along existing streets and proposed interior streets.

(6) Every building lot shall have frontage upon a public street or square.

h. Off-street parking and loading requirements. Off-street parking and loading requirements shall be provided for all uses as required by Article H of this chapter.

i. Sign requirements. See Article I of this chapter.

j. Dimensional requirements. See Article E (Lot and Building Types) and M (Watershed) of this chapter. Height limitations shall be no greater than 130 feet, unless a fire access plan is approved by the Fire Department, which will allow up to 150 feet in height.

Sec. 9-3-56.2 Rail Park Overlay (RPO)

Intent: The Rail Park Overlay (RPO) is established to coincide with the International Business Park Phase II project area. This district is reserved for uses within the IBP district that best utilize the existing rail line to the north of the International Business Park. Uses in the RPO are required to utilize the existing rail spur located in the overlay.

1. Permitted uses:

a. Uses permitted by right:

(1) Appliance / Appliance Components Manufacturing.

(2) Automobiles and automobile components manufacturing.

(3) Bottling plants.

(6) Canvas goods manufacturing.

(7) Clothing/textile manufacturing.

(8) Communication equipment manufacturing.

(9) Component parts for aircraft manufacturing.

(11) Drafting, optical and musical instruments manufacturing.

(12) Electric devices/components manufacturing.

(13) Electrical equipment manufacturing and repair.

(14) Electronic equipment/components manufacturing.

(15) Farm machinery manufacturing.

(16) Furniture manufacturing and repair.

(17) Leather product manufacturing.

- (18) Machines and parts manufacturing.
- (19) Mechanical devices manufacturing.
- (20) Medical and dental equipment manufacturing.
- (23) Plastic products manufacturing.
- (24) Printing, finishing, and textiles and fibers manufacturing.
- (25) Pumps manufacturing.
- (26) Rubber product manufacturing.
- (27) Sheet metal shops.
- (28) Springs manufacturing.
- (31) Tools, dies, machinery and hardware products manufacturing.
- (33) Wire products manufacturing.

b. Uses permitted with conditions (See Article F):

- (1) Essential Services Class 1.
- (2) Essential Services Class 2.

c. Uses permitted with a special use permit:

(1) Deviations from the architectural standards set forth in 9-3-77. Any deviations must have a proven need, that the building would not be able to serve its purpose adhering to the architectural standards.

- (2) Essential Services Class 3.

d. Uses permitted by Conditional Zoning Overlay (CZO):

- (1) Planned Unit Development

e. Permitted building and lot types:

- (1) Industrial.

f. Permitted accessory structures and uses:

- (1) Temporary Accessory Structures
- (2) Warehouses as accessory to manufacturing.
- (3) Accessory uses permitted in all districts, Sec. 9-3-36, limited to 25% of square footage of principal manufacturing building(s).
- (4) Parks
- (5) Caretaker's Residence

g. General requirements:

- (1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
 - (2) New buildings, which exceed the scale and volume of existing buildings, may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. Building massing illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
 - (3) On new streets, allowable building and lot types will establish the development pattern.
 - (4) Where screening is required by Article F for activities involving any sale, use, repair, storage, or cleaning operation, the specified standard of Article K shall apply.
 - (5) The arrangement of multiple buildings on a single lot shall establish facades generally parallel to the frontage property lines along existing streets and proposed interior streets.
 - (6) Every building lot shall have frontage upon a public street or square.
- h. Off-street parking and loading requirements. Off-street parking and loading requirements shall be provided for all uses as required by Article H of this chapter.
- i. Sign requirements. See Article I of this chapter.
- j. Dimensional requirements. See Article E (Lot and Building Types) and M (Watershed) of this chapter. Height limitations shall be no greater than 130 feet, unless a fire access plan is approved by the Fire Department, which will allow up to 150 feet in height.

Sec. 9-3-59.1 Conditional Zoning Overlay District (CZO)

Conditional Zoning is intended to overlay any of the base zoning districts created in Articles C & D of this Title. Conditional Zoning overlays allow specific uses to be established in accordance with prescribed conditions pertaining to an individual project.

The purpose is to provide voluntary alternative procedure for the rezoning of a property for a specific use. A broad range of uses are permitted in each zoning district. However, there are instances where a zoning district designation is clearly inappropriate for a property, but specific use or uses permitted under this district and subject to development requirements would be consistent with the spirit and intent of this Ordinance. Conditional Zoning overlays, herein established, are intended to accommodate such situations. This voluntary procedure is intended for firm development proposals, and is neither intended nor suited for securing early zoning for tentative uses which may not be undertaken for a long period of time.

Upon legislative approval for conditional zoning, the overlay will be denoted on the city's official zoning map.

Property may be placed in a Conditional Zoning overlay only in response to a petition by the owners of all the property to be included. Specific conditions applicable to these overlays may be proposed by the petitioner or the City of its agencies, but only those conditions mutually

approved by the City and the petitioner may be incorporated into the requirements of the overlay. Conditions and site-specific standards imposed in a Conditional Zoning overlay shall be limited to those that address the conformance of the development and use of the site to the City's ordinances and to any officially adopted comprehensive or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site.

CZ overlays allow specific standards for a particular use after review and comment from the public. A petition to rezone a property to a Conditional Zoning overlay shall be accompanied by a site specific plan, in accordance with Section 9-3-35 and NCGS 160D-108.1.

Within a CZ overlay, only those uses authorized as either permitted or conditional uses in the base zoning district with which the CZ overlay corresponds shall be permitted, and all other requirements of the corresponding district shall be met as minimum standards.

In approving a CZ overlay, the City Council may impose such additional reasonable conditions upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured and substantial justice done.

CZ overlays shall be approved in accordance with the process outlined in Chapter 3, Article Q.

Sec. 9-3-60 reserved.

ARTICLE E

Lot and Building Types

Sec. 9-3-77 Building type/industrial.

1. Permitted height and uses:

a. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or the highest level of a flat roof, and shall be no greater than fifty (50) feet in the M-1 district. In the IBP & RPO districts, industrial type buildings may be up to 130 feet in height without an approved fire access plan. Buildings in these districts with an approved fire access plan from the Fire Chief may be built up to 150 feet in height.

b. The height of parapet walls may vary depending upon the need to screen mechanical equipment.

c. Building height to the ridge may vary depending on the roof pitch.

~~d. Permitted uses include all uses listed in the M-1 District.~~

2. Architectural standards:

a. Principles:

(1) Building elevations fronting or visible from public streets shall be clad with masonry, wood, vinyl siding, stucco, or similar material. Metal paneling may not comprise a street fronting building face. Deviations from these standards require a special use permit.

(2) All walls not visible from a public right-of-way may be constructed of split face block, bricks, wood or vinyl siding, or metal paneling but shall be painted to match the overall scheme of the rest of the building.

(3) Mobile units may not be used as permanent workplace buildings.

(4) At a minimum, the Americans with Disabilities Act standards for accessibility shall be met.

b. Configurations:

(1) Two (2) wall materials may be combined horizontally on one (1) facade. The “heavier” material should be below and can cover the first floor only (i.e. brick below wood siding).

c. Techniques:

(1) All rooftop equipment shall be enclosed in a building material that matches the structure or is visually compatible with the structure. (Ord. of 12/7/04, No. 37-02; Ord. of 3/18/10, No. 07-10; Ord. of 6-21-21, No. 41-21)

Secs. 9-3-78 through 9-3-80 reserved.

ARTICLE I

Sign Regulations

Sec. 9-3-164 District classification.

For purposes of this article, zoning districts are classified as follows:

R-1 (Neighborhood Residential)	Residential
R-2 (Residential Agricultural)	Residential
MH (Manufactured Home Overlay)	Residential
B-1 (Central Business)	Mixed Use
B-2 (Community Business)	Mixed Use
B-3 (Highway Business)	Commercial
M-1 (Manufacturing)	Commercial
IBP (Business Park)	Commercial

(Ord. of 12-7-04, No. 37-02)

Sec. 9-3-167 Permanent signs requiring a permit.

1. On-premise signs are allowed as indicated in the chart below:

CIVIC OR RELIGIOUS INSTITUTIONAL BUILDINGS IN ANY DISTRICT

Wall Mounted Sign

10% of any wall face area fronting a street, up to a maximum of 128 square feet

Ground Mounted Sign

Maximum Number: 2 per street front

Maximum Area: 32 square feet per sign

Maximum Height: 8 feet

Not permitted for zero setback buildings

ANY SINGLE-OCCUPANT COMMERCIAL BUILDING TYPE IN A MIXED USE DISTRICT EXCEPT A DETACHED HOUSE (B-1, B-2)

Wall Mounted Sign

10% of any wall face area fronting a street, up to a maximum of 128 square feet

Ground Mounted Sign

Maximum Number: 1 per street front

Maximum Area: 32 square feet

Maximum Height: 8 feet

Not permitted for zero setback buildings

ANY COMMERCIAL BUILDING TYPE IN THE B-3 HIGHWAY BUSINESS DISTRICT EXCEPT DETACHED HOUSE

Wall Mounted Sign

10% of any wall face area fronting a street, up to a maximum of 128 square feet. Each secondary business is allowed secondary business sign, up to a maximum area of 26 square feet. Notwithstanding the above, the total area of all wall mounted signs shall not exceed 10% of the applicable wall face area.

Ground Mounted Sign

Maximum Number: 1 per street front

Maximum Area: 32 square feet

Maximum Height: 8 feet

Not permitted for zero setback buildings

PLANNED DEVELOPMENT ENTRANCE SIGN

Maximum Number: 1 per street front;
2 sign faces may be used with a wall, fence, or other architectural entrance feature

Maximum Area: 24 square feet

Maximum Height: 8 feet

(permitted for all residential, mixed use, and non-residential projects of 10 acres or more)

Limited to name and/or logo

ANY INDUSTRIAL BUILDING IN THE M-1 MANUFACTURING DISTRICT EXCEPT DETACHED HOUSE

ANY MULTI-OCCUPANT BUILDING TYPE IN ANY COMMERCIAL

Wall Mounted Sign

10% of any wall face area fronting a street, up to a maximum of 128 square feet. Each secondary business is allowed secondary business sign, up to a maximum area of 26 square feet. Notwithstanding the above, the total area of all wall mounted signs shall not exceed 10% of the applicable wall face area.

Ground Mounted Sign

Maximum Number: 1 per street front

Maximum Area: 48 square feet

Maximum Height: 12 feet

Not permitted for zero setback buildings

**ANY INDUSTRIAL BUILDING IN THE IBP
BUSINESS PARK DISTRICT**

Wall Mounted Sign

10% of any wall face area fronting a street, up to a maximum of 360 square feet

Ground Mounted Sign

Maximum Number: 2 per street front

Maximum Area: 60 square feet per sign

Maximum Height: 25 feet

Not permitted for zero setback buildings.

**DISTRICT EXCEPT A DETACHED
HOUSE (B-1, B-2, B-3, M-1)**

Wall Mounted Sign

10% of any wall face area fronting a street, up to a maximum of 128 square feet. Each secondary business is allowed secondary business sign, up to a maximum area of 26 square feet. Notwithstanding the above, the total area of all wall mounted signs shall not exceed 10% of the applicable wall face area.

Ground Mounted Sign

Maximum Number: 1 per street front

Maximum Area: 32 square feet for first business, 8 square feet for each additional business with a maximum of 48 square feet

Maximum Height: 8 feet for first business, 2 feet for each additional business with a maximum of 12 feet Not permitted for zero setback buildings

2. Permanent off-premise signs limited to non-commercial public service directional signs.
 - a. For the purpose of directing the public-at-large to non-commercial community facilities of general interest, permanent off-premise directional signs may be erected in addition to signs otherwise permitted in these regulations.
 - b. Non-commercial public service directional signs are permitted subject to the following standards:

(1) The community facility is open to the general public and operated by a non-commercial civic, charitable, religious, community, or similar organization.

