

Table of Contents

ARTICLE I - PURPOSE AND AUTHORITY	1
1-1 SHORT TITLE	1
1-2 REPEALS AND ENACTMENT	1
1-3 PURPOSE.....	1
1-3 JURISDICTION	7
1-4 AUTHORITY.....	8
1-5 ABROGATION.....	8
1-6 INTERPRETATION OF ORDINANCE	8
1-7 RULES OF CONSTRUCTION	8
1-8 COMPLIANCE.....	10
1-9 RELATION TO THE COMPREHENSIVE PLAN.....	10
1-10 ESTABLISHMENT OF OFFICIAL ZONING MAP	10
1-11 INTERPRETATION OF DISTRICT BOUNDARIES	12
1-12 SEVERABILITY	14
ARTICLE II-DEFINITIONS	11
2-1 GENERAL PURPOSE	11
2-2 DEFINITIONS.....	11
ARTICLE III - PERMITS AND PROCEDURES.....	1
3-1 PERMIT REQUIRED	1
3-2 PERMIT EXEMPTIONS	1
3-3 PERMIT APPLICATIONS.....	2
3-4 PERMIT AND DEVELOPMENT APPROVAL ISSUANCE.....	4
3-5 PERMITS APPEAL	9
3-6 INSPECTIONS AND INVESTIGATIONS.....	10
3-7 PERMIT EXPIRATION & REVOCATION	10
3-8 CERTIFICATE REQUIREMENTS	12
3-9 DEDICATION OR RESERVATION OF RIGHT-OF-WAY.....	14
3-10 SURETIES OR IMPROVEMENT GUARANTEES.....	17

3-11	SITE PLAN AND PLOT PLAN PROCEDURES	19
3-12	ZONING MAP AND TEXT AMENDMENTS.....	23
3-13	CONDITIONAL ZONING	29
3-14	SPECIAL USE PERMITS.....	35
3-15	NONCONFORMING LOTS, USES AND STRUCTURES	37
3-16	ANNEXATION AND ORIGINAL ZONING	40
3-17	HISTORIC DISTRICTS.....	40
3-18	ZONING VESTED RIGHTS.....	40
3-19	DEVELOPMENT AGREEMENTS.....	45
ARTICLE IV - ZONING.....		1
4-1	DISTRICTS ESTABLISHED	1
4-2	DISTRICT DESCRIPTIONS.....	1
4-3	PERMITTED USES.....	7
4-4	DIMENSIONAL REQUIREMENTS	28
4-5	ACCESSORY BUILDINGS AND STRUCTURES.....	38
4-6	SUPPLEMENTARY DIMENSIONAL REQUIREMENTS.....	39
4-7	OVERLAY DISTRICT REQUIREMENTS	41
ARTICLE V - SUBDIVISIONS: PROCEDURES AND STANDARDS.....		1
5-1	EXCLUSION DETERMINATION PROCEUDRE	1
5-2	COORDINATION WITH OTHER PROCEDURES.....	1
5-3	SUBMISSION OF PLANS	1
5-4	APPROVAL REQUIRED	2
5-5	PRE-APPLICATION PROCECURES	2
5-6	MINOR SUBDIVISIONS FOR EXPEDITED REVIEW.....	3
5-7	PRELIMINARY PLAT	3
5-8	STREET AND UTILITY CONSTRUCTION.....	5
5-9	OWNER'S ASSOCIATIONS	6
5-10	FINAL PLAT.....	8
5-11	RECORDATION OF FINAL PLATS.....	9

5-12	WAIVERS	9
5-13	SUBDIVISION STANDARDS	10
ARTICLE VI - DEVELOPMENT STANDARDS		1
6-1	SIGN REGULATIONS.....	1
6-2	OFF-STREET PARKING, STACKING, AND LOADING AREAS.....	10
6-3	LANDSCAPING REQUIREMENTS	21
6-4	DEVELOPMENT STANDARDS FOR INDIVIDUAL USES	28
6-5	FENCES.....	59
ARTICLE VII - ENVIRONMENTAL REGULATIONS.....		1
7-1	WATERSHED DISTRICTS.....	1
7-2	WATERSHED AREAS.....	2
7-3	WATERSHED CRITICAL AREAS	11
7-4	SOIL EROSION AND SEDIMENTATION CONTROL	16
7-5	FLOOD CONTROL.....	25
ARTICLE VIII - ENFORCEMENT		1
8-1	VIOLATIONS.....	1
8-2	ENFORCEMENT INTENT.....	2
8-3	ENFORCEMENT PROCEDURE.....	2
8-4	REMEDIES	4
8-5	CIVIL PENALTIES – ASSESSMENT AND PROCEDURES	5
8-6	CIVIL PENALTIES – SOIL EROSION AND SEDIMENTATION CONTROL	6
8-7	CRIMINAL PENALTY – SOIL EROSION AND SEDIMENTATION CONTROL.....	8
8-8	OTHER POWERS AND ACTIONS.....	9
8-9	REMEDIES CUMULATIVE AND CONTINUOUS.....	9
8-10	ACTION BY OTHERS.....	9
ARTICLE IX - ADMINISTRATION		1
9-1	ADMINISTRATIVE PROCEDURES.....	1
9-2	THE PLANNING BOARD.....	4
9-3	TECHNICAL REVIEW COMMITTEE	5

9-4	HISTORIC PRESERVATION COMMISSION	6
9-5	BOARD OF ADJUSTMENT	8
9-6	ENFORCEMENT OFFICER	16
9-7	QUASI-JUDICIAL PROCEDURES.....	18
9-8	APPEALS	19

ARTICLE I - PURPOSE AND AUTHORITY

1-1 SHORT TITLE

This Ordinance shall be known and may be cited as the “Town of Gibsonville Development Ordinance”, except as referred to herein, where it shall be known as “this Ordinance”.

1-2 REPEALS AND ENACTMENT

1-3 PURPOSE

1-3.1 General Purpose

It is the purpose of this Ordinance to promote the health, safety, morals, and general welfare of the residents of the Town of Gibsonville through the stated regulations of this Ordinance.

1-3.2 Zoning Regulation Purpose

The zoning regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate in order to:

- (A) Lessen congestion in the streets;
- (B) Secure safety from fire, panic, and other dangers;
- (C) Provide adequate light and air;
- (D) Prevent the overcrowding of land;
- (E) Avoid undue concentration of population;
- (F) Facilitate the adequate and economic provision of transportation, water, sewage, schools, parks, and other public services;
- (G) Protect water quality within watershed critical areas and/or designated municipal watersheds;
- (H) Preserve and enhance visual attractiveness and economic vitality; and
- (I) Require appropriate setbacks for buildings and other structures to facilitate the safe movement of vehicular and pedestrian traffic, provide adequate fire lanes and insure adequate distance from dust, noise, and fumes created by vehicular traffic.

1-3.3 Cluster Regulation Purpose

The single family dwelling cluster regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate in order to:

- (A) Encourage innovation in residential development by providing efficient, attractive, flexible, and environmentally sensitive design;
- (B) Lower the costs of housing by reducing the lot size and the per dwelling unit linear footage of streets, water lines, storm sewers, and sanitary sewers;
- (C) Reduce the future cost of infrastructure maintenance and, therefore, the burden upon taxpayers and ratepayers;
- (D) Encourage development in areas which have major streets and utility lines in place but are experiencing little or no development;
- (E) Protect water quality, preserve wildlife habitats, and protect natural features such as streams, lakes, wetlands, and trees; and
- (F) Reduce the amount of grading necessary for site preparation.

1-3.4 Historic Preservation Overlay Purpose

The historic district overlay regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate in order to:

- (A) Protect, safeguard, and conserve the heritage of the community;
- (B) Promote the sound and orderly preservation of historic areas as a whole, and of the individual properties therein, which embody important elements of social, economic, political, or architectural history for the education, pleasure, and enrichment of all citizens; and
- (C) Enhance property values within historic areas.

1-3.5 Scenic Corridor Overlay Purpose

The scenic corridor overlay regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate in order to:

- (A) Preserve and enhance the appearance and operational characteristics of certain designated roadways: and
- (B) Address development issues of special concern with specific requirements which relate to land use, traffic movement, access, environment, signage, landscaping, visual quality, and aesthetics.

1-3.6 Manufactured Housing Overlay Purpose

The manufactured housing overlay regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate in order to:

- (A) Provide alternative, affordable housing opportunities for low and moderate income residents in residential areas by allowing for the use of manufactured dwellings;
- (B) Establish requirements designed to assure acceptable similarity in exterior appearance between manufactured dwellings and single family dwellings that have been or might be constructed on adjacent or nearby lots; and
- (C) Protect property values, preserve the character and integrity of the community of individual neighborhoods within the community, and promote the health, safety, and welfare of area residents.

1-3.7 Subdivision Regulation Purpose

The subdivision (including group development) regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate in order to:

- (A) Promote orderly growth and development;
- (B) Provide for suitable residential and nonresidential developments with adequate streets and utilities and appropriate building sites;
- (C) Provide for the distribution of population and traffic in a manner which shall avoid congestion and overcrowding;
- (D) Provide for the coordination of streets within subdivisions with existing or planned streets and with other public facilities;
- (E) Provide for the dedication or reservation of rights-of-way or easements for street and utility purposes;
- (F) Provide for the dedication or reservation of adequate spaces for public lands and buildings;
- (G) Protect and enhance environmental quality;

(H) Provide for the dedication or reservation of recreation, park, or greenway areas;
and

(I) Provide proper land records for the convenience of the public and for better
identification and permanent location of real property boundaries.

1-3.8 Sign Regulation Purpose

The sign regulations, adopted and prescribed in this Ordinance, are found by the
Governing Body to be necessary and appropriate in order to:

- (A) Encourage the effective use of signs as a means of visual communication;
- (B) Promote a positive community appearance for the enjoyment of all citizens by
eliminating physical and visual clutter;
- (C) Maintain and enhance the aesthetic environment and the community's ability to
attract sources of economic development and growth;
- (D) Protect the public from damage or injury attributable to distractions and/or
obstructions caused by improperly designed or located signs; and
- (E) Protect existing property values in both residential and nonresidential areas.

1-3.9 Off-Street Parking, Stacking, and Loading Regulation Purpose

The off-street parking, stacking, and loading regulation; adopted and prescribed in
this Ordinance, are found by the Governing Body to be necessary and appropriate in
order to:

- (A) Ensure a sufficient amount of off-street parking, stacking, and loading areas for
various land uses;
- (B) Ensure easy, convenient circulation of vehicles within parking and loading areas;
- (C) Minimize the potential for conflict with traffic on public streets; and
- (D) Permit the shared use of parking areas by establishments and/or activities which
have different hours of operation.