(2) No more than two (2) directional signs shall be erected for each facility.

(3) Signs may not exceed four (4) square feet in area or five (5) feet in height.

(4) Signs may be placed no more than one (1) mile from the subject property.

(5) Along state roads, such signs shall be located outside of the right-of-way or farther than eleven (11) feet from the edge of any public street, whichever distance from

edge of pavement is greater; signs shall not violate the sight distance triangle requirements of this chapter.

(6) Along city maintained roads, such signs shall be located at least eleven (11) feet from the edge of pavement and respect the sight distance triangle.

(7) No sign shall be placed on private property without the written consent of the property owner on the permit application.

(8) Every non-commercial public service directional sign shall be separated by a distance of four hundred (400) feet from any other such sign on the same side of the street, and by a distance of two hundred (200) feet from any other such sign on the opposite side of a street. (Ord. of 12-7-04, No. 37-02; Ord. of 5-6-13, No. 12-12)

ARTICLE K

Buffers

Sec. 9-3-192 Planting specifications.

1. Industrial zones (M-1, **IBP, RPO**) that abut residential zones (R-1, R-2). A planted buffer shall reach a minimum height of eight (8) feet. Plants used on a buffer shall be a species that forms a continuous year-round opaque screen within three (3) years after planting. The planted buffer shall be composed of two (2) rows of plants no more than ten (10) feet apart in each row. One (1) of the plant types listed in subsection 4. below shall be used, and the plants shall be located no further apart than the distance indicated for each plant type. The planted buffer area shall be at least ten (10) feet wide.

2. Commercial or business zones (B-1, B-2, B-3) that abut residential zones (R-1, R-2) and non-residential uses in residential zones (R-1, R-2). A planted buffer shall reach a minimum height of six (6) feet. Plants used on a buffer shall be a species that forms a continuous year-round opaque screen within three (3) years after planting. The planted buffer shall be composed of one (1) row of plants no more than ten (10) feet apart in the row. One (1) of the plant types listed in subsection 4. below shall be used, and the plants shall be located no further apart than the distance indicated for each plant type. The planted buffer area shall be at least ten (10) feet wide.

3. Buffer topographic considerations and other exceptions.

a. The required height of the planted buffer shall be measured in relation to the elevation of the edge of the adjacent area to be screened. In such cases as the ground elevation of the location at which the screen is to be planted is less than the elevation of the proposed building site, the required height of the screen shall be increased in an amount equal to said difference in elevation.

b. In lieu of compliance with the above buffer and screening requirement, an applicant may submit to the Planning Director for his or her review and approval a detailed plan and specifications for landscaping and screening.

c. In situations where the topography would render most practical required screening noneffective, the Planning Director may allow the screening to be located outside of the required buffer and placed in a location that will enable the screening to be effective in meeting the intent of this section.

4. Plant types and spacing. Below are listed the types of plants that shall be used in planted buffers and the maximum distance each plant type shall be planted apart. Substitution for another plant type not listed is to be made in writing to the Zoning Administrator and is subject to verification that the proposed plant will thrive and provide adequate screening. No more than thirty percent (30%) of the total plantings in a buffer shall be deciduous plants.

Plant	Distance Apart (in feet)
Arbor Vitae	4
Ligustrum Japonicum and varieties	5
Photinia	5
Holly	5
a. Nellie R. Stevens	5
b. Fosters #2	4
c. Savannah	4
d. Bufordi	5
Eleagnus Pungens	5
Osmanthus Varieties	4
Pfitzer Juniper	4
Doublefile Viburnum	5
Forsythia	3
White Pine	8 to 10
Scotch Pine	5 to 6
Deodara Cedar	8 to 10
Dogwood	8 to 10
Flowering Cherry	8 to 10
Flowering Crabapple	8 to 10

Bradford Pear	8 to 10
Oak	8 to 10
Linden	8 to 10
Leyland Cypress	8 to 10

(Ord. of 12-7-04, No. 37-02; Ord. of 6-6-16, No. 22-15)

ARTICLE L

Planned Unit Developments

Sec. 9-3-201 Planned Unit Developments.

Intent: The purpose of the Planned Unit Development - Residential (PUD-R) and the Planned Unit Development - Business (PUD-B) is to encourage the development of environments, which meet the needs of the people who live and work in them by providing certain development privileges in exchange for preplanning and design considerations. The PUD-R and PUD-B provide flexibility in utilizing new development concepts and in introducing variety into neighborhoods by encouraging mixed uses, variable lot size, and environmentally sensitive design which promotes the conservation of open space. ~~The Board of Adjustment may approve this form of development in the districts that allow it as a special use, provided that the conditions specified in this article are met.~~ PUDs are permitted by Conditional Zoning Overlay.

1. Permitted uses and requirements.

a. Permitted uses within the PUD: Uses permitted within the zoning district for which the project site is located.

b. Permitted building and lot types: Building and lot types permitted within the zoning district for which the project site is located.

c. Permitted accessory structures and uses: Accessory structures and uses permitted within the zoning district for which the project site is located.

d. General requirements:

(1) At the time of application for a PUD, all land, structures and other real property shall be in single or joint ownership of whatever form, or the petitioner shall have the right to acquire ownership under a valid option, and this information shall be included in the submission of an application for a Planned Unit Development ~~-Residential.~~

(2) A PUD shall be located on a site containing at least two (2) contiguous acres.

(3) The development shall be in full compliance with all density and lot coverage limitations and requirements of the zoning district in which the development is to be located.

(4) At least ~~ten percent (10%)~~ twenty percent (20%) of the land area for a PUD-R shall be dedicated as permanent open/recreational space. This area shall be identified as open/recreation space on the submitted plans and shall be recorded as such in the Office of the Register of Deeds. This requirement may be reduced or eliminated upon approval by the Board of Adjustment if the proposed PUD-R is located within one-quarter (1/4) mile of a city owned and maintained recreational area or park. ~~The Board of Adjustment must also determine if the existing recreational area or park will meet the needs of the PUD-R and surrounding development before it reduces any of the open space requirements.~~

(5) All new PUDs in R-1, R-2, B-1, B-2 and B-3 districts shall provide concrete sidewalks along all existing and proposed public streets within. Sidewalks shall only be required on the internal side of existing streets that are on the perimeter of the PUD in the above listed zoning districts. Sidewalks shall be a minimum of five (5) feet wide and four (4) inches thick except that at non-residential driveway entrances the sidewalk shall be six (6) inches thick. Sidewalks will not be required along alleys. All pedestrian segments shall meet or exceed ADA standards and shall be constructed of concrete.

(6) The ~~Board of Adjustment~~ City Council may require buffering around the proposed PUD.

(7) In approving an application for a PUD, the ~~Board of Adjustment~~ City Council shall find that the proposed development will be compatible with comprehensive, land use, and neighborhood development plans, will not place an excessive traffic load on local streets, that the site can be developed according to a site plan that will be compatible with existing neighborhood development, and that the site can be provided with adequate utility services.

(8) Site development within the PUD shall conform to the schematic plan and associated requirements of the ~~special-use permit approved by the Board of Adjustment~~ Conditional Zoning Overlay approved by the City Council. ~~Modification of the development plan may be made by the Board of Adjustment subsequent to their initial approval upon application by the owner of the property.~~ Minor Modifications to approved plans as defined by this Title may be approved administratively, by staff. Modifications which do not qualify require review by Planning Board and City Council in accordance with this Article.

(9) Following approval by the ~~Board of Adjustment~~ City Council of a PUD ~~special-use permit~~ Conditional Zoning Overlay, the property for which approval was granted shall be labeled "~~PUD-R~~" or "~~PUD-B~~" "CZO" on the official zoning map.

e. Application requirements: An application for a ~~special-use permit~~ rezoning to allow a PUD shall be accompanied by schematic plans showing the information listed below. In addition, the ~~Board of Adjustment~~ City Council may require additional information necessary to ensure compliance with the provisions of this chapter.

- (1) Proposed location of buildings and their general exterior dimensions;
- (2) Proposed use of all the land within the area requested for a PUD;
- (3) Dimensions between all buildings and from buildings to property lines;
- (4) Traffic, parking and circulation plan, showing proposed locations and arrangement of parking spaces and ingress and egress to and from adjacent streets;

- (5) Proposed location and material of any screening walls, fences, or plantings;
- (6) Proposed exterior design of buildings;
- (7) Schedule of number and size of dwelling units within the project (~~PUD-R-only~~);
- (8) Proposed time schedule and staging, if any, for construction of the project. (Ord. of 12-7-04, No. 37-02; Ord. of 10-6-08, No. 02-09; Ord. of 6-21-21, No. [41-21](#))

Secs. 9-3-202 through 9-3-210 reserved.

ARTICLE N

Administration, Enforcement and Penalties

Sec. 9-3-241 Zoning Enforcement Officer.

This chapter shall be administered and enforced by the Zoning Enforcement Officer who shall be appointed by the City Manager, and is hereby empowered:

1. To issue a zoning permit when these regulations have been followed or, to refuse to issue the same in the event of noncompliance. Written notice of such refusal and reason therefore shall be given to the applicant.
2. To collect the fees set forth herein for a zoning permit, variances, appeals, rezonings, special use permits and subdivisions.
3. To make and keep all records necessary and appropriate to the office, including record of the issuance and denial of all zoning permits and of receipt of complaints of violation of this chapter and action taken to the same.
4. To inspect any building and/or land to determine whether any violations of this chapter have been committed or exist.
5. To enforce this chapter and take all necessary steps to remedy any condition found in violation by ordering in writing the discontinuance of illegal uses or illegal work in progress and may institute injunction, mandamus, or other necessary action.
6. To keep the Board of Adjustment advised of all matters other than routine duties pertaining to the enforcement of this chapter and to transmit all applications and records pertaining to appeals, variances, or requests for special use approval. (Ord. of 12-7-04, No. 37-02; Ord. of 6-21-21, No. [41-21](#))

Sec. 9-3-242 Technical Review Committee

The Administrator of this ordinance shall designate a Technical Review Committee, consisting of any City professional or outside agency representative the Administrator deems necessary for the professional review of land use and development proposals. The administrator of this ordinance shall serve as the clerk of this committee, which shall meet and review plans as necessary. The clerk of this committee shall gather comments from this committee and other applicable authorities. The committee shall review and make recommendations on the following development review items:

- A. Minor Subdivision Final Plats
- B. Major Subdivision Sketch Plans
- C. Major Subdivision Preliminary Plats
- D. Major Subdivision Final Plats
- E. Planned Unit Development Plans
- F. Site Plans for Non-Residential Development; disturbing an acre or more of land
- G. Any other review requested by an approving authority

Sec. 9-3-242~~243~~ Zoning permit required.

Within the corporate limits and extraterritorial jurisdiction of the City of Claremont no building, sign or other structure shall be erected, moved, added to or structurally altered before a zoning permit has been issued by the Zoning Enforcement Officer of the City of Claremont. Written notice of such determination refusal and reason therefore shall be given to the applicant and property owner (G.S. 160D-403(b)), the Zoning Enforcement Officer may provide their determination in print or electronic form; if electronic form is used then it must be protected from further editing (G.S. 160D-403(a)). (Ord. of 12-7-04, No. 37-02; Ord. of 6-21-21, No. [41-21](#))

Sec. 9-3-243~~244~~ Application for zoning permit.