1-3.10 Planting Yard Purpose

The planting yard regulations, adopted and prescribed in this Ordinance, are found
by the Governing Body to be necessary and appropriate in order to:

- (A) Create a better quality of life for the community by encouraging preservation of existing trees and vegetation;
- (B) Provide visual buffering and enhance beautification;
- (C) Establish appropriate separation between land uses;
- (D) Provide the separation necessary to permit certain land uses to coexist harmoniously which might not do so otherwise;
- (E) Safeguard and enhance property values and protect public and private investment;
- (F) Enhance the community's competitive position in economic development and tourism;
- (G) Reduce the negative impact of glare, noise, trash, odors, overcrowding, traffic, lack of privacy, and visual disorder when incompatible land uses adjoin one another; and
- (H) Provide wildlife habitats within urban and suburban environs.

1-3.11 Watershed Purpose

The watershed protection regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate in order to:

- (A) Protect those portions of designated watersheds which lie closest to existing and proposed water supply reservoirs from activities which could degrade water quality in the reservoirs;
- (B) Reduce the volume of nutrients and other chemicals which could enter the water supply by reducing the amount of runoff which any given development will generate;
- (C) Minimize land disturbance to reduce the amount of sediment washing into streams and lakes and to enhance the infiltration of runoff into soils, thus alleviating the sedimentation of water supply lakes which reduce their storage capacity, shortens their useful life, and makes them less able to withstand drought;

- (D) Reduce the probability of the release of harmful chemicals into water supply reservoirs, either through natural catastrophe or human error; and
- (E) Provide for natural and engineered methods for managing the stormwater which flushes contaminants off of impervious surfaces in the watershed critical areas and which may reach water supply reservoirs unless controlled.

1-3.12 Soil Erosion and Sedimentation Control Purpose

The soil erosion and sedimentation control regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate in order to:

- (A) Regulate certain land-disturbing activity to control accelerated erosion and sedimentation in order to prevent the pollution of water and other damage to lakes, watercourses, and other public and private property by sedimentation; and
- (B) Establish procedures through which the purpose of soil erosion and sedimentation control can be fulfilled.

1-3.13 Flood Control Purpose

The flood control regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate in order to:

- (A) Permit only that development within the floodplain which is appropriate in light of the probability of flood damage and which represents a reasonable social and economic use of land in relation to the hazards involved; and
- (B) Minimize public and private losses due to flood conditions in specific areas by enactment of provisions designed to;
 - 1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities;
 - 2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

- 3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in accommodation of flood waters;
- 4) Control filling, grading, dredging, and other development which may increase erosion or flood damage;
- 5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
- 6) Protect human life and health;
- 7) Minimize expenditure of public money for costly flood control projects;
- 8) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- 9) Minimize prolonged business interruptions;
- 10) Minimize damage to public facilities and utilities such as water, sewer, gas, electric, and telephone lines and streets and bridges located in floodplains;
- 11) Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas;
- 12) Permit and encourage the retention of open land uses which will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the community and which will not impede the flow of floodwaters; and
- 13) Ensure that potential buyers are notified whenever property is in a flood hazard area.

1-3 JURISDICTION

The provisions of this Ordinance shall apply to all the territory encompassed in the Town of Gibsonville, North Carolina and areas within its extraterritorial jurisdiction. This Ordinance shall govern the development and use of land and structures therein.

1-4 AUTHORITY

This Ordinance is adopted pursuant to portions of one or more of the following authorities in NCGS: Chapter 63 (Aeronautics), Chapter 69 (Fire Protection), Chapter 74 (Environmental Controls), Chapter 95 (Department of Labor and Labor Regulations), Chapter 106 (Agricultural Regulations), Chapter 113A (Pollution Control and Environment), Chapter 119 (Gasoline and Oil Inspection and Regulations), Chapter 121 (Environmental Controls), Chapter 130A (Public Health), Chapter 133 (Public Works), Chapter 136 (Roads and Highways), Chapter 143 (State Departments, Institutions, and Commissions), Chapter 157 (Housing Authorities), 160D (Local Planning and Development Regulation), Chapter 168 (Handicapped Persons). This Ordinance may be amended from time to time as required or allowed by subsequent legislative enactments.

1-5 ABROGATION

This Ordinance is not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. Whenever regulations imposed by this Ordinance are less restrictive than regulations imposed by any governmental authority through regulation, rule, or restriction, the regulations imposed by that authority shall govern. Regardless of any other provision of this Ordinance, no land shall be developed or used, and no structure shall be erected or maintained in violation of any state or federal regulation.

1-6 INTERPRETATION OF ORDINANCE

1-7 RULES OF CONSTRUCTION

1-7.1 Word Interpretation

Words not defined in this Ordinance shall be given their ordinary and common meaning, and where a word or words may be interpreted in more than one manner, the more restrictive meaning shall be adopted.

1-7.2 Rules of Construction

For the purposes of this Ordinance, the following rules of construction shall apply:

- (A) Tense: Words used in the present tense include the future tense;

- (B) Singular and Plural: Words used in the singular number include the plural number and the plural number includes the singular number unless the context of the particular usage clearly indicates otherwise;
- (C) Mandatory Meaning: The words “shall,” “will,” and “must” are mandatory in nature implying an obligation or duty to comply with the particular provision;
- (D) Gender: Words used in the male gender include the female gender; and
- (E) References: Any reference to an Article or Section shall mean an Article or Section of this Ordinance, unless otherwise specified.

1-8 COMPLIANCE

1-8.1 Compliance

No building, premises, or structure shall be constructed, erected, modified, converted, occupied, placed, maintained, or moved, and no land use shall be commenced, maintained, or modified except as specifically, or by necessary implication, authorized by this Ordinance.

1-8.2 Voluntary Compliance

Nothing in this Section shall be deemed to preclude voluntary compliance with the provisions of this Ordinance for development approved prior to the effective date of this Ordinance.

1-8.3 Conformance with Requirements

Except as herein provided, no applicable permit shall be issued or granted that does not conform to the requirements of this Ordinance. Developments which have received Technical Review Committee or staff approval, Enforcement Officer approval, or a building permit prior to the effective date of this Ordinance, may proceed in accordance with such approval or permit while such approval or permit remains in effect.

1-9 RELATION TO THE COMPREHENSIVE PLAN

The administration, enforcement, and amendment of this Ordinance shall be accomplished with the proper consideration of recommendations presented in the documents comprising the Comprehensive Plan. These documents include, but are not limited to, the following: Land Use Plan, Thoroughfare Plan, Collector Street Plan, Neighborhood Plans, Area Plans, Capital Improvement Plan, Economic Development Strategies, Housing Assistance Plan, Recreation Plan, and Greenways Plan.

Commented [LC1]: I think this covers the comprehensive plan requirement. Does Gibsonville have its own comp plan or does it adhere to the Guilford Co comp plan?

1-10 ESTABLISHMENT OF OFFICIAL ZONING MAP

1-10.1 Official Zoning Map

The Jurisdiction is hereby divided into zones, or districts, as established in Article IV (Zoning) and as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

1-10.2 Map Certification

The Official Zoning Map shall be identified by the signature of the Town Manager, be attested by the Clerk and bear the seal of the Jurisdiction together with the effective date of the adoption of this Ordinance.

1-10.3 Map Changes

If changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map.

1-10.4 Unauthorized Changes

No changes in zoning district boundaries of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized changes of whatever kind by any person shall be considered a violation of this Ordinance.

1-10.5 Map Location

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official **Current** Zoning Map, which shall be located in the Town Hall, shall be the final authority as to the current zoning status of property within the jurisdiction.

Commented [LC2]: Added to meet zoning map rules

1-10.6 Map Damage and Replacement

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Governing Body may by resolution adopt a replacement Official Zoning Map which shall supersede the prior Official Zoning Map. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant remaining parts thereof, shall be preserved, together with all available records pertaining to its adoption or amendment.

1-10.7 Replacement of Official Zoning Map

The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The replacement Official Zoning Map shall be identified by the signature of the Town Manager, be attested by the Clerk, and bear the seal of the Jurisdiction.

1-11 INTERPRETATION OF DISTRICT BOUNDARIES

1-11.1 Boundary Interpretation

Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply:

(A) Centerline: Where a boundary line lies within and follows a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be in the center of such street or alley right-of-way, railroad right-of-way, or utility easement. If such a street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the centerline of the abandoned or vacated road bed or utility easement.

(B) Edge Line: Where a boundary line follows the edge of a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be in the edge of such street or alley right-of-way, railroad right-of-way, or utility easement. If such a street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the edge of the abandoned or vacated road bed or utility easement.

(C) Lot Line: Boundaries indicated as approximately following lot lines shall be construed as following such lot lines. In the event that a district boundary line divides a lot or tract, each part of the lot or tract so divided shall be used in conformity with the regulations established by this Ordinance for the district in which said part is located.

(D) City Limits: Boundaries indicated as approximately following city limits or extraterritorial boundary lines shall be construed as following the city limits or extraterritorial boundary lines.

(E) County line: Boundaries indicated as approximately following the county line shall be construed as following the County line.

(F) Watercourses: Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

(G) Extensions: Boundaries indicated as parallel to or extensions of street or alley rights-of-way, channelized waterways, railroad rights-of-way, utility easements, lot lines, city limits, county lines, or extraterritorial boundaries shall be so construed.

(H) Scaling: In a case where a district boundary does not coincide with any boundary lines as above and no distances are described by specific ordinance; the boundary shall be determined by the use of the scale appearing on the map. In the case of Flood Zones, Corp of Engineering work maps, if available, shall be used for scaling.

1-11.2 Interpretation by Board of Adjustment

Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or are not covered by Section 1-12.1 (Boundary Interpretation), the Board of Adjustment shall interpret the district boundary.

1-11.3 Annexation

If any portion of the territory subject to county jurisdiction under this Ordinance shall be annexed by a municipality or taken into a municipality's extraterritorial jurisdiction by act of the General Assembly or in accordance with NCGS 160A, Article 4A or NCGS 160A-360, county regulations and powers or enforcement shall remain in effect until:

- (A) The municipality has adopted regulations for said annexed or extraterritorial area; or
- (B) A period of sixty (60) days has elapsed following the effective date of annexation or extension of extraterritorial jurisdiction.

1-12 SEVERABILITY

1-12.1 Invalidation

Should any Section, sentence, clause, phrase, or word of this Ordinance be held invalid or unconstitutional by a Court of competent jurisdiction of either the State of North Carolina or of the United States, such decision shall not affect, impair, or invalidate the validity of the remaining parts of this Ordinance which can be given effect without the invalid provision.