1. Each application for a zoning permit to the Zoning Enforcement Officer of the City of Claremont shall be accompanied by a fee, set by the City Council, and a plan in duplicate, drawn to scale, one (1) copy of which shall be returned to the owner upon approval. The plan shall show the following:

- a. The actual dimensions of the lot to be built upon;
- b. The size and location of all buildings existing on the lot;
- c. The size and location of the proposed new construction;
- d. The existing and intended use of all parts of the land or building;
- e. Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this chapter.

2. Vesting. Zoning permits expire one year after issuance unless work has substantially commenced. Expiration of a local development approval does not affect the duration of a vested right established as a site specific vesting plan, a multiphase development plan, a development agreement, or vested rights established under common law. A site specific plan or planned unit development shall remain vested for a period of two years. The City may provide for rights to be vested for a period exceeding two years but not exceeding five years. The determination for extension by the City shall be made following the processes specified for the approval of a site specific or planned unit development vesting plan (G.S. 160D-108.1). A multi-phase development shall remain vested for a period of seven years from the time a site plan is approved. For the purposes of this chapter, a multi-phase development must contain 25 acres or more and is submitted for site plan approval for construction to occur in more than one phase and is a master plan that includes a requirement to offer land for public use (G.S. 160D-108(d)).

3. Revocation of development approvals. Development approvals may be revoked by the local government issuing the development approval by notifying the permit holder in writing stating the reason for the revocation. The local government shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval. Development approvals shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable local development regulation or any State law delegated to the local government for enforcement purposes in lieu of the State; or for false statements or misrepresentations made in securing the permit approval. Any development approval mistakenly issued in violation of an applicable State or local law may also be revoked. The revocation of a development approval by a staff member may be appealed to the board of adjustment pursuant to G.S. 160D-405. If an appeal is filed regarding a development regulation adopted by a local government pursuant to this Chapter, the provisions of G.S. 160D-405(e) regarding stays shall be applicable (G.S. 160D-403(f)). (Ord. of 12-7-04, No. 37-02; Ord. of 6-21-21, No. [41-21](#))

Sec. 9-3-~~244~~[245](#) Certificate of occupancy required.

No land within the corporate limits or extraterritorial zoning jurisdiction of the City of Claremont shall be used or occupied and no building within the corporate limits or extraterritorial zoning jurisdiction of the City of Claremont shall hereafter be erected, structurally altered, converted or changed in use until a certificate of occupancy shall have been issued by the Zoning Enforcement Officer stating that the building or the proposed use thereof complies with the provisions of this chapter. A certificate of occupancy either for the whole or a part of a building shall be applied for coincident with the application for a zoning permit and shall be issued within ten (10) days after the erection or structural alteration of such building, or part, shall have been completed in conformity with the provisions of this chapter. A temporary certificate of occupancy may be issued by the Zoning Enforcement Officer for a period not exceeding six (6) months during alterations or construction for partial occupancy of a building pending its completion, or for bazaars, carnivals, and revivals, provided that such temporary permit shall require such conditions and safeguards as will protect the safety of the occupants and the public. A record of all certificates shall be kept on file in the office of the Zoning

Enforcement Officer and copies shall be furnished on request to any person requesting it. (Ord. of 12-7-04, No. 37-02)

Sec. 9-3-246 Development Agreements

(1) Development Agreements shall be required when development requires the extension of infrastructure (utilities, streets, etc.). Before entering into a development agreement, the city shall conduct a public hearing on the proposed agreement. The notice provisions of G.S. 160D-602 applicable to zoning map amendments shall be followed for this hearing. The notice for the hearing must specify the location of the property subject to the development agreement, the development uses proposed on the property, and must specify a place where a copy of the proposed development agreement may be obtained.

(2) The city may consider a development agreement concurrently with a zoning map or text amendment affecting the property subject to the development agreement and may consider a development agreement in conjunction with a conditional zoning that incorporates the development agreement. A development agreement may be concurrently considered with and incorporate by reference a sketch plan or preliminary plat required under a subdivision regulation or a site plan or other development approval required under a zoning regulation.

(3) The development agreement shall be in such form as determined by the city attorney but shall provide for the following [note: (a) through (g) are mandatory per 160D-1006(a)]:

a. A description of the property subject to the agreement and the names of its legal and equitable property owners.

b. The duration of the agreement. However, the parties are not precluded from entering into subsequent development agreements that may extend the original duration period.

c. The development uses permitted on the property, including population densities, and building types, intensities, placement on the site, and design.

d. A description of public facilities that will serve the development, including who provides the facilities, the date any new public facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development. In the event that the development agreement provides that the local government shall provide certain public facilities, the development agreement shall provide that the delivery date of such public facilities will be tied to successful performance by the developer in implementing the proposed development, such as meeting defined completion percentages or other performance standards.

e. A description, where appropriate, of any reservation or dedication of land for public purposes and any provisions agreed to by the developer that exceed existing laws related to protection of environmentally sensitive property.

f. A description, where appropriate, of any conditions, terms, restrictions, or other requirements for the protection of public health, safety, or welfare.

g. A description, where appropriate, of any provisions for the preservation and restoration of historic structures.

(4) Other provisions as appropriate depending on the type of development:

a. A development agreement may also provide that the entire development or any phase of it be commenced or completed within a specified period of time. If required by ordinance or in the agreement, the development agreement shall provide a development schedule, including commencement dates and interim completion dates at no greater than five-year intervals; provided, however, the failure to meet a commencement or completion date does not, in and of itself, constitute a material breach of the development agreement pursuant to G.S. 160D-1008 but must be judged based upon the totality of the circumstances. The developer may request a modification in the dates as set forth in the agreement.

b. The development agreement also may cover any other matter, including defined performance standards, not inconsistent with Chapter 160D. The development agreement may include mutually acceptable terms regarding provision of public facilities and other amenities and the allocation of financial responsibility for their provision, provided any impact mitigation measures offered by the developer beyond those that could be required by the local government shall be expressly enumerated within the agreement, and provided the agreement may not include a tax or impact fee not otherwise authorized by law.

c. Construction of the development may be done in phases pursuant to subsection 9-3-243 (2).

d. In the case of subdivision developer may complete all improvements and then obtain a final plat approval and, thereafter, building permits, or the developer may post security to ensure completion and obtain building permits upon final development (which may include a final plat) approval.

e. No property may be occupied until improvements are approved by the city with respect to any such property if the development is constructed in phases.

f. In the event of a breach of the provisions of the development agreement, the city shall not be required to issue any certificates of occupancy, or to approve or accept the receipt and/or delivery of any utility service to any part of the property.

g. Drawings and specifications for the improvements and the estimated costs thereof shall be prepared by a licensed professional authorized under North Carolina law to prepare the drawings and specifications.

h. Phasing of the development and, in which case, a final development plat and final plans and specifications for improvements (along with the prorated costs thereof as determined by the city) shall be provided for any phase. Any phase shall operate as a complete unit with utilities, safety, access and other necessary components in place to serve the development.

i. Inspection by the city during construction and testing before acceptance and the manner of acceptance by the city; that such inspection and/or testing by the city shall in no way imply that the project will not be inspected, supervised, and tested by developer's engineer (or other licensed professional); and that neither the inspecting and testing agents of the city, such as the city engineer, or the city shall have any liability or responsibility with respect to the proper

construction of the improvements, the function of such inspection and testing being solely for the purpose of determining whether the improvements will qualify for connection to the city's utility and street system. The developer's engineer shall provide a certification that the improvements were built to city standards.

j. Reserved.

k. All construction agreements for public improvements shall provide for warranties of not less than one (1) year from the completion date and that said warranties may be assignable to and/or enforceable by the city and/or the developer, and the connection to the city's system shall not be evidenced that the improvements are defect free or that the contractors constructing the same have no further liability with respect to warranties.

l. The developer obtains all required approvals, such as driveway connection permits from the department of transportation or the city as appropriate.

m. Reserved.

n. If there is to be a performance guarantee let the same be in a form substantially equal to cash which the city can draw upon without the developer's approval and shall meet the requirements of Sec. 9-4-40. In almost all cases where the development agreement provides that the developer is required to construct public improvements at its expense a performance guarantee shall be required, even if the development is not a subdivision. That the performance guarantee extends for a period of not less than one (1) year and can be extended for an additional period of six (6) months. That any such performance guarantees shall be placed or drawn in such a manner that the city manager, in the case of default or failure by the developer in constructing the improvements as provided in the agreement, may draw upon the performance guarantee to complete the improvements, leave the improvements as then in existence and make settlement (at the option of the city) with all contractors or other persons involved with the construction of the improvements, and take any other action that may be necessary or appropriate to protect the interest of the general public in having the development constructed according to approved standards. That the city shall not be required to complete the improvements and that no person shall have any claim against the city for failure to complete the improvements or to require the city to complete the improvements.

o. For adjustment in the water and sewer tap on fees according to what the developer does, or is required to do, in connection with water and sewer tap installation.

p. Upon acceptance of any part of the improvements the same shall thereupon be the sole property of the city and the city shall have the sole control of the same. Developer nor anyone else shall have any right to tap onto, extend, or run laterals from any improvements without the approval of the city.

q. Any open space, recreational area, or other space is to be retained as common area as part of the development and owned by the property owner's association or other suitable entity. The city may accept ownership of the open space parcel(s) after due consideration of the benefit to the city, after the time of development approval.

r. Such agreements as developer and city may enter into with respect to the oversizing of any public improvements that the city might desire or require as part of the development.

s. The developer shall secure all easements and permit approvals from third parties which shall be required to construct the public improvements.

(5) Development Agreements and their approved conditions may be enforced by the city via the remedies permitted by this Article.

Sec. 9-3-~~245~~²⁴⁷ Penalties for violations.

1. Any person violating any provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished for each offense by a fine not exceeding two hundred dollars (\$200.00) or by imprisonment not to exceed thirty (30) days.

2. In addition to the penalty in subsection 1. above, a violation of this chapter shall also be a civil offense and shall subject the offender to a civil penalty in the amount of fifty dollars (\$50.00) per day that the violation continues. Any person violating this chapter shall be issued a written citation. The penalty shall be paid to the City of Claremont within seventy-two (72) hours from the time of issuance of the written citation.

3. Each day's continuing violation shall be a separate and distinct offense.

4. In addition to the penalties imposed under 1. and 2. above, the provisions of this chapter may also be enforced through equitable remedies issued by a court of competent jurisdiction including injunction and order of abatement.

5. This chapter may be enforced by any one, all or a combination of the remedies authorized herein. (Ord. of 12-7-04, No. 37-02)

Sec. 9-3-~~246~~²⁴⁸ Remedies.

Notices of Violation - The notice of violation shall be delivered to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal delivery, electronic delivery, or first class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may be posted on the property. The person providing the notice of violation shall certify to the local government that the notice was provided and the certificate shall be deemed conclusive in the absence of fraud (160D-404(a)).

In case any building is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building or land is used in violation of this chapter, the Zoning Enforcement Officer or any other appropriate city authority or any person who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the violation.

In case any sign shall be installed, erected or constructed in violation of any of the terms of this chapter, the Zoning Enforcement Officer shall notify by personal notice or registered mail the owner or lessee thereof to alter such sign so as to comply with this chapter and to secure the

necessary permit therefore or to remove the sign. If such an order is not complied with within ten (10) days, the Zoning Enforcement Officer shall remove the sign at the expense of the owner or lessee thereof. In the event that such sign should become insecure, or in danger of falling, the person maintaining the same shall, upon written notice from the Zoning Enforcement Officer, forthwith, in case of immediate danger, and in any case, within ten (10) days secure it in a manner approved by the Zoning Enforcement Officer. (Ord. of 12-7-04, No. 37-02; Ord. of 6-21-21, No. [41-21](#))

Secs. 9-3-~~247~~[249](#) through 9-3-250 reserved.