1-12.2 Prejudicial Application

If any Section, sentence, clause, phrase, or word of this Ordinance be held invalid or unconstitutional in its application to a particular case, such decision shall not affect or prejudice its application to other cases.

1-12.3 Lawful Presumption

There shall be a conclusive presumption when an Enforcement Officer or board authorizes regulatory action, that such officer or board would not have authorized such action except in the belief that such action was lawful.

ARTICLE II-DEFINITIONS

2-1 GENERAL PURPOSE

For the purpose of this Ordinance certain words and terms used herein are defined as herein indicated. All words used in the present tense shall include the future tense; all words in the singular number shall include the plural number; all words in the plural number shall include the singular number unless the natural construction of the wording indicates otherwise; all words not defined in the Article shall carry this definition prescribed in a common dictionary.

2-2 DEFINITIONS

ACCESS EASEMENT. An easement which grants the right to cross property.

ACCESSORY BUILDING. A detached subordinate building, the use of which is incidental to that of the principal building and located on the same lot therewith.

ACCESSORY DWELLING UNIT. A dwelling unit that exists either as part of a principal dwelling, or as an accessory building, and is secondary and incidental to the use of the property as single family residential.

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

ACT. The North Carolina Sedimentation Pollution Control Act of 1973 NCGS ss 113A-50 et seq., and all rules and orders adopted pursuant to it.

ACTIVE CONSTRUCTION. Activities which contribute directly to the completion of facilities contemplated or shown on the construction plans.

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

ADDRESS. The official street number assigned by the Jurisdiction for a specific lot, building or portion thereof.

ADULT ARCADE. Any place to which the public is permitted or invited wherein coin-operated or token-operated or electronically, electrically, or mechanically controlled still or motion

picture machines, projectors, or other image-producing devices are maintained to show images to persons in booths or viewing rooms where the images so displayed depict or describe "specified sexual activities" and/or "specified anatomical area."

ADULT CABARET. A nightclub, bar, private club, restaurant or other commercial establishment that regularly features, exhibits or displays as one of its principal business purposes:

Persons who appear nude or semi-nude; or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities:" or films, motion pictures, video cassettes, slides or other photographic reproductions which depict or describe "specified anatomical areas."

ADULT ORIENTED ESTABLISHMENT. Such establishments shall include, but are not limited to, adult arcades, adult bookstores or adult video stores, adult cabarets, adult motels, adult motion pictures theaters, adult theaters, escort agencies, nude model studios, sexual encounter centers and any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purposes of viewing adult-oriented motion pictures or wherein an entertainer or waiter provided adult entertainment (including entertainment such as described in the definition of adult cabaret) to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect.

ADULT THEATER. A theater, concert hall, auditorium, or similar commercial establishment which regularly features, exhibits, or displays, as one of its principal business purposes, persons who appear in a state of nudity or semi-nudity, or live performances that expose or depict specified anatomical areas and/or specified sexual activities.

ADULT VIDEO. See Adult Bookstore

ALTERATION OF A WATERCOURSE. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

APPEAL. A request for a review of the Floodplain Administrator's interpretation of any provisions of this ordinance.

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

AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain within a community subject to a one (1%) percent or greater chance of flooding in any given year. It includes both the floodway and the floodway fringe.

ASSEMBLY. A joining together of completely fabricated parts to create a finished product.

ATHLETIC FIELD. Outdoor sites, often requiring equipment, designed for formal athletic competition in field sports (e.g. softball, soccer, football).

AUTO WRECKING. A person that provides open storage, disassembling, or salvaging for more than two (2) junked motor vehicles.

AUTOMOBILE REPAIR SERVICES, MAJOR. An establishment primarily engaged in one or more of the following activities: 1) general repair or service, 2) engine repair, 3) installation or repair of transmissions, 4) installation or repair of automotive glass, 5) installation or repair or exhaust systems, 6) repair of tops, bodies and interiors, and 7) automotive painting and refinishing.

AUTOMOTIVE REPAIR SERVICES, MINOR. An establishment primarily engaged in one or more of the following activities: 1) diagnostic service and tune-ups, 2) installation or repair of air-conditioners, brakes, carburetors, electrical systems, fuel systems, generators, starters, and radiators, 3) lubricating service, and 4) front end and wheel alignment.

BASE FLOOD. The flood having a one (1%) percent chance of being equaled or exceeded in any given year (100-year flood).

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

BASEMENT. The lowest level or story which has its floor subgrade on all sides. (This definition applies only with respect to flood damage prevention regulations.)

BASIC STRUCTURAL ELEMENTS - The parts of a building which provide the principal strength, stability, integrity, shape and safety of the building, including but not limited to plates, studs, joists, rafters, stringers, stairs, sub-flooring, flooring, sheathing, lathing, roofing, siding, window frames, door frames, porches, railings, eaves, chimneys, flashing, masonry, and all other essential components.

BEING CONDUCTED. A land-disturbing activity has been initiated and permanent stabilization of the site has not been completed.

BERM. EROSION CONTROL. A mound of material and/or ditch, the purpose of which is to divert the flow of run-off water.

BEST MANAGEMENT PRACTICE (BMP). [A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.](#)

BLOCK. The land lying within an area bounded on all sides by streets.

BOARD OF ADJUSTMENT. A quasi-judicial body, appointed by the Governing Body, that is given certain powers under this Ordinance.

BOARDING HOUSE. A dwelling or part thereof, in which lodging is provided by the owner or operator to more than three (3) boarders.

BONA FIDE FARMS - The production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture as defined in N.C.G.S. 106-581.1. Activities incident to the farm include existing or new residences constructed to the applicable residential building code situated on the farm occupied by the owner, lessee, or operator of the farm and other buildings or structures sheltering or supporting the farm use and operation.

BORROW. Fill material which is required for on-site construction and is obtained from other locations

BUFFER. An area of land planted or constructed to separate uses.

BUFFER ZONE. The strip of land adjacent to a lake or natural watercourse.

BUILDABLE OR ZONE LOT. One or more lots of record in one undivided ownership with sufficient total area, exclusive of easements, flood hazards, well and septic tank fields;

sufficient total dimensions; and access to permit construction thereon of a principal building together with its required parking and planting yards.

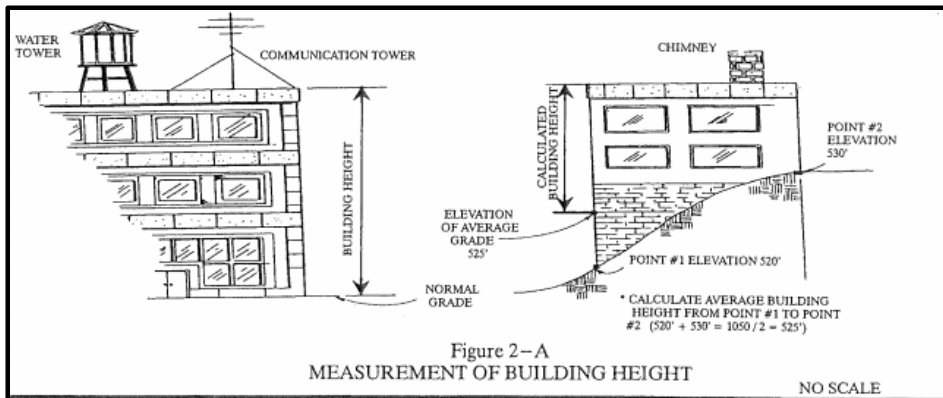
BUILDING. Any structure, place, or any other construction built for the shelter or enclosure of persons, animals, chattels, or property of any kind or any part of such structure, shelter, or property.

BUILDING HEIGHT. The vertical distance measured from the average elevation of the finished grade to the topmost section of the roof. See Figure 2-A.

BUILDING LINE. A line perpendicular to the lot depth which establishes the horizontal distance between the structure and the front property line excluding the outermost steps, uncovered porches, gutters, and similar fixtures. See Figure 2- B.

BUILDING SEPARATION. The minimum required horizontal distance between buildings.

BUILT- UPON AREA. That portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel (for pedestrian or vehicular use), recreation facilities (e.g. tennis courts), etc. (Note: wooden slatted decks and the water area of a swimming pool are not considered built-upon area.)



CANOPY TREE. A species of tree which normally grows to a mature height of forty (40) feet or more with a minimum mature crown width of thirty (30) feet.

CERTIFICATE OF APPROPRIATENESS. Prior to any action to enforce a landmark or historic district regulation, the commission shall (i) prepare and adopt rules of procedure and (ii) prepare and adopt principles and standards not inconsistent with this Part to guide the commission in determining congruity with the special character of the landmark or district for new construction, alterations, additions, moving, and demolition. The landmark or historic district regulation may provide, subject to prior adoption by the preservation commission of detailed standards, for staff review and approval as an administrative decision of applications for a certificate of appropriateness for minor work or activity as defined by the regulation; provided, however, that no application for a certificate of appropriateness may be denied without formal action by the preservation commission. Other than these administrative decisions on minor works, decisions on certificates of appropriateness are quasi-judicial and shall follow the procedures of G.S. 160D-406.

CERTIFICATE OF COMPLIANCE/OCCUPANCY. A statement, signed by the Enforcement Officer, setting forth either that a building or structure complies with the provisions of this Ordinance, or that building, structure, or parcel of land may lawfully be employed for specified uses, or both.

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

COMMISSION, SEDIMENTATION. The North Carolina Sedimentation Control Commission.

COMMON AREA(S). All areas, including private streets, conveyed to an owners' association within a development, or owned on a proportional undivided basis in a condominium development.

COMPLETION OF CONSTRUCTION OR DEVELOPMENT. No further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.

CODE ENFORCEMENT OFFICER. Building inspector or Administrative Officer of the Town, or any agent of the building inspector or Administrative Officer who is authorized by the building inspector to enforce the provisions of this ordinance.

CONDITIONAL ZONING. A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

CONDOMINIUM. Portions of real estate 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.

CONGREGATE CARE FACILITY. A facility providing shelter and services for ambulatory individuals at least fifty-five (55) years of age, who by reason of their age, functional impairment, or infirmity may require meals, housekeeping, and personal care assistance. Congregate care facilities do not include nursing homes or similar institutions devoted primarily to the care of the chronically ill or the incurable.

CORNER LOT. A lot abutting two (2) or more streets at their intersection.

COUNTY. Refers to Guilford County, North Carolina.

CRITICAL ROOT ZONE. The rooting area of a tree established to limit root disturbance, generally defined as a circle with a radius extending from a tree's trunk to the furthest point of the crown dripline.

DAY. Any reference to days shall mean calendar days unless otherwise specified. A duration of days shall include the first and last days on which an activity is conducted, and all days in between, unless otherwise specified by state law.

DENSITY CREDIT. The potential for the development or subdivision of part or all of a parcel of real property, as permitted under the terms of this Ordinance, expressed in dwelling unit equivalents or other measures, or development density or intensity, or a fraction or multiple of that potential that may be transferred to other portions of the same parcel, or to contiguous land that is part of a common development plan.

DEPARTMENT (DEHNR). The North Carolina Department of Environment, Health and Natural Resources.

DETENTION POND. [A pond which collects stormwater runoff, filters the water, and releases it slowly over a period of hours or days. It does not have a permanent pool and is sometimes referred to as a dry pond or wet weather pond.](#)

DEVELOPER. A person engaging in development.

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

DEVELOPMENT ACTIVITY. Any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

DEVELOPMENT APPROVAL. An administrative or quasi-judicial approval made pursuant to this Chapter that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to this Chapter, including plat approvals, permits issued, development agreements entered into, and building permits issued.

DEVELOPMENT, DENSITY OF. The density of development shall be determined using a gross acreage system. The total area of the tract, including areas to be used for new streets, rights-of-way, drives, parking, structures, recreation areas, dedicated areas, and required setbacks, shall be used for density calculations.

DEVELOPMENT, EXISTING. Those projects that are built and those projects that, at a minimum, have established a vested right under N.C. zoning law as of January 1, 1994, based on at least one of the following criteria: 1) substantial expenditure of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or 2) having a valid outstanding building permit; or 3) having expended substantial resources (time, labor, money) and having an approved site specific (or phased) development plan in compliance with NCGS 160D-108 . (This definition applies only with respect to watershed protection regulations.)

DEVELOPMENT, NEW. Any land-disturbing activity which adds to or changes the amount of built-upon area. (This definition applies only with respect to watershed protection regulations.).

DEVELOPMENT REGULATION. An ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless

telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to State law, local act or charter that regulates land use or development.

DIGITAL FLOOD INSURANCE RATE MAP (DFIRM). The digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

DIRECTOR (DEHNR). The Director of the Division of Land Resources of the Department of Environment, Health and Natural Resources.

DISCHARGING LANDFILL. A facility with liners, monitoring equipment, and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream. These facilities require approval and a discharge permit from the N.C. Department of Environmental Management for legal operation

DISCHARGE POINT. That point at which runoff leaves a tract of land.

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

DISPOSAL FACILITY. A facility or part of a facility at which hazardous waste or toxic substance is intentionally placed into or on any land or water, and at which hazardous waste or toxic substance will remain after closure.

DISTRICT. SOIL AND WATER CONSERVATION. The Guilford Soil and Water Conservation District created pursuant to NCGS 139.

DORMITORY, PRIVATE. A multiple unit residential accommodation which is established directly or indirectly in association with a college, business college, trade school or university, for the purpose of housing students registered and attending such as institution. A private dormitory may contain food preparation and eating facilities primarily for the use of its occupants.

DRAINAGEWAY AND OPEN SPACE AREA DEDICATED. The area designated for floodplain and open space purposes on a recorded subdivision plat, and thereby dedicated to the public for such purposes.

DRAINAGE, DISPERSED. Drainage spread out, as opposed to collected in channels, so as to effect increased sheet flow and overland flow.

DRAINAGE EASEMENT. An easement which grants the right of water drainage to pass in open channels or enclosed structures.

DRAINAGE, ENHANCED. Drainage carried by existing natural drainage ways which have been enhanced to resist soil erosion and stream bank degradation.

DRAINAGE MAINTENANCE EASEMENT. An easement which grants to the Governing Body the right to alter the typical drainage channel section and/or profile in order to improve water flow.

DRAINAGE, REQUIRED CHANNEL. The theoretical stream bed section which is required to carry and discharge the runoff from a one-hundred-year storm.

DRAINAGE, TYPICAL REQUIRED CHANNEL SECTION. A cross-sectional view of a required drainage channel.

DRAINAGEWAY. Any natural or man-made channel that carries surface runoff from precipitation.

DRAINAGEWAY, IMPROVED. Drainage channeled by impervious surfaces such as curb and gutter or concrete (gunite, bituminous, etc.) channels.

DRAINAGEWAY, PROTECTED. A natural channel that is protected against stream bank erosion and excessive runoff velocity by any one or a combination of the following: 1) rip-rap channel stabilization; 2) establishment of soil-stabilizing vegetation; 3) velocity reduction structures (stilling pools and drop structures, for example)

DRIPLINE. A vertical line extending from the outermost portion of a tree's canopy to the ground.

DWELLING UNIT. One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided therein. Units in dormitories, hotels, motels, shelters for the homeless, or other structures designed for transient residents are not dwelling units.

EASEMENT. A grant of one or more of the property rights, by the property owner, to, or for use by, the public, a corporation, or other entities.

ELEVATED BUILDING. A non-basement building built to have the top of the elevated floor above the ground by means of fill, solid foundation with openings sufficient to facilitate the unimpeded flow of floodwaters, perimeter walls, pilings, columns (post and piers), shear walls parallel to the flow of water, or breakaway walls.

ENCROACHMENT. The advance or infringement of uses, fill, excavation, buildings, structures or development into a special flood hazard area, which may impede or alter the flow capacity of a floodplain.

ENERGY DISSIPATOR. A structure or shaped channel section with mechanical armoring placed at the outlet pipes or conduits to receive and break down the energy from high velocity flow.

EROSION. The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.

EROSION, ACCELERATED. Any increase over the rate of natural erosion as a result of land-disturbing activities.

EROSION CONTROL MEASURE. STRUCTURE OR DEVICE, ADEQUATE. A device which controls the soil material within the land area under responsible control of the person conducting the land-disturbing activity.

EROSION, NATURAL. The wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.

ESCORT. A person who, for tips or any other form of consideration, agrees or offers to act as a date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY. A person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its principal business purposes, for a fee, tip, or any other form of consideration.

ESTABLISHMENT, ADULT ORIENTED. An adult arcade, adult bookstore or adult video store, adult cabaret, adult massage parlor, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center, or any combination of the foregoing or any like or similar use.

EXISTING CONSTRUCTION. Structures for which the “start of construction” commenced before January 1, 1985. The purpose of the definition is for determining insurance rates. Existing Construction may also be referred to as “Existing Structures”

FAMILY. One (1) or more persons related by blood, adoption, or marriage, or not more than three (3) unrelated people, occupying a premise and living as a single housekeeping unit with common facilities. Four (4) or more unrelated persons occupying a premises shall come within the definition of multi-family use.

FAMILY CARE HOME. A home meeting the North Carolina Residential Building Code with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for six (6) or less resident handicapped persons, pursuant to NCGS 168-21.

FENCE. A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal or similar material, used as a boundary or means of protection or confinement, but not including a hedge or other vegetation.

FLAG LOT. A lot, created by a subdivision, with less street frontage than is required by Article IV (Zoning), and composed of a narrow "flagpole" strip extending from the street and a much wider "flag" section lying immediately behind a lot or lots having the required street frontage for a conventional lot. In the case of a flag lot, the lot line at the end of the flag pole lying generally parallel to the street to which the flagpole connects shall be considered to be the front lot line for setback purposes.

FLOOD AND FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP. An official map of the community, issued by the Federal Emergency Management Agency, where the one hundred (100)-year flood boundary has been designated and further delineated as a floodway and floodway fringe area. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

FLOOD HAZARD BOUNDARY MAP (FHBM). An official map of a community, issued by the FEMA, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

FLOOD INSURANCE. Insurance coverage provided under the National Flood Insurance Program.

FLOOD INSURANCE RATE MAP (FIRM). An official map of the community issued by FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (also see DFRIM)

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

FLOODPLAIN. The relatively flat area or low land adjacent to the channel of a river, stream, or watercourse, lake or other body of standing water, which has been or may be covered by flood water.

FLOODPLAIN ADMINISTRATOR. The individual appointed to administer and enforce floodplain management regulations.

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

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

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

FLOOD PROTECTION ELEVATION. Base Flood Elevation plus Freeboard. In Special Flood Hazard Areas where Base Flood Elevations have been determined, this elevation shall be the Base

Flood Elevation plus one (1) foot. In Special Flood Hazard Areas where no Base Flood Elevation has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

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

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

FLOOD-RESISTANT MATERIAL. Any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbars are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

FLOODWAY. The channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

FLOODWAY ENCROACHMENT ANALYSIS. An engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed Professional Engineer using standard engineering methods and models.

FLOODWAY FRINGE. The land area located between the floodway and maximum elevation subject to inundation by the base flood as defined herein.

FLOODZONE. A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

FLOOR. The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

FLOOR AREA GROSS. The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

FLYING FIELD, PRIVATE (accessory use). A private airstrip used for individual aircraft take off and landing that is 1) located on the same lot with a permitted principal use; 2) intended for the exclusive use of the owner; 3) subject to all Accessory Use are requirements of Section 4-5.4; and 4) that cannot be used or operated as a commercial airport.

FREEBOARD. The height added to the Base Flood Elevation to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed. The Base Flood Protection plus the Freeboard establishes the Flood Protection Elevation.

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

GRADE, FINISHED. The final elevation of the ground surface after development.

GRADE, NATURAL. The elevation of the ground surface in its natural state before man-made alterations.

GRADING. Any operation or occurrence by which the existing site elevations are changed, or where any ground cover, natural or man-made, is removed, or any buildings or other structures are removed, or any water course or body of water, either natural or man-made, is

relocated on any site, thereby creating an unprotected area. The term "grading" is interchangeable with "land-disturbing activity".

GRADING, PHASE OF. One (1) of the two (2) types of grading, rough or fine.

GRADING PLAN. The graphic plan, including narrative where appropriate, required by this Ordinance as a prerequisite for a grading permit, the purpose of which is to explain existing conditions and proposed grading of land including any development, and to describe the activities and measures to be undertaken to control accelerated soil erosion and sedimentation.

GREENWAY. Public open space owned and maintained by the local government which has been designated on an officially adopted greenway plan.

GROUND COVER. Any vegetation, masonry, paving, riprap, or other material or materials which render the soil surface stable against accelerated erosion.

GROUP CARE FACILITY. A facility licensed by the State of North Carolina (by whatever name it is called, other than "Family Care Home" as defined by this Ordinance), with support and supervisory personnel that provides room and board, personal care or habilitation services in a family environment for not more than thirty (30) people.