ARTICLE O

Planning Board

Sec. 9-3-251 Establishment of Planning Board.

A Planning Board is hereby established as provided in Chapter 160D-301 of the General Statutes of North Carolina. Said Board shall consist of seven (7) regular members and one (1) alternate member and shall have proportional representation from within the corporate limits and the extraterritorial jurisdiction (ETJ) of the City of Claremont. Five (5) regular members and one (1) alternate member shall reside inside city limits and be appointed by the City of Claremont. Two (2) regular members shall reside outside city limits but inside the city's ETJ and be appointed by the Catawba County Board of Commissioners. Members shall serve overlapping terms of three (3) years. Initially the City Council and County Commissioners shall appoint two (2) regular members for a three (3) year term, two (2) regular members for a two (2) year term and one (1) alternate member for a one (1) year term. The alternate member of the Planning Board shall be called on to attend only those meetings and hearings at which one (1) or more regular members are absent or are unable to participate in hearing a case (considering a text or zoning amendment) because of an impermissible conflict of interest as set out in N.C.G.S. 160D-109(b). Except at the election of officers, at no time shall more than seven (7) members participate officially in any meeting or hearing. Should population in either the city or extraterritorial jurisdiction change enough to require an additional member to the Planning Board or the Zoning Board of Adjustment then numbers appointed by the City Council and the Claremont County Board of Commissioners will be changed accordingly.

(Ord. of 12-7-04; No. 37-02; Ord. of 8-7-06; No. 18-06; Ord. of 1-5-15, No. 12-14; Ord. of 6-21-21, No. [41-21](#); Ord. of 3-6-23, No. [30-23](#))

Sec. 9-3-252 Proceedings and duties of Planning Board.

The Planning Board shall elect a chairman and a vice-chairman from its members who shall serve for one (1) year or until re-elected or until their successors are elected. The Board shall appoint a secretary, who may be a municipal officer or an employee of the city. The Planning Board shall adopt rules of procedure in accordance with the provisions of this chapter and in Article 3, Chapter 160D of the General Statutes of North Carolina. Meetings of the Planning Board shall be held once a month or at the call of the Chairman. All meetings of the Planning Board shall be open to the public.

It shall be the duty of the planning board, in general:

1. To acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends, present conditions and forces at work to cause changes in those conditions;
2. To prepare and from time to time amend and revise a comprehensive and coordinated plan for the physical development of the area;
3. To establish principles and policies for guiding action in the development of the area;
4. To prepare and recommend to the City Council ordinances providing orderly development along the lines indicated by the comprehensive plan;
5. To determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan for the growth and improvement of the area;
6. To keep the City Council and general public informed and advised as to those matters;
7. To perform any other duties that may lawfully be assigned to it. (Ord. of 12-7-04; No. 37-02; Ord. of 6-21-21, No. [41-21](#))

Secs. 9-3-253 through 9-3-260 reserved.

ARTICLE P

Board of Adjustment

Sec. 9-3-267 Powers and duties of Board of Adjustment.

The Board of Adjustment shall have the powers and duties enumerated below:

1. Administrative review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Enforcement Officer in the enforcement of this chapter. A majority vote of the Board of Adjustment members is required to decide any appeal.

2. Special uses. To grant in particular cases and subject to the appropriate conditions and safeguards, permits for special uses as authorized by this chapter and set forth as special uses under the various use districts. A majority vote of the Board of Adjustment members is required to grant any special use. The Board shall not grant a special use permit unless and until:

a. A written application for a special use permit is submitted to the Zoning Enforcement Officer indicating the section of this chapter under which the special use permit is sought;

b. A public hearing is held. In accordance with Section 9-3-264, notice of such public hearing shall be mailed to the person or entity whose appeal, application or request is the subject of the hearing, to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing, to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing or within one hundred (100) feet of the property for which the special use permit is sought.

c. The Board of Adjustment finds that in the particular case in question the use for which the special use permit is sought.

1. Does not materially endanger the public health or safety.

2. Meets all required conditions and specifications

3. Would not substantially injure the value of adjoining property or, that if it does, there is a public necessity for siting the use as proposed.

4. Will be in harmony with the area in which it is located and will be in general conformity with adopted plans (including but not limited to Thoroughfare Plans, Metropolitan Transportation Plans, Small Area Plans, Action Plans, Comprehensive or Land Development Plans, Recreation Plans, Downtown Development Plans and Economic Development Plans).

d. Compliance with other codes. Granting a special use permit does not exempt the applicant from complying with all of the requirements of building codes or other ordinances.

e. Revocation. If at any time after a special use 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 holder of a special use permit, the permit shall be terminated and the operation of such a use discontinued. If a special use permit is terminated for any reason, it may be reinstated only after a public hearing is held.

f. Expiration. In any case where a special use permit has not been exercised within the time limit set by the Board of Adjustment or within a period of one year if no specific time limit has been set the without further action the permit shall be null and void. Exercised, as set forth in this division, shall mean that binding contracts for construction of the main building shall have been let, or in the absence of contracts, that the main building is under construction to a substantial degree, or that prerequisite conditions involving substantial investment are contracted for, in substantial development, or completed (sewerage, drainage, etc). When construction is not a part of the use, exercised shall mean that the use is in operation in compliance with the conditions set forth in the permit.

g. Careful record. A careful record of such application and plat, together with a record of the action taken thereon, shall be kept in the office of the Zoning Enforcement Officer.

~~h. Minor modifications to a special use permit may be administratively approved by the zoning administrator if issues arise after the special use permit has been approved by the Board of Adjustment that keep the applicant from carrying out the strict interpretation of the ruling. The Zoning Administrator is authorized to review and approve administratively a minor modification to an approved special use permit. Minor modifications include reconfiguring parking design, changing landscaping or buffering arrangements, or slightly altering road and lot configurations for a development that has already gone through the full approval process, or similar minor modifications subject to the following limitations.~~

~~(1) General Limitations. The minor modification:~~

~~A. Does not involve a change in uses permitted or the density of overall development permitted;~~

~~B. Does not increase the impacts generated by the development on traffic or similar impacts beyond what was projected for the original development approval; and~~

~~C. Meets all other ordinance requirements.~~

~~D. An adjustment to landscape standards up to 10% percent of required landscaping.~~

3. Variances. To authorize upon appeal in specific cases such variances from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the chapter will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the chapter shall be observed, public safety and welfare secured, and substantial justice done. To vary any provisions of this article, a concurring four-fifths (4/5) vote of the members of the Board is required. The existence of a non-conforming use of neighboring land, buildings, or structures in the same district or of permitted or non-conforming uses in other districts shall not constitute a reason for the requested variance. When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the Board of Adjustment may vary any of the provisions of the ordinance upon a showing of the following:

a. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that in the absence of the variance, no reasonable use can be made of the property.

b. The hardship results from conditions that are peculiar to the property such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood of the general public may not be the basis for granting a variance.

c. The hardship did not result from the actions taken by the applicant or the property owner. The act of purchasing the property with knowledge that the circumstances exist that may justify the granting of a variance shall not be regarded as self- created hardship.

d. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety, is secured and substantial justice is achieved.

e. Appropriate conditions may be imposed on any variance provided that the conditions are reasonable and related to the variance.

f. The variance is not a request to permit a use of land, building or structure which is not permitted by right or by special exception in the district involved.

g. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this division.

4. Decision of the Board of Adjustment. In exercising the above mentioned power, the Board of Adjustment may reverse or affirm, wholly or in part, or may modify any order, decision or determination and to that end shall have the power of the official from whom the appeal is taken.

5. Minor Modifications. Minor Modifications to plans approved by this Article, as defined by this Title may be approved administratively, by staff. Modifications which do not qualify require review by the Board of Adjustment in accordance with this Article.

(Ord. of 12-7-04, No. 37-02; Ord. of 8-7-06, No. 18-06; Ord. of 3/3/14, No. 09-13; Ord. of 9-26-16, No. 06-16; Ord. of 6-21-21, No. [41-21](#))

Sec. 9-3-268 Appeals from Board of Adjustment.

Any person or persons, jointly or severally, that have standing under G.S. 160D-1402, may appeal a decision of the Board. An appeal is taken by presenting to the Superior Court of Catawba County a petition duly verified, setting forth that such decision is illegal in whole or in part, specifying the grounds of illegality, whereupon such decision of said Board shall be subject to review by certiorari as provided by law G.S. 160D-1402. The petition to appeal shall be filed within thirty (30) days after the filing of the decision in the office of the City Clerk, but not thereafter, or after a written copy thereof is given in accordance with G.S. 160D-406(j). When first-class mail is used to deliver notice, three days shall be added to the time to file the petition. G.S. 160D-1405(d).

When hearing an appeal, the hearing shall be based on the record stated in G.S. 160D-406(h)(i)(j) and (k). Quasi-judicial decisions shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160D-1402. (Ord. of 12-7-04, No. 37-02; Ord. of 8-7-06, No. 18-06; Ord. of 6-21-21, No. [41-21](#))

Secs. 9-3-269 and 9-3-270 reserved.

ARTICLE Q

Amendments

Sec. 9-3-271 Procedure for amendments.

The City Council may amend, supplement or change the text regulations and zoning district lines according to the following procedures:

1. Initiation of amendments. Proposed changes or amendments may be initiated by the City Council, Planning Board, Board of Adjustment, or by one or more owners or lessees of property within the area proposed to be changed or affected.

2. Petition. A petition for any change or amendment shall contain a description and/or statement of the present and proposed zoning regulation or district boundary to be applied and the names and addresses of the owner or owners of the property. Such petition shall be filed with the Zoning Enforcement Officer not later than three (3) weeks prior to the meeting at which the petition is to be considered.

3. Fee. A fee, set by the City Council, shall be paid to the City Clerk of the City of Claremont, North Carolina, for each petition for an amendment to cover the costs of advertising and other administrative expenses involved. (Ord. of 12-7-04, No. 37-02; Ord. of 8-7-06, No. 18-06)

Sec. 9-3-272 Action by Planning Board.

The Planning Board shall consider and make recommendations to the City Council concerning every proposed amendment, supplement, change, modification or repeal to this chapter as directed in G.S. 160D-604. The Planning Board, at its own discretion, may hold a public hearing if deemed necessary by the Planning Board. Otherwise, the Planning Board will send its recommendation directly to the City Council who shall hold a public hearing for every proposed zoning amendment.

Members of the Planning Board shall not participate in or vote on any zoning amendment matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a board member's participation at or prior to the hearing or vote on that matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection. For purposes of this section, a close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.¹² (G.S. 160D-109(d), (e), (f)). (Ord. of 12-7-04, No. 37-02; Ord. of 8-7-06, No. 18-06; Ord. of 6-21-21, No. [41-21](#))

Sec. 9-3-273 City Council consideration.

The City Council shall consider changes and amendments to this chapter as often as necessary, provided, however, that should the City Council deny a request for a zoning amendment, it shall not thereafter accept any other petition for the same change of zoning district affecting the same

property, or any portion thereof, until the expiration of one (1) year from the date of such previous denial.

Plan consistency. When adopting or rejecting any zoning text or map amendment, the City Council shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the City Council, that at the time of action on the amendment, the City Council was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive plan. If the amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land use map in the approved plan and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently. The plan consistency statement is not subject to judicial review. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the City Council statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken.