GROUP DEVELOPMENT. A development in which, in lieu of division of a tract of land into separate lots of record for separate principal buildings, a tract of land is divided into two (2) or more principal building sites for the purpose of building development (whether immediate or future), and occupancy by separate families, firms, businesses, or other enterprises.

HAZARDOUS MATERIAL. Any material listed as such in: Superfund Amendments and Reauthorization Act (SARA) Section 302 Extremely Hazardous Substances (42 USC 1100 et seq.); Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Hazardous Substances (42 USC 9601 et seq.); or Section 311 of the Clean Water Act, as amended (CWA) (33 USC 1251 et seq.; oil and hazardous substances) hereby incorporated by reference including any subsequent amendments and editions

HAZARDOUS OR TOXIC SUBSTANCE. Any solid waste as defined in NCGS 130A-290(18), or any substance regulated under the Federal Toxic Substance Control Act of 1976, (PL 94-476), as amended from time to time, which because of its quantity, concentration, or physical chemical or infectious characteristic(s) may: 1) cause or significantly contribute to an increase in serious irreversible or incapacitating illness, or; 2) pose a substantial present or potential

threat to the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

HAZARDOUS WASTE GENERATOR. Any person whose act or process produces hazardous waste or toxic substance identified or listed in Part 261 of the North Carolina Hazardous Waste Management Rules, or whose act first causes a hazardous waste or toxic substance to become subject to regulation, provided that "generator" does not include a facility which accepts hazardous waste or toxic substances for the purpose of treatment, storage, or disposal, and in that process creates a different hazardous waste or toxic substance.

HAZARDOUS WASTE LONG-TERM STORAGE FACILITY. Any facility or any portion of a facility constructed for storage of the residuals of the treatment of hazardous waste, on or in land.

HAZARDOUS WASTE MANAGEMENT. The systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery and disposal of hazardous wastes.

HAZARDOUS WASTE TREATMENT FACILITY. A facility which is established and operated for the recovery, recycling, treatment, storage during collection and prior to treatment, short-term storage after treatment, collection, processing, volume reduction, source separation, or transportation used exclusively in connection with the facility, of hazardous waste; and which facility includes several of the following equipment's and processes: incinerators, rotary kilns, drum handling, washing and crushing facilities, raw waste tank storage, reduction, neutralization, detoxification, wastewater treatment facilities, including settling systems, aerobic digesters, anaerobic digesters, clarifiers, neutralization facilities, solidifying facilities, evaporators, reactions to facilitate "reuse" or recycling, analytical capabilities, and other similar appropriate technologies, activities and processes as may now exist or be developed in the future.

HIGH DENSITY OPTION. A density or intensity option for new development wherein the density or intensity exceeds the applicable limit for development under the Low Density Option (see definition below and Table 2-1-1 below), thereby imposing a requirement for engineered stormwater controls (runoff control structures) in conformance with the requirements of the Water Supply Watershed Protection Rules as adopted by the N.C. Environmental Management Commission and the requirements of Article VII (Environmental Regulations) of this Ordinance.

HIGH QUALITY WATERS. Those classified as such in 15A NCAC 2B.0101(e)(5) - General Procedures, which is incorporated herein by reference to include further amendments pursuant to NCGS 150B-14(c).

HIGH QUALITY WATER (HQW) ZONES. Areas in the coastal counties that are within five hundred seventy-five (575) feet of High Quality Waters and, for the remainder of the State, areas that are within one (1) mile and drain into HQW's.

HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

HISTORIC STRUCTURE. Any structure that is: 1) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior), or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; 2) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district, or a district preliminarily determined by the Secretary to qualify as a registered historic district; 3) individually listed on a state inventory of historic places; 4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (a) by an approved state program as determined by the Secretary of Interior or (b) directly by the Secretary of Interior in states without approved programs.

HISTORIC DISTRICT

CONTRIBUTING STRUCTURE. A structure listed as historically and architecturally significant in the adopted guidelines.

NONCONTRIBUTING STRUCTURE. A structure listed as not historically and architecturally significant in the adopted guidelines.

MINOR WORK. Work activities which do not result in a substantial or irreversible alteration to the general exterior appearance of a structure, its grounds, or site when viewed from the street right-of-way; therefore not requiring design review by the Historic Preservation Commission, but requiring approval of a Certificate of Appropriateness by the Enforcement Officer.

MAJOR WORK. Work activities which could result in a substantial or irreversible alteration to the general exterior appearance of a structure, its grounds or site when viewed from the street right-of-way; therefore, requiring design review and approval of a Certificate of Appropriateness by the Historic Preservation Commission

ROUTINE MAINTENANCE. Work activities not already listed under minor or major work and which include ordinary repair and replacement when there is no change in the design, materials, or general exterior appearance of a structure, its grounds or a site when viewed from the street right-of-way; therefore, not requiring design review or application for a Certificate of Appropriateness.

HOME OCCUPATION. Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof.

JUNK/SALVAGE YARD. Any land or area used, in whole or in part, for the storage, keeping, or accumulation of material, including scrap metals, waste paper, rags, or other scrap materials, or used building materials, for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

LAKE or NATURAL WATERCOURSE. Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.

LAND- DISTURBING ACTIVITY. Any use of the land by any person or persons in residential, industrial, educational, institutional, or commercial development, highway or road construction or maintenance, that results in a change in natural cover or topography that may cause or contribute to sedimentation.

LANDFILL, BENEFICIAL FILL AREA. A disposal site that meets all of the following conditions:

- 1) The fill material consists only of inert debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, and gravel;
- 2) The fill activity involves no excavation;
- 3) The fill activity will cover two (2) acres or less and be in operation one (1) year or less;
- 4) The purpose of the fill activity is to improve land use potential or other approved beneficial reuses.
- 5) Any disposal site not meeting all the requirements listed above shall be considered a Land Clearing and Inert Debris (LCID) Landfill.

LANDFILL, CONSTRUCTION OR DEMOLITION DEBRIS (C-D) (MAJOR). A disposal site, other than a Minor Construction or Demolition Landfill, for solid waste resulting from construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures, and which complies with all zoning and Special Use Permit requirements of this Ordinance.

LANDFILL. CONSTRUCTION OR DEMOLITION DEBRIS (C- D) (MINOR). A disposal site for solid waste that meets the following criteria:

- 1) The waste results solely from construction, remodeling, repair or demolition operations on pavement, buildings, or other structures located on the same property and under the same ownership, and does not include inert debris, land-clearing, or yard trash.
- 2) The disposal site must be one (1) acre or less.

LANDFILL. LAND CLEARING AND INERT DEBRIS (LCID) (MAJOR). A disposal site other than a Minor Land Clearing and Inert Debris Landfill as defined in this ordinance for stumps, limbs, leaves, concrete, brick, wood and uncontaminated earth. Disposal of any other types of wastes must be approved by the State Division of Solid Waste Management.

LANDFILL. LAND CLEARING AND INERT DEBRIS (LCID) (MINOR). A disposal site that meets all of the following conditions:

- 1) The fill material consists of debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, gravel, limbs, leaves, and stumps. Disposal of any other types of wastes must be approved by the State Division of Solid Waste Management; and
- 2) The fill activity will cover two (2) acres or less, be in operation three (3) years or less, provided that the Planning Board may upon request grant one or more three year renewals, and have direct access to a state maintained paved road, provided that the Planning Board may grant a waiver to the paving requirement upon reasonable conditions.
- 3) Any disposal site not meeting all the requirements listed above shall be considered a Major Land Clearing and Inert Debris (LCID) Landfill.

LANDFILL. SANITARY/SOLID WASTE. A site for solid waste disposal from residential, industrial or commercial activities.

LEVEE. A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LETTER OF MAP CHANGE (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- i. Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- ii. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other plan metric features.
- iii. Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- iv. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

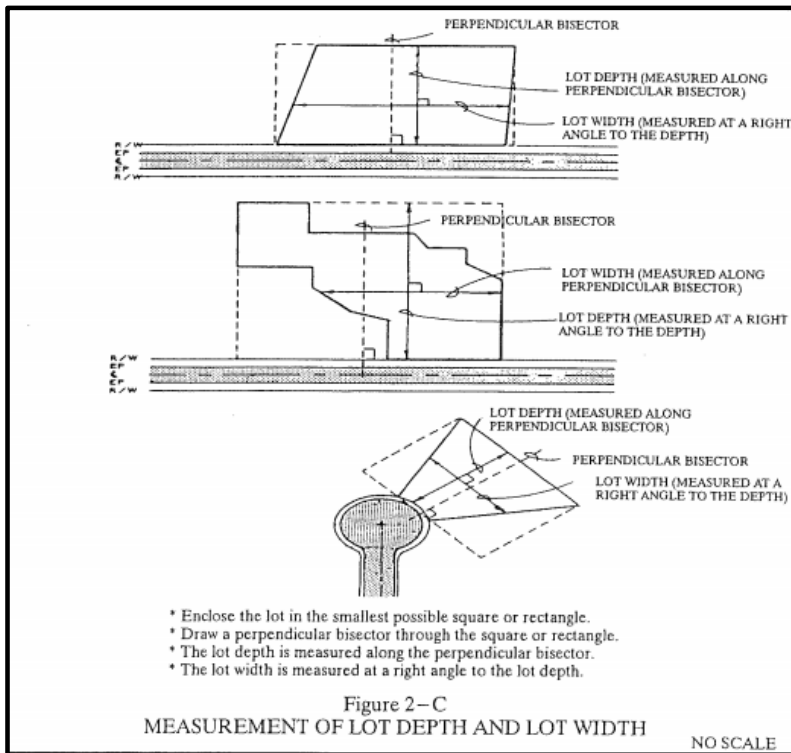
LEVEE. A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM. A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LIGHT DUTY TRUCK. Any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

- i. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- ii. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- iii. Available with special features enabling off-street or off-highway operation and use.

LONG-TERM RETRIEVABLE STORAGE OF HAZARDOUS WASTE. The storage in closed containers in facilities (either above or below ground) with adequate lights; impervious cement floors; strong visible shelves or platforms; passageways to allow inspection at any time; adequate ventilation if underground or in closed buildings; protection from the weather; accessible to monitoring with signs on both individual containers and sections of storage facilities; and adequate safety and security precautions for facility personnel, inspectors and invited or permitted members of the community.



LOT. A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership, or for development or both. The word "lot" includes "plot", "parcel," or "tract."

LOT COVERAGE. The portion of a lot covered by buildings(s) and/or structure(s)

LOT DEPTH. The distance measured along the perpendicular bisector of the smallest possible rectangle enclosing the lot. See Figure 2-C.

LOT OF RECORD. A lot, plot, parcel, or tract recorded in the Office of the Register of Deeds in conformance with the ordinance(s) in effect at the time of recordation.

LOT WIDTH. The mean width measured at right angles to its depth at the building line. See Figure 2-C.

LOW DENSITY OPTION. A density or intensity option for new development wherein the density, expressed in dwelling units per acre, and/or the intensity, expressed in percentage

of the land surface covered by built-upon area, does not exceed certain limits established in the Water Supply Watershed Protection Rules as adopted by the N.C. Environmental Management Commission. The limits vary depending upon the classification of the watershed and upon which overlay zone, Watershed Critical Area (WCA) or General Watershed Area (GWA), is applicable. The limits in effect on July 1, 1993 are shown in table 2-1-1.

Table 0-1: Density and Intensity Limits for Low Density and High Density Options

WATERSHED CLASSIFICATION	OVERLAY ZONE	LOW DENSITY OPTION		HIGH DENSITY OPTION
		DU/AC	% BUILT- UPON AREA	% BUILT-UPON AREA
WS-IV	WCA	2	24	24-50
WS-IV	GWA	2a	24a	24-70
WS-III	WCA	1	12	12-30
WS-III	GWA	2	24	24-50b
NOTES:				

a Three (3) DU/AC or thirty-six (36%) percent built-upon area is allowed for projects without a curb and gutter street and driveway system.

b Refer to Section 7-2.3(B)1) for additional allocation options.

LOWEST ADJACENT GRADE. The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

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

MANUFACTURED DWELLING. A dwelling that:

- 1) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis;
- 2) exceeds forty feet in length and eight feet in width;
- 3) is constructed in accordance with the National Manufactured Home Construction and Safety Standards; and
- 4) is not constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One- and Two-Family Dwellings.

Class AA: A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction, and that satisfies the following additional criteria:

- 5) Is occupied only as a single family dwelling;
- 6) Has a minimum width of sixteen (16) feet;
- 7) Has a length not exceeding four (4) times its width, with length measured along the longest axis, and width measured perpendicular to the longest axis at the narrowest part;
- 8) Has a minimum of seven hundred (700) square feet of enclosed and heated living area;
- 9) Has the towing apparatus, wheels, axles, and transporting lights removed, and not included in length and width measurements;
- 10) Has the longest axis oriented parallel or within a ten (10) degree deflection of being parallel to the lot frontage, unless other orientation is permitted by the Board of Adjustment following a public hearing;
- 11) Is set up in accordance with the standards established by the North Carolina Department of Insurance. In addition, a continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One- and Two-Family Dwellings,

unpierced except for required ventilation and access, shall be installed under the perimeter;

12) Has exterior siding, comparable in composition, appearance durability to the exterior siding commonly used in standard residential construction, consisting of one or more of the following: 1) vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint); 2) cedar or other wood siding; 3) wood grain, weather resistant press board siding; 4) stucco siding; or 5) brick or stone siding;

13) Has a roof pitch minimum vertical rise of three and one-half (3 1/2) feet for each twelve (12) feet of horizontal run;

14) Has a roof finished with a Class C or better roofing material that is commonly used in standard residential construction; All roof structures shall provide an eave projection of no less than six inches, which may include a gutter; and Stairs, porches, entrance platforms, ramps and other means of entrance and exit are installed or constructed in accordance with the standards set by the North Carolina State Building Code, attached firmly to the primary structure and anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of twenty-four (24) square feet. The use of wood stairs only is prohibited at any entrance.

Class A: A manufactured home that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction and that meet or exceed criteria (a), (c), (d), (e), (g), (h), (i), (k), and (l) for Class AA manufactured dwellings above.

Class B: A manufactured home that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction, and that meet or exceed criteria (e), (g) and (h) for Class AA manufactured dwellings above.

Class C: Any manufactured home that does not meet the above definition and criteria of a Class AA, Class A or Class B manufactured dwelling.

MANUFACTURED DWELLING. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include recreational vehicle. (This definition applies only with respect to flood damage prevention regulations.)

MANUFACTURED DWELLING PARK. A parcel (or contiguous parcels) of land divided into two or more manufactured dwelling spaces for rent. (This definition applies only with respect to flood damage prevention regulations.)

MANUFACTURED DWELLING SPACE. A designated area of land within a manufactured dwelling park designed for the accommodation of a single manufactured dwelling home in accordance with the requirements of this Ordinance.

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

MAXIMUM RUNOFF RETENTION. The passage of approximately one hundred (100%) percent of channelized runoff through permanent retention or wet detention pond(s).

MEAN SEA LEVEL. The average height of the sea for all stages of the tide. It is used as reference for establishing various elevations within the flood plain. For purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

MIXED DEVELOPMENT. A mixture of residential and permitted office and/or commercial uses in the GB, HB, SC, and CP Districts.

MODERATE RUNOFF RETENTION. The passage of at least seventy-five (75%) percent of runoff through permanent retention or wet detention pond(s).

MODIFICATION, MAJOR WATERSHED. Modification of the existing regulations that does not meet the definition of a Minor Watershed Modification.

MODIFICATION, MINOR WATERSHED. Modification of the existing regulations that meets one of the following criteria: (A) Modification of any standard present in the Ordinance but not in the State Water Supply Watershed Protection Rules; (B) Modification of any standard on which the level of performance required by the Ordinance exceeds that required by the corresponding section of the State Water Supply Watershed Protection Rules, provided that approval of the modification does not lower the level of performance below that required by the State regulations; or (C) Modification of the State Regulations by a factor of up to five (5%) percent under the high density option or ten (10%) percent under the low density option of any standard expressed as a number.

MODULAR DWELLING. A dwelling constructed in accordance with the standards set forth in the N.C. State Residential Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

MOTOR VEHICLE, BUSINESS AND PERSONAL USE OF A motor vehicle used for transportation at least once every seven (7) days.

MOTOR VEHICLE, JUNKED. A motor vehicle that does not display a current license plate and is one or more of the following: 1) is partially dismantled or wrecked; or 2) cannot be self-propelled or moved in the manner in which it originally was intended to move; or 3) more than five (5) years old and appears to be worth less than one hundred dollars (\$100.00); provided that any motor vehicle used on a regular basis for business or personal use shall not be caused to be removed or disposed. Except that a motor vehicle junked, that is not visible from the public right-of-way or from an adjoining property shall be excluded from this definition.

MULTI-FAMILY DWELLING. A building or portion thereof used or designed as a residence for three (3) or more families living independently of each other with separate housekeeping and cooking facilities for each, and includes apartment, townhouses and residential condominiums.

MULTI-TENANT BUILDING. A building that is used for two or more occupancies, provided each occupancy is separated by construction having fire-resistive ratings in compliance with the NC Building Code.

NATIONAL GEODETIC VERTICAL DATUM (NGVD). The vertical control used as a reference for establishing varying elevations within the floodplain.

NEW CONSTRUCTION. Structures for which the "start of construction" commenced on or after the effective date of this Ordinance, including any subsequent improvements to such structures.

NONCONFORMING. A lot, structure, sign, or use of land, which is now prohibited under the terms of this Ordinance, but was lawful at the date of this Ordinance's enactment, or any amendment or revision thereto.

NONCONFORMING LOT(S). A Lot of Record that does not conform to the dimensional requirements of the zoning district in which it is located. The nonconformity may result from adoption of this ordinance or any subsequent amendment.

NONCONFORMING STRUCTURE(S). A structure that does not conform to the requirements of this Ordinance. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

NONCONFORMING USE. A use which once was a permitted use on a parcel of land or within a structure, but which is not now a permitted use. The nonconformity may result from the adoption of this Ordinance, or any subsequent amendment.

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

NON-RESIDENTIAL BUILDING OR STRUCTURE. Any building or structure or portion of a building or structure occupied or intended to be occupied, in whole or in part, for a use other than a dwelling, home, residing place, living space or sleeping space for one or more human beings, either permanently or transiently.

NUDE MODEL STUDIO. Any place where a person who appears nude or semi-nude, or who displays "specified anatomical areas," is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration. Nude model studio shall not include a proprietary school licensed by the State of North Carolina or a college, junior college, or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

- 1) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
- 2) Where in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
- 3) Where no more than one (1) model in a nude or semi-nude condition is on the premises at any one time.

NUDE OR A STATE OF NUDITY. The appearance of a human anus, male genitals, or female genitals; or a state of dress which fails to opaquely cover a human anus, male genitals, or female genitals.

NURSING HOME. An establishment which provides full-time convalescent or chronic care, or both, to persons who are not related by blood or marriage to the operator, or who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

OBSTRUCTION. Any dam, wall, embankment, levee, dike, pile, abutment, spoil material, bridge, conduit, culvert building, wire, fence, refuse, fill, structure or matter in, along, across or projecting onto any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

OBSTRUCTION. NATURAL. Any rock, tree, gravel, or analogous natural matter that is an obstruction and has been located in the floodway by a nonhuman cause.

OCCUPANT. Any person who is a tenant or has actual possession of a building or structure, or part thereof.

OPERATOR. Any person who alone, or jointly or severally with others has title to or shall have charge, care or control of a building or structure as owner or agent.

OWNER. A holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.

PARTIES IN INTEREST. All individuals, associations, and corporations who have interests of record in a building or structure and any who are in possession thereof.

PEDESTRIAN WAY. A right-of-way or easement dedicated to public use to facilitate pedestrian access to adjacent streets and properties.

PERSON. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, or public or private institution, utility, cooperative, interstate body or other legal entity.

PERSON CONDUCTING LAND DISTURBING ACTIVITY. Any person who may be held responsible for a violation unless expressly provided otherwise by this Ordinance, the Act, or any order adopted pursuant to this Ordinance or the Act.

PERSON RESPONSIBLE FOR LAND DISTURBING VIOLATION. As used in this Ordinance, and NCGS 113A-64, a developer or other person who has or holds himself out as having financial or operational control over the land-disturbing activity; or the landowner or person in possession or control of the land when he has directly or indirectly allowed the land-

disturbing activity or has benefitted from it, or he has failed to comply with any provision of this Ordinance, the Act, or any order adopted pursuant to this Ordinance or the Act as imposes a duty upon him.

PLANNED UNIT DEVELOPMENT. An area of land under unified ownership or control to be developed and improved as a single entity under a Unified Development Plan in accordance with and subject to the requirements of this Ordinance.

PLANNING DEPARTMENT. The Planning and Development Department of Guilford/Alamance County.

PLAT. A surveyed map or plan of a parcel of land which is to be, or has been subdivided.

PLAT, FINAL. The final map of all or a portion of a subdivision or site, showing the boundaries and location of lots, streets, easements and any other requirements of Appendix 2 (Map Standards), which is presented for local government approval and subsequent recordation in the Guilford/Alamance County Register of Deeds Office.