Members of the City Council shall not participate in or vote on any zoning amendment matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a board member's participation at or prior to the hearing or vote on that matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection. For purposes of this section, a close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.¹² (G.S. 160D-109(d), (e), (f)). (Ord. of 12-7-04, No. 37-02; Ord. of 8-7-06, No. 18-06; Ord. of 6-21-21, No. [41-21](#))

[Sec. 9-3-274 Required notifications.](#)

1. Legal notice of public hearing. No amendment shall be adopted by the City Council until after public notice and hearing. In accordance with N.C.G.S. 160D-601, notice of public hearing shall be published in a newspaper of general circulation in the City of Claremont at least once each week for two (2) successive weeks prior to the hearing. The first notice shall appear in the newspaper at least ten (10) days but not more than twenty-five (25) days prior to the hearing.

2. Mail notice requirements. In accordance with N.C.G.S. 160D-601, whenever the amendment involves a change in the zoning classification of a parcel of land, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting or within one hundred (100) linear feet of that parcel of land as shown on the county tax listing, shall be mailed a notice of the proposed reclassification and a notice of the public hearing required in subsection 1. above. Such notice shall be sent by first class mail to the last address listed for such owners on the county tax listing. The person responsible for making the mailed notice shall certify to the City Council that such notice was indeed prepared and mailed.

3. Substitute notice.

a. In accordance with N.C.G.S. 160D-601 individual mailed notices may be waived in lieu of a substitute notice if the amendment meets at least one of the following criteria:

(1) If the zoning reclassification directly involves more than fifty (50) properties, owned by a total of at least fifty (50) different owners;

(2) If the proposal involves an amendment to the text of this chapter such that it changes the permitted, conditional, or accessory uses of a zoning district;

(3) If the city is adopting a water supply watershed protection program as required by N.C.G.S. 143-214.5.

b. Notice requirements for amendments meeting any of the three criteria of subsection 3(a) above are as follows:

(1) Notice of the public hearing shall be published in a newspaper of general circulation in the City of Claremont at least once each week for four (4) consecutive weeks prior to the hearing. The notice must include a map no less than one-half ($\frac{1}{2}$) the size of the newspaper page. The map must show the boundaries of the area affected by the proposed amendment;

(2) The city must post at least one (1) or more prominent signs immediately adjacent to the subject area. The signs must be of a type and size that may be reasonably expected to provide adequate notice of the proposal to the public;

(3) The city must notify by first class mail any property owner who resides outside the city's zoning jurisdiction or outside the circulation area of the newspaper in which the notice is published. The notice must be mailed to the last address listed for such owners on the most recent county tax listing. (Ord. of 12-7-04, No. 37-02; Ord. of 8-7-06, No. 18-06; Ord. of 6-21-21, No. [41-21](#))

[Sec. 9-3-275](#) City Council action.

Before taking such lawful action as it may deem advisable, the City Council shall consider the Planning Board's recommendations on each proposed zoning amendment. If no recommendations are received from the Planning Board within thirty (30) days after their meeting, the governing board may act on the amendment without the planning board report. Under no circumstances shall the City Council adopt such amendments that would cause this chapter to violate the watershed protection rules as adopted by the North Carolina Environmental Management Commission. Amendments affecting the watershed protection portions of this chapter shall be filed with the North Carolina Division of Environmental Management, the North Carolina Division of Environmental Health, and the North Carolina Division of Community Assistance. (Ord. of 12-7-04, No. 37-02; Ord. of 8-7-06, No. 18-06; Ord. of 6-21-21, No. [41-21](#))

Sec. 9-3-276 Minor Modifications to Approved Plans

Minor Modifications to approved plans as defined by this Title may be approved administratively, by staff. Modifications which do not qualify require review by Planning Board and City Council in accordance with this Article.

Secs. 9-3-277 through 9-3-280 reserved.

CHAPTER 4 Subdivision Regulations

ARTICLE A General Provisions

Sec. 9-4-5 Prerequisite to plat recordation.

After the effective date of this chapter, each major subdivision plat of land within the city's jurisdiction shall be approved by the Subdivision Administrator, reporting to the City Council and ~~on recommendation from the~~ Planning Board ~~prior to plat recordation~~. Minor subdivisions, as defined in this chapter, shall be approved by the Subdivision Administrator prior to plat recordation. Nothing herein compels the approval of any proposed subdivision by the City Council or the Subdivision Administrator except in accordance with the provisions of this chapter.

(Ord. of 4-6-92, No. 190-92; Ord. of 3-6-06, No. 5-06)

ARTICLE B LEGAL PROVISIONS

Sec. 9-4-11 General procedure for final plat approval.

(a) After the effective date of this chapter, no subdivision plat of land within the city's jurisdiction shall be filed or recorded until it has been submitted to and approved by the appropriate Board or official as set forth in section 9-4-5 of this chapter, and until this approval is entered in writing on the face of the plat by the Subdivision Administrator ~~City Council and attested by the City Clerk for major subdivisions, or the Subdivision Administrator for minor subdivisions~~.

(b) The Register of Deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of the city that has not been approved in accordance with these provisions, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with this section.

(Ord. of 4-6-92, No. 190-92; Ord. of 3-6-06, No. 5-06; Ord. of 6-21-21, No. 41-21)

ARTICLE C

PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

Sec. 9-4-30 Plat required.

Pursuant to G.S. 160D-804; 804.1, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this chapter whenever any subdivision of land takes place. Whenever any manipulation of property lines or property boundaries takes place within the jurisdiction of the city as established in section 9-4-4 of this chapter that is exempt from these regulations as provided by section 9-4-70 of this chapter, a plat clearly displaying such change must be presented to the subdivision administrator. Said plat must also be presented to the Catawba County Register of Deeds for recordation.

(Ord. of 4-6-92, No. 190-92; Ord. of 3-6-06, No. 5-06; Ord. of 6-21-21, No. [41-21](#))

Sec. 9-4-31 Approval prerequisite to plat recordation.

Pursuant to G.S. 160D-803, no final plat of a subdivision within the jurisdiction of the city as established in section 9-4-4 of this chapter shall be recorded by the Register of Deeds of Catawba County until it has been approved by the proper board or official as provided herein. To secure such approval of a final plat, the subdivider shall follow the procedures established in this article.

(Ord. of 4-6-92, No. 190-92; Ord. of 6-21-21, No. [41-21](#))

Sec. 9-4-32 Procedures for review of major and minor subdivisions.

(a) All subdivisions shall be considered major subdivisions except those defined as minor subdivisions in this section. Major subdivisions shall be reviewed in accordance with the procedures in sections 9-4-38 through 9-4-42. Minor subdivisions shall be reviewed in accordance with the provisions in section 9-4-33 through 9-4-37.

(b) For purposes of these regulations, a minor subdivision is defined as a subdivision:

- (1) Involving not more than five lots fronting on an existing approved street;
- (2) Not involving any new street or prospectively requiring any new street for access to interior property;
- (3) Not requiring extension of public sewage or water lines or creation of new drainage easements through lots to serve property at the rear;

(4) Not adversely affecting the development of the remainder of the parcel or of adjoining property;

(5) Creating no new or residual parcels not conforming to the requirements of these regulations; and

(6) All included land must be under ownership of one sponsor.

(Ord. of 4-6-92, No. 190-92)

Sec. 9-4-33 Approval process for minor subdivisions.

If the land to be subdivided meets the requirements of a minor subdivision as defined in section 9-4-32 above, the subdivider will not have to follow the same procedures as for a major subdivision. The review process for minor subdivisions shall be adequate to protect the public interest, but shall also provide minimum delay and expense to the subdivider. A preliminary plat is not required. The subdivider may go from a sketch plan to a final plat with approval of the subdivision administrator. However, the following minor plat approval process may be used only where the subdivision meets the requirements of section 9-4-32 above.

(Ord. of 4-6-92, No. 190-92; Ord. of 3-6-06, No. 5-06)

Sec. 9-4-34 Procedure for review of minor subdivisions.

(a) Prior to submission of a final plat, the subdivider shall submit to the subdivision administrator three copies of a sketch plan of the proposed subdivision containing the following information:

(1) A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;

(2) The boundaries of the tract and the portion of the tract to be subdivided;

(3) The total acreage to be subdivided;

(4) The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;

(5) The existing street layout and right-of-way width, lot layout and size of lots;

(6) The name, address and telephone number of the owner;

(7) The name, if any, of the proposed subdivision;

(8) Streets and lots of adjacent developed or platted properties;

(9) The zoning classification of the tract and of adjacent properties;

(10) The location of water and sewer facilities serving the proposed minor subdivision, if applicable; and

(11) A statement from the Catawba County Health Department that a copy of the sketch plan has been submitted to them, if septic tanks or other on-site water or wastewater systems are to be used in the subdivision.

(b) The subdivision administrator shall review the sketch plan for general compliance with the requirements of this article, and shall advise the subdivider or his agent of the regulations pertaining to the proposed minor subdivision and the procedures to be followed in the preparation and submission of the final plat.

(c) The subdivision administrator, after determining that all requirements of this article have been met, shall advise the subdivider to proceed with the preparation of a final plat which conforms to the submitted sketch plan. The approval of the sketch plan shall in no way be construed as constituting official approval of the final plat.

(Ord. of 4-6-92, No. 190-92; Ord. of 3-6-06, No. 5-06; Ord. of 1-5-15, No. 12-14)

Sec. 9-4-35 Dispute of findings.

In the event that the subdivider disagrees with any findings of the subdivision administrator concerning approval of a sketch plan of a minor subdivision, the matter shall be taken to the City Council for a decision. No final plat shall be prepared until the City Council has acted on the disputed sketch plan.

(Ord. of 4-6-92, No. 190-92)

Sec. 9-4-36 Final plat for minor subdivisions.

(a) The subdivision administrator shall review the final plat for complete compliance with the requirements outlined for final plat approval of these minor subdivision regulations. The final plat shall be complete and show all information required for final plats in section 9-4-42, and all certifications and notarizations required in section 9-4-37 for final plat approval of a minor subdivision.

(b) The final plat shall be prepared by a Registered Land Surveyor currently licensed and registered in the state by the North Carolina State Board of Registration for professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 as amended and the Manual of Practice for Land Surveying in North Carolina. In the event of conflict between the provisions for plats, subdivision and mapping requirements set forth in G.S. 47-30 as amended and the Manual of Practice for Land Surveying in North Carolina, the provisions as set forth in G.S. 47-50 as amended shall control.

(c) Three copies of the final plat shall be submitted to the subdivision administrator. One of these shall be on reproducible material; two shall be black or blue line paper prints. Material and

drawing medium for the original shall be in accordance with the Manual of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Catawba County Register of Deeds. In the event of conflict between material and drawing medium for the original as set forth in the Manual of Practice for Land Surveying in North Carolina and the requirements of the Catawba County Register of Deeds, the requirements of the Catawba County Register of Deeds shall control.

(d) The final plat shall be of a size suitable for recording with the Catawba County Register of Deeds and shall be at a scale of not less than one inch equals 200 feet. Maps may be placed on more than one sheet with appropriate match lines.

(Ord. of 4-6-92, No. 190-92; Ord. of 3-6-06, No. 5-06; Ord. of 1-5-15, No. 12-14)

Sec. 9-4-37 Certifications to be depicted on final plat.

(a) The final plat shall meet the specifications in section 9-4-42. The following signed certificates shall appear on all three copies of the final plat:

(1) Certificate of ownership and dedication:

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the City of Claremont and that I hereby adopt this plan of subdivision with my free consent and establish minimum building setback lines as noted.