PLAT, PRELIMINARY. A map indicating the proposed layout of the subdivision or site showing lots, streets, water, sewer, storm drainage, and any other requirements of Appendix 2 (Map Standards), which is presented for preliminary approval.

PLAN, SKETCH. A rough sketch map of a proposed subdivision or site, showing streets, lots, and any other information required in Appendix 2 (Map Standards) of sufficient accuracy to be used for discussion of the street system and the proposed development pattern.

PORTABLE STORAGE UNIT. A transportable unit designed and used for the temporary storage of household goods, personal items, construction materials and supplies and other materials which is placed on a site for the use of occupants of a dwelling or building on a limited basis. Such containers are uniquely designed for their ease of loading to and from a transport vehicle.

POST-FIRM. Construction or other development for which the “start of construction” occurred on or after January 1, 1985, the effective date of the initial Flood Insurance Rate Map.

PRE-FIRM. Construction or other development for which the “start of construction” occurred before January 1, 1985, the effective date of the initial Flood Insurance Rate Map.

PREMISES. Any lot of parcel of land inclusive of any building or improvements located thereon.

PRINCIPAL BUILDING. A building in which is conducted the principal use of the zone lot on which it is located or, in a group development, of the building site on which it is located. Any dwelling is considered a principal building unless it is an accessory dwelling in compliance with Section 6-4.3 (Accessory Dwelling Units on Single Family Lots), farm tenant dwelling, or a residence for a pastor, or caretaker dwelling accessory to a nonresidential use (limited to one such residence per lot).

PRINCIPAL DWELLING. Any principal building or structure which is used and designed for human habitation including living, sleeping, cooking and eating activities excluding dormitories, hotels, motels, shelters for the homeless or other structures designed for transient residents.

PRINCIPAL STRUCTURE. A structure(s) in which is conducted the principal use(s) of the zone lot on which it is located.

PRINCIPALLY ABOVE GROUND. At least 51% of the actual cash value of the structure is above ground.

PRIVATE SEWER. A system which provides for collection and/or treatment of wastewater from a development, or property, and which is not maintained with public funds.

PRIVATE WATER. A system which provides for the supply and/or distribution of potable water for use by a development, project, or owner, and which is not operated or maintained by a government organization or utility district.

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

PUBLIC SEWER. A system which provides for the collection and treatment of sanitary sewage from more than one property and is owned and operated by a government organization or sanitary district.

PUBLIC WATER. A system which provides distribution of potable water for more than one property and is owned and operated by a government organization or utility district

PROTECTED AREA. Any ground surface area having established cover, artificial or natural, of such density that not more than twenty (20%) percent of the soil surface of any square yard of surface is exposed to the physical forces of meteorological elements.

RECREATIONAL VEHICLE. A vehicle which is built on a single chassis, designed to be self-propelled or permanently towable by a light duty vehicle, and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

RECREATIONAL VEHICLE PARK. Any site or tract of land, of contiguous ownership, upon which fifteen (15) or more recreational vehicles or tent spaces are provided for occupancy according to the requirements set forth in this ordinance.

RECREATIONAL VEHICLE SPACE. A plot of land within a recreational vehicle park designed for the accommodation of one recreational vehicle in accordance with the requirements set forth in this ordinance.

RECYCLING COLLECTION POINT. An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources.

RECYCLING PROCESSING CENTER. A facility used for collection and processing of recyclable materials. Processing means the preparation of materials for efficient shipments, or to an end-user's specification, by such means as baling, briquetting, compacting, flattening, grinding, crushing, sorting, shredding, and cleaning.

REFERENCE LEVEL. The top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones A, AE, AH, AO, A99.

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

RESERVATION. An obligation shown on a plat or site plan to keep property free from development and available for public acquisition for a stated period of time. It is not a dedication or conveyance.

RETENTION POND. A pond that has a permanent pool.

REVERSE FRONTAGE LOT. A through lot which is not accessible from one of the parallel or non-intersecting streets upon which it fronts.

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

ROOF LINE. The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

ROOMING UNIT. A room designed, occupied, or intended for occupancy as separate living quarters with sleeping, but not necessarily cooking and sanitary facilities provided therein.

RUNOFF DETENTION IN EXCESS OF EROSION CONTROL ORDINANCE. The passage of at least fifty (50%) percent of runoff through permanent wet detention or retention ponds.

RUNOFF DETENTION EQUAL TO MINIMUM REQUIREMENTS. Velocity control of runoff.

SAFE. Condition which is likely not to do harm to humans or to real or personal property.

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

SALVAGE YARD, AUTO PARTS. Any establishment listed in the Standard Industrial Classification Manual under Industry Number 5015. Also, any land or area used, in whole or part, for the storage, keeping, accumulation, dismantling, demolition, or abandonment of inoperable vehicles or parts therefrom.

SALVAGE YARD, SCRAP PROCESSING. Any establishment listed in the Standard Industrial Classification Manual under Industry Number 5093. Also, any land or area used, in whole or part, for the storage, keeping, accumulation of scrap or waste materials, including scrap metals, waste paper, rags, building materials, machinery, or other scrap materials.

SEATING CAPACITY. The actual seating capacity of an area based upon the number of seats, or one seat per eighteen (18) inches of bench or pew length. For other areas where seats are not fixed, the seating capacity shall be determined as indicated by the NC Building Code.

SEDIMENT. Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.

SEDIMENTATION. The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity, or into a lake or natural watercourse.

SEMI- NUDE OR SEMI- NUDITY. A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

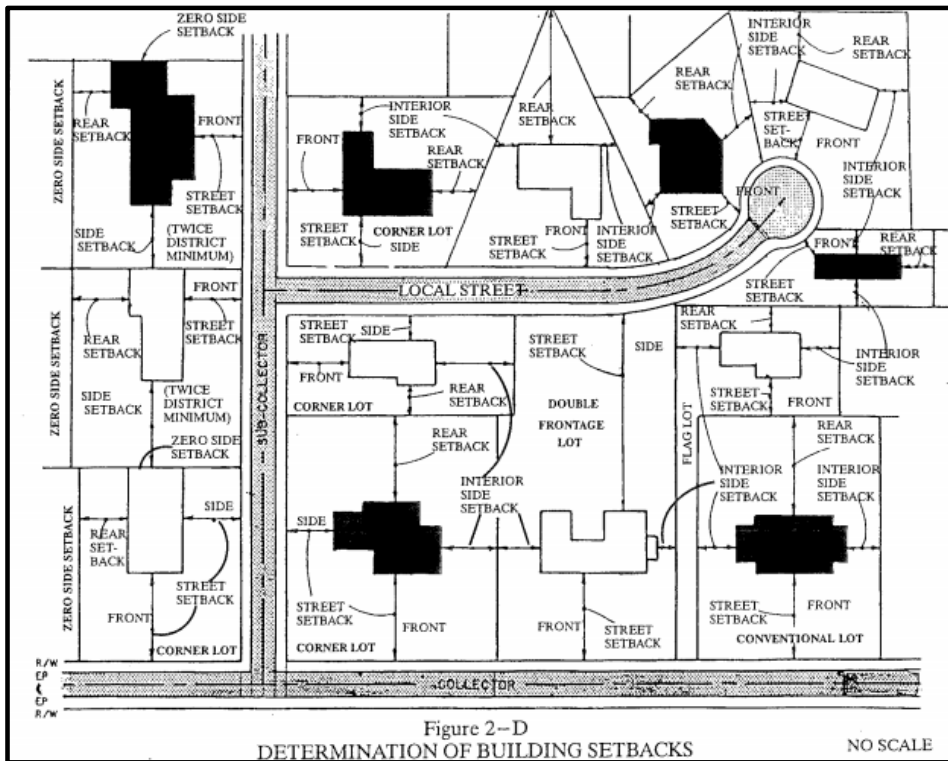


Figure 0-A: Determination of Building Setbacks

SETBACK

See Figure 2-D

- 1) INTERIOR SETBACK. A setback from any property line not alongside a street.
- 2) STREET SETBACK. Any setback from a street, road, or lane.

- 3) REAR SETBACK. A setback from an interior property line lying on the opposite side of the lot from the front street setback.
- 4) SETBACK. The minimum required horizontal distance between a structure or activity and the property line, street right-of-way line, or street centerline.
- 5) SIDE SETBACK. Any interior property line setback other than a rear setback.
- 6) ZERO SIDE SETBACK. An alternate form of dimensional requirements that allows a dwelling unit to have one (1) side setback of zero (0) from a side property line. This definition does not include townhouses.

SEXUAL ENCOUNTER CENTER. A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex, or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

SHELTER, EMERGENCY. A facility providing, without charge, temporary sleeping accommodations, with or without meals, for individuals and/or families displaced from their residences as a result of sudden natural or man-made catastrophe including, but not limited to, earthquake, fire, flood, tornado, hurricane, or the release of hazardous or toxic substance(s) into the environment. Such a natural or man-made catastrophe must be designated by the responsible local, state, or federal official, or an emergency agency such as the American Red Cross or the Emergency Management Assistance Agency.

SHELTER FOR THE HOMELESS. A facility operating year-round which provides lodging and supportive services including, but not limited to, a community kitchen; assistance in obtaining permanent housing; medical counseling, treatment, and/or supervision; psychological counseling, treatment, and/or supervision; assistance in recuperating from the effects of or refraining from the use of drugs and/or alcohol; nutritional counseling; employment counseling; job training and placement; and child care for indigent individuals and/or families with no regular home or residential address; and which complies with the following requirements: 1) the facility shall be contained within the building and operated by a government agency or nonprofit organization; 2) a minimum floor space of fifty (50) square feet shall be provided for each individual sheltered; and 3) the facility operator(s) shall provide continuous on-site supervision by an employee(s) and/or volunteer(s) during the hours of operation.

SHELTER, TEMPORARY. A facility which provides temporary lodging during times of life-threatening weather conditions for indigent individuals and/or families with no regular home or residential address; and which complies with the following requirements: 1) the

facility shall be contained within the building of and operated by a government agency or nonprofit organization; 2) a minimum floor space of fifty (50) square feet shall be provided for each individual sheltered; and 3) the facility operator(s) shall provide continuous on-site supervision by an employee(s) and/or volunteer(s) during the hours of operation.

SHORT-TERM RENTAL. The business engaged in the rental of individual bedrooms within an attached or detached dwelling unit that serves as the homeowners principal residence. Short Term Rental does not include rooming houses, boarding houses, or bed and breakfast establishments, which are addressed as separate uses within the Table of Permitted Uses.