Owner

Date

(2) Certificate of survey and accuracy:

In accordance with the Manual of Practice for Land Surveying in North Carolina:

On the face of each map prepared for recordation there shall appear a certificate executed by the person making the survey or map including deeds and any recorded data shown thereon. The certificate shall include a statement of error of closure calculated by latitudes and departures. Any lines on the map which were not actually surveyed must be clearly indicated on the map and a statement included in the certificate revealing the source of information. The certificate shall take the following general form:

State of North Carolina Catawba County

I, _____, certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book _____, Page _____ etc.) (Other); that the ratio of precision as calculated by latitudes and departures is 1: _____ (that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____; Page _____); that this map was prepared in accordance with G.S. 47-30, as amended.

Witness my hand and seal this _____ day of _____ 20__.

Registered Land Surveyor

Official Seal

Registration Number

(3) In accordance with North Carolina General Statute 47-30, the following certificate must be included on the final plat:

State of North Carolina Catawba County

I, _____, review officer of Catawba County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date

Review Officer

(b) During its review of the final plat the subdivision administrator may appoint an engineer or surveyor to confirm the accuracy of the final plat (if agreed to by the City Council). If substantial errors are found, the costs shall be charged to the subdivider and the plat shall not be recommended for approval until such errors have been corrected.

(c) If the subdivision administrator finds that the minor subdivision final plat is in full compliance with the requirements of this article, he or she may then sign the following certification:

I hereby certify that the minor subdivision plat hereon has been found to comply with the minor subdivision regulations for the City of Claremont and is hereby approved for recording in the office of the Register of Deeds by the subdivider within ninety (90) days of the date of this approval.

Subdivision Administrator

Date

(d) If the subdivision administrator does not approve the final plat, he shall instruct the subdivider concerning resubmission of a revised plat and the subdivider may make such changes as will bring the plat into compliance with the provisions of this article and resubmit same for reconsideration by the subdivision administrator, or appeal to the City Council. If the subdivider appeals to the City Council, the City Council shall review and approve or disapprove the final plat within two regularly scheduled City Council meetings after they receive the plat and recommendations of the subdivision administrator.

(Ord. of 4-6-92, No. 190-92; Ord. of 2/5/01, No. 341-01; Ord. of 3-6-06, No. 5-06; Ord. of 1-5-15, No. 12-14; Ord. of 6-21-21, No. [41-21](#))

Sec. 9-4-38 Sketch plan for major subdivisions.

(a) Prior to the preliminary plat submission, the subdivider shall submit to the subdivision administrator a sketch plan of the proposed subdivision for review and comment containing the following information:

- (1) A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads and waterways;
- (2) The boundaries of the tract and the portion of the tract to be subdivided;
- (3) The total acreage to be subdivided;
- (4) The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;
- (5) The proposed street layout with approximate pavement and right-of-way width, lot layout and size of lots;
- (6) The name, address and telephone number of the owner;
- (7) The name of the proposed subdivision;
- (8) Streets and lots of adjacent developed or platted properties;
- (9) The zoning classification of the tract and of adjacent properties.

(Ord. of 4-6-92, No. 190-92; Ord. of 3-6-06, No. 5-06)

Sec. 9-4-39 Preliminary plat submission and review.

(a) For every subdivision within the territorial jurisdiction established by section 9-4-4 of this chapter, which does not qualify for the abbreviated minor subdivision procedure, the subdivider shall submit a preliminary plat which shall be reviewed and approved by the **Subdivision Administrator** ~~Planning Board~~ before any construction or installation of improvements may begin.

(b) ~~Ten~~ **Two** copies of the preliminary plat (as well as any additional copies which the subdivision administrator determines are needed to be sent to other agencies) shall be submitted to the administrator of this chapter. ~~at least 20 days prior to the Planning Board meeting at which the subdivider desires the Planning Board to review the preliminary plat.~~

(c) Submission of the preliminary plat shall be accompanied by a fee ~~of \$50~~ **designated by the Schedule of Fees.**

(d) Preliminary plats shall meet the specifications in section 9-4-42.

(e) After having received the preliminary plat from the subdivider, the subdivision administrator shall submit copies of the preliminary plat and any other accompanying material to other officials or agencies concerned with new development including, but not limited to:

- (1) The district highway engineer as to proposed streets, highways, and drainage systems;
- (2) The county health director as to proposed water or sewerage systems;
- (3) Any other agency or official designated by the ~~Planning Board~~ or city official.
- (4) The City's Technical Review Committee.

~~(f) The Planning Board shall review the preliminary plat at or before its next regularly scheduled meeting which follows at least 20 days after the subdivision administrator receives the preliminary plat and the comments from the appropriate agencies.~~ Within 30 days of receipt, the subdivision administrator shall receive comment from the Technical Review Committee and issue a report of the plan review to the applicant.

~~(g) The Planning Board shall, in writing, recommend approval, conditional approval with recommended changes to bring the plat into compliance, or disapproval with reasons within 20 days of its first consideration of the plat.~~ Notice of approval and any reports generated shall be presented to the Planning Board and City Council at the meeting following approval. The presentation shall not be necessary for approval of plats or plans.

~~(h) If the Planning Board recommends approval of the preliminary plat, it shall retain one copy of the plat for its minutes, and transmit two copies of the plat to the City Council with its recommendation.~~ Appeal of decisions to deny approval of a preliminary plan may be appealed in accordance with Section 9-3-264.

~~(i) If the Planning Board recommends conditional approval of the preliminary plat it shall keep one copy of the plat for its minutes, transmit two copies of the plat and its recommendation to City Council, and return the remaining copies of the plat and its recommendation to the subdivider.~~

~~(j) If the Planning Board recommends disapproval of the preliminary plat, it shall retain one copy of the plat for its minutes, transmit two copies of the plat and its recommendation to the City Council, and return the remaining copies of the plat and its recommendation to the subdivider.~~

~~(k) If the Planning Board does not make a written recommendation within 40 days after its first consideration of the plat, the subdivider may apply to the City Council for approval or disapproval.~~

~~(l) The subdivider shall present the approved or conditional preliminary plat to the City Council at its next regularly scheduled meeting which follows the Planning Board's decision by at least 20 days. If the Planning Board recommended disapproval of the preliminary plat, the subdivider may present the preliminary plat to the City Council at its next regularly scheduled meeting which follows the Planning Board's decision by at least 20 days. Failure of the subdivider to present the preliminary plat whose disapproval was recommended by the Planning Board at said regularly scheduled City Council meeting constitutes abandonment of the plat as~~

~~submitted, but shall not prevent the subdivider from subsequently submitting to the Planning Board of a revised preliminary plat for the same parcel of land on accordance with the provisions of this chapter.~~

~~—(m) If the City Council approves the preliminary plat, such approval shall be noted on two copies of the plat. One copy of the plat shall be retained by the City Council and one copy shall be returned to the subdivider. If the City Council approves the preliminary plat with conditions, approval shall be noted on two copies of the plat along with a reference to the conditions. One copy of the plat along with the conditions shall be retained by City Council and one copy of the preliminary plat along with the conditions shall be returned to the subdivider. If the City Council disapproves the preliminary plat, the reasons for such disapproval shall be specified in writing. One copy of the plat and the reasons shall be retained by City Council and one copy shall be returned to the subdivider.~~

(Ord. of 4-6-92, No. 190-92; Ord. of 3-6-06, No. 5-06)

Sec. 9-4-40 Performance, defects, and maintenance guarantees.

(a) Upon approval of the preliminary plat by the ~~City Council~~ Subdivision Administrator, the subdivider may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this chapter. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in this chapter or guaranteed their installation as provided herein. No final plat will be accepted for review by the ~~Planning Board or City Council~~ Subdivision Administrator, unless accompanied by written notice by the City Manager and/or City Engineer acknowledging compliance with the improvement and guarantee standards of this chapter. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time; such portion shall conform to all requirements of this chapter.

(b) Type - In lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval, the city may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements. The type of performance guarantee shall be at the election of the developer. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by City Council, if all other requirements of this chapter are met. To secure this agreement, the subdivider shall provide, subject to the approval of City Council, either one, or a combination of the following guarantees not exceeding 125% of the entire cost as provided herein (G.S. 160D-804.1):

(1) Surety performance bond(s). The subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The bonds shall be payable to the city and shall be in an amount equal to 125% of the entire cost, as estimated by the subdivider and approved by City Council, of installing all required improvements. The duration of the bond(s) shall be until such time as the improvements are accepted by City Council.

(2) Cash or equivalent security. The subdivider shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the city or in

escrow with a financial institution designated as an official depository of the city. The use of any instrument other than cash shall be subject to the approval of City Council. The amount of deposit shall be equal to 125% of the cost, as estimated by the subdivider and approved by City Council, of installing all required improvements.

If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with City Council an agreement between the financial institution and himself guaranteeing the following:

a. That the escrow account shall be held in trust until released by the City Council and may not be used or pledged by the subdivider in any other matter during the term of the escrow; and

b. That in case of a failure on the part of the subdivider to complete said improvements, the financial institution shall, upon notification by the City Council, and submission by City Council to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to the city the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the city any other instruments fully endorsed or otherwise made payable in full to the city.

(3) Other form of guarantee that provides equivalent security to a surety bond or letter of credit.

(c) Duration - The duration of the performance guarantee shall initially be one year, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued, unless the developer determines that the scope of work for the required improvements necessitates a longer duration.

(d) Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account shall, if requested by the City Council, pay all or any portion of the bond or escrow fund to the city up to the amount needed to complete the improvements based on an engineering estimate. Upon payment, the City Council, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The city shall return to the subdivider any funds not spent in completing the improvements.

(e) Release - The City Council may release a portion of any security posted as the improvements are completed. If the City Council approves said improvements, then it shall immediately release any security posted. The city shall return letters of credit or escrowed funds upon completion of the required improvements to its specifications or upon acceptance of the required improvements, if the required improvements are subject to city acceptance. When required improvements that are secured by a bond are completed to the specifications of the city, or are accepted by the city, if subject to its acceptance, upon request by the developer, the city shall timely provide written acknowledgment that the required improvements have been completed.

(f) The City Council shall require a bond guaranteeing utility taps, curbs, gutters, street pavement, sidewalks, drainage facilities, water and sewer lines, and other improvements against

defects for one year. The bond shall be determined by the city manager or consulting engineer and shall be in cash or made by a surety company authorized to do business in North Carolina.

(g) The City Council shall require the subdivider to submit a letter to the City Clerk in which he agrees to maintain all improvements and any ditch which has been dug in connection with the installation of such improvements. The letter shall be binding to the subdivider for a period of one year following acceptance of the improvements by the city.

(h) Amount. - The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued. The city may determine the amount of the performance guarantee or use a cost estimate determined by the developer. The reasonably estimated cost of completion shall include one hundred percent (100%) of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The additional twenty-five percent (25%) allowed under this subdivision includes inflation and all costs of administration regardless of how such fees or charges are denominated. The amount of any extension of any performance guarantee shall be determined according to the procedures for determining the initial guarantee and shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.

(i) Timing. - The city, at its discretion, may require the performance guarantee to be posted either at the time the plat is recorded or at a time subsequent to plat recordation.

(j) Coverage. - The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion.

(k) Legal responsibilities. - No person shall have or may claim any rights under or to any performance guarantee provided pursuant to this subsection or in the proceeds of any such performance guarantee other than the following:

- (1) The city to whom the performance guarantee is provided.
- (2) The developer at whose request or for whose benefit the performance guarantee is given.
- (3) The person or entity issuing or providing the performance guarantee at the request of or for the benefit of the developer.

(l) Multiple guarantees. - The developer shall have the option to post one type of a performance guarantee as provided for in subdivision (b) of this section, in lieu of multiple bonds, letters of credit, or other equivalent security, for all development matters related to the same project requiring performance guarantees.

(m) Exclusion. - Performance guarantees associated with erosion control and stormwater control measures are not subject to the provisions of this section.

(Ord. of 4-6-92, No. 190-92; Ord. of 3-6-06, No. 5-06; Ord. of 6-21-21, No. [41-21](#))

Sec. 9-4-41 Final plat submission and review.

~~—(a) The subdivider shall submit the final plat, so marked, to the subdivision administrator not less than 20 days prior to the Planning Board meeting at which it will be reviewed; further, the final plat for the first stage of the subdivision shall be submitted not more than 12 months after the date on which the preliminary plat was approved; otherwise such approval shall be null and void, unless a written extension of this limit is granted by the City Council on or before the 12th month anniversary of the approval.~~

~~—(b) The final plat shall be prepared by a Registered Land Surveyor currently licensed and registered in the state by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 as amended and the Manual of Practice for Land Surveying in North Carolina. In the event of conflict between the provisions for plats, subdivisions and mapping requirements set forth in G.S. 47-30 as amended and the Manual of Practice for Land Surveying in North Carolina, the provisions as set forth in G.S. 47-30 as amended shall control.~~

~~—(c) Ten copies of the final plat shall be submitted; two of these shall be on reproducible material; eight shall be black or blue line paper prints. Material and drawing medium for the original shall be in accordance with the Manual of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Catawba County Register of Deeds. In the event of conflict between material and drawing medium for the original as set forth in the Manual of Practice of Land Surveying in North Carolina and the requirements of the Catawba County Register of Deeds, the requirements of the Catawba County Register of Deeds shall control.~~

~~—(d) The final plat shall be of a size suitable for recording with the Catawba County Register of Deeds and shall be at a scale of not less than one inch equals 200 feet. Maps may be placed on more than one sheet with appropriate match lines.~~

~~—(e) The final plat shall meet the specifications in section 9-4-42 of this article.~~

~~—(f) The following signed certificates shall appear on all ten copies of the final plat:~~

~~—(1) Certificate of Ownership and Dedication:~~

~~—I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the City of Claremont and that I hereby adopt this plan of subdivision with my free consent and establish minimum building setback lines as noted.~~

_____ Owner

_____ Date

~~—(2) Certificate of Survey and Accuracy. In accordance with the Manual of Practice for Land Surveying in North Carolina:~~

~~—On the face of each map prepared for recordation there shall appear a certificate executed by the person making the survey or map including deeds and any recorded data shown thereon. The certificate shall include a statement of error of closure calculated by latitudes and departures. Any lines on the map which were not actually surveyed must be clearly indicated on the map and a statement included in the certificate revealing the source of information.~~

~~—The certificate shall take the following form:~~

~~—State of North Carolina—Catawba County~~

~~I, _____, certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book _____, Page _____, etc.)(other); that the ratio of precision as calculated by latitudes and departure is 1: _____, (that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____); that this map was prepared in accordance with G.S. 47-30, as amended. Witness my hand and seal this _____ day of _____ A.D. 20____.~~

~~_____ Registered Land Surveyor~~

~~_____ Official Seal~~

~~_____ Registration Number~~

~~—(3) Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements:~~

~~I hereby certify that all streets, utilities and other required improvements have been installed in an acceptable manner and according to City specifications and standards in the _____ Subdivision or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the City of Claremont have been received, and that the filing fee for this plat, in the amount of \$ _____ has been paid.~~

~~_____ City Engineer or~~

~~_____ City Manager~~

~~_____ Date~~

~~—(4) In accordance with North Carolina General Statute 47-30, the following certificate must be included on the final plat:~~

~~—State of North Carolina—Catawba County~~

~~I, _____, Review Officer of Catawba County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.~~

—Date

—Review Officer

~~—(g) The Planning Board shall review the final plat at or before its next regularly scheduled meeting which follows at least 20 days after the subdivision administrator receives the final plat and shall recommend approval or disapproval of the final plat with reasons within 40 days of its first consideration of the plat.~~

~~—(h) If the Planning Board recommends approval of the final plat, it shall transmit all copies of the plat and its written recommendations to the City Council through the subdivision administrator. Such approval shall be shown on each copy of the final plat by the following signed certification:~~

~~—The Claremont Planning Board hereby approves the final plat for the _____ Subdivision.~~

—Chairman, Claremont

—Planning Board

—Date

~~—(i) If the Planning Board recommends disapproval of the final plat, it shall instruct the subdivider concerning resubmission of a revised plat and the subdivider may make such changes as will bring the plat into compliance with the provisions of this chapter, and resubmit same for reconsideration by the Planning Board, or proceed to the City Council.~~

~~—(j) Failure of the Planning Board to make a written recommendation within 40 days shall constitute grounds for the subdivider to apply to the City Council for approval.~~

~~—(k) The City Council shall review and approve or disapprove the final plat within 45 days after the plat and recommendations of the Planning Board have been reviewed.~~

~~—(l) During its review of the final plat, the City Council may, upon Planning Board recommendation, appoint a Registered Land Surveyor to confirm the accuracy of the final plat. If substantial errors are found, the costs shall be charged to the subdivider and the plat shall not be approved until such errors have been corrected~~

~~—(m) If the City Council approves the final plat, such approval shall be shown on each copy of the plat by the following signed certificate:~~

~~—Certificate of Approval for Recording~~

~~—I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the City of Claremont, North Carolina and that this plat has been~~

approved by City Council for recording in the Office of the Register of Deeds of Catawba County.

_____ Mayor

_____ City of Claremont, North

_____ Carolina

_____ Date

~~—(n) If the final plat is disapproved by City Council, the reasons for such disapproval shall be stated in writing, specifying the provisions of this chapter with which the final plat does not comply. One copy of such reasons and one print of the plat shall be retained by the City Council as part of its proceedings; one copy of the reasons and three copies of the plat shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance and resubmit same for reconsideration by the Planning Board and City Council or by the City Council as determined by City Council.~~

~~—(o) If the final plat is approved by City Council, the original tracing and one print of the plat shall be retained by the subdivider. One reproducible tracing and one print shall be filed with the City Clerk, and one print shall be returned to the Planning Board for its records.~~

~~—(p) The subdivider shall file the approved final plat with the Register of Deeds of Catawba County within 15 days of City Council approval; otherwise, such approval shall be null and void.~~

~~(Ord. of 4-6-92, No. 190-92; Ord. of 2/5/01, No. 341-01; Ord. of 3-6-06, No. 5-06)~~

Upon approval of the preliminary subdivision plan, the subdivider may proceed to comply with the other requirements of this ordinance, and the preparation of the final subdivision plat. The final plat may include all or only a portion of the subdivision as proposed and approved on the preliminary subdivision plan, provided that all required improvements to any existing or new streets shown on the preliminary plan within the boundaries of the final plat have been provided for or been assured by the posting of a surety as provided for in Section 9-4-40 prior to any final plat approval.

For Limited Subdivisions the owner shall be required to plat only the parcel to be transferred or leased and only that parcel shall be subject to the requirements of this ordinance.

The final plat must be developed in accordance with the specifications set forth in Section 9-4-42. The official plat or plats, together with copies thereof sufficient for distribution, shall be presented for approval to the Planning Director or Designated Administrative Agent for review. The plat shall be accompanied by an application for final plat approval, submitted in duplicate and signed by the owner and/or his duly authorized agent. The reviewer shall have fifteen (15) working days to review and comment on the final plat.

The subdivider must address all Staff comments prior to resubmitting a revised final plat for approval.

If subsequent corrections or changes to a revised final plat are necessary, the reviewer shall have fifteen (15) working days to review any revised final plat.

The Planning Director or Designated Administrative Agent shall recommend approval or disapproval of the final plat. Approval shall be based upon a complete Final Plat, and resolution of all comments of the Technical Review Committee. The Planning Director or the Planning Director's Designee shall prepare a written decision setting forth findings concerning the plat's compliance with applicable regulations. Notice of approval and any reports generated shall be presented to Planning Board and City Council at the meeting following approval. The presentation shall not be necessary for approval of plats or plans. Notice of the decision to approve or deny a final plat shall be provided in accordance with N.C.G.S. § 160D-403(b). Administrative decisions to deny approval of a final plat may be appealed in accordance with Section 9-4-37.

Upon approval, the final plat will be noted approved and made available to applicant for recordation in the Office of the Register of Deeds for Catawba County, North Carolina, which such Register of Deeds is authorized to accept the plat for recordation.

Sec. 9-4-42 Final Plat Requirements

The final plat will be prepared by a registered surveyor and must be drawn to scale not smaller than 100 feet equal 1 inch, and must contain the following information:

1. The exact boundary of the tract of land being subdivided, clearly showing the disposition of all portions of the tract.
2. The lines and names of all streets, alley lines, lot lines, lot and block numbers, front build-to line and side and rear yard dimensions for each lot, easements, reservations, and areas dedicated to public purposes with notes stating their purposes. In addition, on-site LCID landfills must be shown on the final plat and on deed(s) for affected lot(s). Also, the plat for all lots subject to flooding shall include a statement as follows: "This lot is subject to flooding during heavy rainfall and the construction of buildings or structures below the flood protection elevation of _____ is prohibited", as further described by Chapter 6 of the City Zoning Ordinance. Plats for multiple lots may include the flood protection elevations in tabular form.

In areas where the floodway regulations are applicable, the following statement shall be inscribed on the plat:

"Any construction or use within the areas delineated by floodway fringe district boundary line and floodway district encroachment line is subject to the restrictions imposed by Floodway Regulations."

For subdivisions within which open space is required, a designation on the plat denoting the area of preservation and the limitations on its use and a reference to the recorded documents by which irrevocable preservation of open space shall be assured. A copy of such documents shall also be provided to the Planning Department.

Any amendment to a previously approved final plat must note in writing on the amended

plat the nature and extent of the changes and the deed or plat book and page number where previously recorded.

3. Sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, building line, easements required hereunder or of record in Catawba County or ascertainable by physical inspection of the property, and boundary lines of reserved or dedicated areas. All linear dimensions shall be in feet and hundredths thereof. The maximum allowable error of linear closure shall not be in excess of 1: 10,000. In closed traverses the sum of the measured angles shall vary with the theoretical sum by a difference not greater than an average of 7.5 seconds per angle, or the sum of the total shall not differ from the theoretical sum by more than 90 seconds, whichever is smaller.
4. Sufficient data to determine readily and reproduce accurately on the ground the location and extent of rural and/or urban open space to be preserved, the method of preservation, and any limits on use. In addition, the subdivider shall provide to Planning Staff a copy of any covenants and restrictions governing disposition and use of preserved open space.
5. "As built" drawings and plans of all water system, sewer system, and storm drainage system facilities. Such plans should show all easements and rights-of-way to demonstrate that the facilities are properly placed. These drawings need not be placed on the final plat but must be submitted at the time of request for final plat approval or release of any surety for required improvements, whichever comes later.
6. "As built" cross-sections of each city street type used in the development. Such cross-sections should show improvements in the public rights-of-way and in any easement associated with the detail of the street. Features to be shown will usually include: travel lanes, parking lanes (if any), curb and gutter (or ditch), planting strip, sidewalk, utility allocation. These drawings need not be placed on the final plat, but must be submitted at the time of request for final plat approval or release of any surety for required improvements, whichever comes later.
7. For projects in the watershed, the calculated built-upon area permitted for each building lot, taking into account permanently preserved open space.
8. The name of the township in which the subdivision is located, the name of the subdivision, the zoning district, the name of the owner, the name, registration number and seal of the registered surveyor under whose supervision the plat was prepared, the date of the plat and north point, with indication of whether the north point is true, magnetic, or grid, and a small vicinity map showing the location of the subdivision with respect to adjacent streets and properties.
9. Control corners and permanent markers with adequate and sufficient description to enable a surveyor to locate such control corners or markers shall be shown on the plat. One or more corners shall be designated as control corners, and shall establish two or more street center lines or offset lines within or on the street right-of-way lines to be permanently monumented at intersecting center line or offset lines, points of curvature or such other control points, which monuments shall also be designated as control corners. In addition to the above, control corners must be established along the rear property lines of lots with a minimum of two (2) per block located along a common line. The corners of all lots and parcels must be marked with iron pins driven flush with the ground. The iron pins must be placed where lot boundaries intersect railroad and public street rights-of-way.

10. The following signed certificates (lettered or stamped) shall appear on each copy of the final plat submitted by the subdivided:

1. Certificate of Ownership and Dedication:
I hereby certify that I am the owner of the property shown and described hereon and that I hereby adopt this plan of subdivision with my free consent, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I dedicate all sewer lines and all water lines to the Claremont Utility Department, if applicable.

Date

Owner(s)

2. Certificate of Approval by Administrator:

I, _____, Subdivision Administrator, hereby certify that this final plat meets the requirements of the City of Claremont Subdivision Ordinance on the ____ day of _____, ____.

Administrator

Date

3. Surveyor's Certificate: As required by NCGS 47-30

4. Review Officer Certificate: As provided in NCGS 47-30.2 (b)

5. Register of Deeds Certificate:

State of North Carolina, Catawba County

This instrument was presented for registration and recorded in Map Book ____, Page ____ this ____ day or ____, 20__ at ____ (am/pm)

Register of Deeds

6. Certificate of Approval of Design and Installation of Streets, Utilities and Other Required Improvements (if applicable):

I hereby certify that all streets, public utilities and other required improvements have been installed in an acceptable manner and according to N.C. Department of Transportation and/or City of Claremont specifications and standards or as otherwise provided for in this Ordinance, or that guarantees for the installation of the required improvements in an amount and manner satisfactory to City of Claremont have been submitted.

[Official Seal]

Professional Engineer

Registration Number

Date

Public Works Director

Date

7. NCDOT Construction Standards Certification (if applicable):

Department of Transportation

Division of Highways

Proposed Subdivision Road Construction Standards Certificate

District Engineer

Date

11. The exact boundary of all Stormwater Control Measures (SCM) shall be shown on final plats prepared by a registered surveyor. Final plats shall contain the following statement: "This lot contains a water quality feature that must be maintained in accordance with the recorded Maintenance Covenant as specified in Section 9-7-8 of the Claremont Zoning Ordinance."

Sec. 9-4-4243 Information to be contained in or depicted on preliminary and final plats.

The preliminary and final plats shall depict or contain information indicated in the following table. An x indicates that the information is required.

Information	Preliminary	Final
Title Block Containing		
Property designation	x	x
Name of owner	x	x
Location (including township, county and state)	x	x
Date or dates survey was conducted and plat prepared	x	x
A scale of drawing in feet per inch listed in words or figures	x	x
A bar graph	x	x
Name, address, registration number and seal of the Registered Land Surveyor	x	x
The name of the subdivider	x	x
A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area	x	x
Corporate limits, township boundaries, county lines if on the subdivision tract	x	x
The names, addresses and telephone numbers of all owners, registered land surveyors, land planners, architects, landscape architects, and professional engineers responsible for the subdivision	x	x
The registration numbers and seals of the professional engineers	x	x
The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown	x	x
North arrow and orientation	x	x
The names of owners of adjoining properties	x	x

The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands	x	x
The names of any adjoining subdivisions of record or proposed and under review	x	x
The zoning classifications of the tract to be subdivided and adjoining properties	x	x
Existing property lines on the tract to be subdivided and adjoining properties	x	x
Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining	x	x
Proposed lot lines, lot and block numbers, and approximate dimensions	x	x
The lots numbered consecutively throughout the subdivision		x
Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds and any other natural features affecting the site	x	
The exact location of the flood hazard, floodway and floodway fringe areas from the community's FEMA maps	x	x
Base flood elevation data for subdivisions which contain at least five lots or 50 acres, whichever is less	x	x

Information	Preliminary	Final
The following data concerning streets:		
Proposed streets	x	x
Existing and platted streets on adjoining properties and in the proposed subdivision	x	x
Rights-of-way locations and dimensions	x	x
Pavement widths	x	x1
Design engineering data for all corners and curves	x	x
Typical street cross sections	x	x1
Street names	x	x
Street maintenance agreement in accordance with section 9-4-54 of this chapter		x
Type of street dedication; all streets must be designated "public". (Where public streets are involved which will be dedicated to the city, the subdivider must submit all street plans to the subdivision administrator for approval prior to preliminary plat approval.) Where	x	x

public streets are involved which will not be dedicated to a municipality, the subdivision administrator will submit the following documents to the NCDOT District Highway Office for review: a complete site layout, including any future expansion anticipated; horizontal alignment indicating general curve data on site layout plan; vertical alignment indicated by percent grade, PI station and vertical curve length on site plan layout; the District Engineer may require the plotting of the ground profile and grade line for roads where special conditions or problems exist; typical section indicating the pavement design and width and the slopes, widths and details for either the curb and gutter or the shoulder and ditch proposed; drainage facilities and drainage areas.

Where streets are dedicated to the public, but not accepted into a municipal or the state system before lots are sold, a statement explaining the status of the street in accordance with section 9-4-55 of this chapter.

If any street is proposed to intersect with a state maintained road, the subdivider shall apply for driveway approval as required by the NC Department of Transportation, Division of Highways' Manual on Driveway Regulations.

Evidence that the subdivider has obtained such approval
The following data concerning open/common/public space:

Location of all easements	x	x
Trails	x	x
Natural buffers	x	x
Pedestrian or bicycle paths	x	x
Parks and recreation areas with specific type indicated	x	x
School sites	x	x
Areas to be dedicated to or reserved for public use	x	x
Areas to be used for purposes other than residential with the purpose of each stated	x	x

Information

Preliminary Final

The future ownership of recreation and open space lands.
(dedication or reservation for public use to governmental body, for owners to duly constituted homeowners' association, or for tenants remaining in subdivider's ownership)

x

Location of all utility easements

x

x

The plans for utility layouts including:

sanitary sewers

x

x1

storm sewers		x1
other drainage facilities, if any		x1
water distribution lines		x1
natural gas lines		x1
telephone lines		x1
cable or internet lines		x1
electric lines		x1
illustrating connections to existing systems, showing line sizes, the location of fire hydrants, blowoffs, manholes, force mains and gate valves		
Plans for individual water supply and sewage disposal systems, if any	x	x
Site calculations including:		
acreage in total tract to be subdivided	x	x
acreage in parks and recreation areas and other nonresidential uses	x	x
total number of parcels created	x	x
acreage of each lot in the subdivision	x	x
linear feet in streets	x	
The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the US Department of Interior's National Register of Historic Places	x	x
Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line (with errors of closure), block line and building line, whether curved or straight, and including true north point. This should include the radius, central angle, point of tangency, tangent distance and arcs and chords of all curved streets and curved property lines. All dimensions should be to the nearest one-tenth of a foot and angles to the nearest minute.		x
The accurate locations and descriptions of all monuments, markers and control points.		x
A copy of any proposed deed restrictions or similar covenants. Such restrictions are mandatory when private recreation areas are established.	x	x
A copy of the erosion control plan submitted to the appropriate authority, if such a plan is required.	x	x
Topographic map with contour intervals of no greater than 20 ft. at a scale of no less than 1:24,000	x	
All certifications required in section 9-4-42		x

Any other information considered by either the subdivider, Planning Board or City Council to be pertinent to the review of the plat.

x

x

1 Not required on final plat for minor subdivisions.

(Ord. of 4-6-92, No. 190-92; Ord. of 3-6-06, No. 5-06)

Sec. 9-4-~~43~~44 Recombination of land.

(a) Any plat or any part of any plat may be vacated by the owner at any time before the sale of any lot in the subdivision by a written instrument to which a copy of such plat shall be attached, declaring the same to be vacated.

(b) Such instrument shall be approved by the same agencies as approved the final plat. The governing body may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets or alleys.

(c) Such instrument shall be executed, acknowledged or approved and recorded and filed in the same manner as a final plat; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.

(d) When lots have been sold, the plat may be vacated in the manner provided in subsections (a) through (c) of this section by all owners of the lots in such plat joining in the execution of such writing.

(Ord. of 4-6-92, No. 190-92; Ord. of 3-6-06, No. 5-06)

Sec. 9-4-~~44~~45 Resubdivision procedures.

For any replatting or resubdivision of land, the same procedures, rules and regulations shall apply as prescribed herein for an original subdivision.

(Ord. of 4-6-92, No. 190-92)

Secs. 9-4-~~45~~46 through 9-4-49 reserved.

Chapter 7 Stormwater Drainage System

Article A General

§ 9-7-2 Design criteria.

(a) *General.*

(1) The City of Claremont recognizes that there are numerous methods and computer models available to calculate peak flows, generate and route hydrographs to determine peak discharges, and to size pipes/culverts, drainage ways and emergency spillways. It is the responsibility of the design engineer to select the appropriate methods suitable for the site to design the stormwater system needed to meet the requirements of this section and the city's ordinances.

(2) In general the city recognizes and accepts the methodologies outlined in the publication entitled "Elements of Urban Stormwater Design" by H. Rooney Malcom, P.E.

(b) *Collection system.*

(1) A collection system includes the inlets and pipes used to collect stormwater runoff from a parking area, street and/or a subdivision. It also includes ditches or channels constructed to convey runoff to inlets or pipes and to existing natural drainage features.

(2) All collection system components shall be sized to adequately pass the 10-year recurrence interval storm. However, pipes or larger drainage structures crossing collector or arterial streets, shall be sized to accommodate the 25-year recurrence interval storm.

(c) *Stormwater detention.*

(1) Permanent detention facilities shall conform to the requirements stated herein and to the city's ordinances. Detention facilities in accordance with this chapter shall be required for all major residential subdivisions and non-residential projects that disturb more than one acre.

(2) The facility shall be designed such that the 10-year peak discharge after development is no greater than the 10-year discharge from the same area prior to development. The detention pond shall be of adequate size/volume to detain the excess runoff volume.

(3) Unless otherwise approved by the city, all detention facilities shall be "dry ponds".

(4) A pipe or weir may be used as the primary outlet device.

(5) An emergency by-pass spillway will be provided that will pass the runoff generated by the 50-year storm, after the impoundment area has reached its capacity.

(6) Emergency by-pass shall be open, broad-crested weirs. Spillways constructed or earthen fill embankments must be asphalt or concrete lined with sufficient approach and exit sections provided to prevent any possible erosion. Earthen embankments constructed in cut areas will require only a vegetated spillway.

(7) Structures shall be designed not to fail during the 100-year storm.

§ 9-7-8 Maintenance.

All stormwater drainage systems which are located in the City street rights-of-way will be maintained by the City, only after they are accepted by the City.

All stormwater management facilities located off of City rights-of-way shall be privately owned and maintained; provided, however, the owner thereof shall grant to the City, a perpetual, nonexclusive easement which allows for public inspection. Where the stormwater system is designed to service multiple lots and is not dedicated to the City, a homeowner's association or other City approved entity shall be created and shall be vested with the responsibility for the perpetual maintenance of the stormwater system. A Maintenance Covenant shall be recorded on the plat of any development with private water quality features.

§§ 9-7-89 through 9-7-15 reserved.