SIGHT DISTANCE EASEMENT. An easement which grants to the Governing Body the right to maintain unobstructed view across property located at a street or lane intersection.

SIGN. Any object, device, display or structure, or part thereof, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including but not limited to words, letters, pennants, banners, emblems, trademarks, tradenames, insignias, numerals, figures, design, symbols, fixtures, colors, illumination or projected images, or any other attention directing device.

- 1) **ANIMATED SIGN.** Any sign which flashes, revolves, rotates or swings by mechanical means, or which uses a change of lighting to depict action, or to create a special effect or scene.
- 2) **BANNER.** A temporary sign of lightweight fabric or similar material which is rigidly mounted to a pole or a building by a rigid frame at two or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.
- 3) **BILLBOARD.** A freestanding sign designed for the display of information and/or advertising and erected as a principal use in accordance with the provisions of this Ordinance.
- 4) **BUILDING MARKER.** A sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface, or made of bronze or other permanent material.
- 5) **CANOPY SIGN.** Any sign which is a part of or attached to an awning, canopy or other fabric-like or plastic protective structure which is extended over a door, window, or entranceway. A marquee is not a canopy.
- 6) **COMMERCIAL MESSAGE.** Any sign wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity. This definition does not include company nameplates or logos on instructional signs.
- 7) **DIRECTIONAL SIGN.** Any sign with no commercial message that indicates the

direction to churches, hospitals, colleges and similar institutional uses.

- 8) ELECTRONIC CHANGEABLE COPY SIGN. A sign on which the copy changes automatically on a lampbank, such that the message or display does not run continuously in the travel mode, and any message or display remains stationary for a minimum of one (1) second on streets where the speed limit is fifty-five (55) miles per hour or greater, or two (2) seconds on streets where the speed limit is less than fifty-five (55) miles per hour. Any sign on which the message or display runs continuously in the travel mode and/or on which any message or display does not remain stationary for a minimum of one (1) second on streets where the speed limit is fifty-five (55) miles per hour or greater, or two (2) seconds on streets where the speed limit is less than fifty-five (55) miles per hour, shall be considered a flashing sign.
- 9) FLASHING SIGN. A type of animated sign which contains an intermittent, blinking, scintillating, or flashing light source, or which includes the illusion of intermittent or flashing light, or an externally mounted intermittent light source. An electronic changeable copy sign is not a flashing sign.
- 10) FREESTANDING SIGN. Any sign which is supported by structures or supports which are placed on, or anchored in the ground, and which structures or supports are independent from any building or other structure.
- 11) GOVERNMENTAL SIGN. Any sign erected by or on behalf of a governmental body to post a legal notice, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.
- 12) IDENTIFICATION SIGN. Any sign used to display: the name, address, logo, or other identifying symbol of the individual, family, business, institution, service, or organization occupying the premises; the profession of the occupant; the name of the building on which the sign is attached; or directory information in group developments or buildings with multiple tenants.

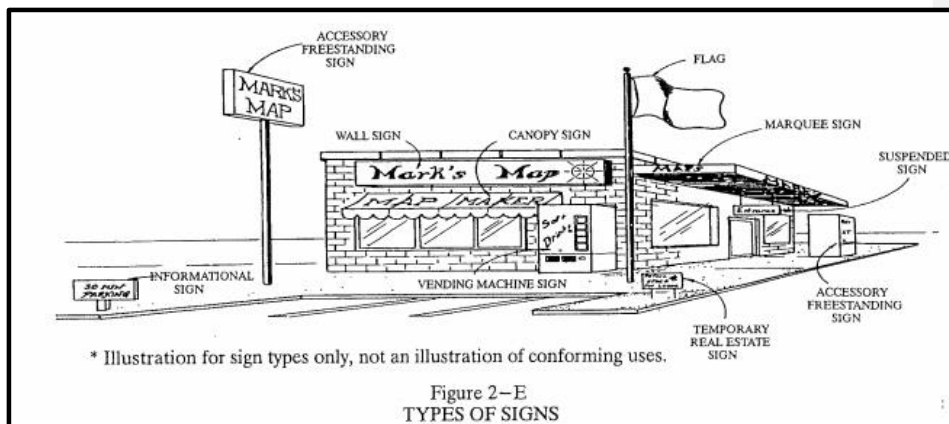


Figure 0-B: Types of Signs

- 13) INFORMATION BOARD. Signs which display messages in which the copy may be arranged or rearranged by hand.
- 14) INSTRUCTIONAL SIGN. Any sign with no commercial message that provides assistance with respect to the premises on which it is maintained, or for the instruction, safety, or convenience of the public such as "entrance", "exit", "one way", "telephone", "parking" and similar information.
- 15) MARQUEE. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.
- 16) MARQUEE SIGN. Any sign attached to, in any manner, or made a part of a marquee.
- 17) NONCONFORMING SIGN. Any sign which does not conform to size, height, location, design, construction, or other requirements of this Ordinance. The nonconformity may result from adoption of the Ordinance or any subsequent amendment.
- 18) PENNANT. Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind
- 19) PLAYBILL. Any sign announcing entertainment offered, or to be offered, at a business location on the site where the sign is displayed
- 20) PORTABLE SIGN. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to signs: designed to be transported by means of wheels; converted to A- or T- Frames; menu and sandwich board signs; gas or hot-air filled balloons; umbrellas used for advertising; signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day to day operation of the business.
- 21) PROJECTING SIGN. Any sign which is end mounted or otherwise attached to an exterior wall of a building which forms an angle with said wall.
- 22) ROOF SIGN. Any sign erected and constructed wholly on and over the roof on a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
- 23) SIGN OWNER. Any person holding legal title or legal right to occupy or carry on business in a structure or any facility, and shall include each and every person who shall have title to or benefit of a sign, or for whose benefit any type sign is erected or maintained. Where there is more than one (1) owner, as defined, their duties and obligations under this chapter are joint and several, and shall include the responsibility for such sign.
- 24) SPECIAL PROMOTION. An advertising activity or circumstance of a business which is not part of its daily activities or normal routine, and in which the display or sale of merchandise, wares, or other tangible items is the sole purpose for the promotion.

Special promotions include grand openings or closeout sales, but do not include reoccurring sales advertisements or other similar publicity.

- 25) **SUSPENDED SIGN.** A sign which is suspended from the underside of a horizontal plane surface and is supported by such surface.
- 26) **TEMPORARY SIGN.** Any sign that is displayed for a limited period of time and is not permanently mounted.
- 27) **TEMPORARY EVENT.** An activity sponsored by a governmental, charitable, civic, educational, religious, business, or trade organization which is infrequent in occurrence and limited in duration. Examples include arts and crafts shows, athletic events, community festivals, carnivals, fairs, circuses, concerts, conventions, exhibitions, trade shows, outdoor religious events and other similar activities.
- 28) **VEHICLE SIGN.** Any sign on a vehicle which is parked in a location which is visible to the public, and for a period of time which indicates that the principal use of the vehicle is for advertising rather than transport.
- 29) **WALL SIGN.** Any sign attached parallel to, painted on the wall surface of, or erected and confined within the limits of the outside wall, mansard roof structure, penthouse, or parapet of any building or structure, which is supported by such wall, building, or structure, but does not extend vertically above the highest portion of the roof, and which displays only one sign surface.
- 30) **WARNING SIGN.** Any sign with no commercial message that displays information pertinent to the safety or legal responsibilities of the public such as signs warning or high voltage, "no trespassing," and similar directives.
- 31) **WINDOW SIGN.** Any sign, pictures, symbols, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, placed inside a window or upon the window panes or glass and which is visible from the exterior of the window.

SILTATION. Sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity, and which has been deposited, or is in suspension in water.

SINGLE- FAMILY DETACHED DWELLING. A separate, detached building designed for and occupied exclusively by one (1) family.

SINGLE ROOM OCCUPANCY (SRO) RESIDENCE. A building containing twenty-five (25) or more rooming units, which are available for rental occupancy for period of seven (7) days or longer, in which on-site management is provided on a twenty-four (24) hour basis. The building shall contain common space such as recreation areas, lounges, living rooms, dining rooms, or other congregate living spaces at a rate of five (5) square feet per rooming unit, but totaling not less than two hundred and fifty (250) square feet. Bathrooms, laundries,

hallways, the main lobby, vending areas, and kitchens shall not be counted as common space. This term does not include boarding houses, tourist homes, motels, hotels, private dormitories, congregate care facilities, family care homes and group care facilities.

SITE or TRACT. All contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

SITE SPECIFIC DEVELOPMENT PLAN. A plan of land development submitted to the appropriate approval authority for the purpose of obtaining one of the following zoning or land use permits or approvals pursuant to NCGS 154A-334.1:

- 1) a Special Use Permit;
- 2) a conditional zoning sketch or site plan;
- 3) a Planned Development - Residential or Planned Development - Mixed unified development plan;
- 4) a preliminary plat for a major subdivision;
- 5) a major site plan prepared in accordance with Section 3-11 (Site Plan and Plot Plan Procedures), but not including a master or common sign plan, a watershed development plan, or a landscaping plan;
- 6) a preliminary plat for a minor subdivision;
- 7) a plot plan;
- 8) a minor site plan in accordance with Section 3-11 (Site Plan and Plot Plan Procedures);
- 9) a master or common sign plan prepared in accordance with Section 6- 1.8 (Master or Common Site Plan);
- 10) a watershed development plan prepared in accordance with Section 7-1.5 (Watershed Development Plan); or
- 11) a landscaping plan prepared in accordance with Appendix 2 (Map Standards).

SOIL SCIENTIST. The Soil Scientist of Guilford County or his designated agents(s).

SOLAR FARMS. As used in this subsection, a “Solar Farm” means a solar collection system that generates electricity from sunlight to a wholesale electricity market through a regional transmission organization and an inter-connection with the local utility power grid and/or for direct distribution to more than one property or consumer as a commercial venture.

SOLID WASTE. Garbage, refuse and other discarded solid materials.

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

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

SLOPE. An inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance, commonly expressed as "two to one", (2:1), and "one and one half to one", (1.5:1) etc...

SLUDGE. Any solid or semisolid waste generated from a wastewater treatment plant, water treatment plant, or air pollution control facility permitted under authority of the N.C. Environmental Management Commission.

SPECIAL FLOOD HAZARD AREA. The land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Section 7-5.4C of this ordinance.

SPECIFIED ANATOMICAL AREAS. Less than completely and opaquely concealed human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. Depiction or display of human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, bestiality, necrophilia, masochism, sadism or sadomasochism, fellatio or cunnilingus or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STABILIZING VEGETATION. Any vegetation that protects the soil against erosion.

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

wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

STORM DRAINAGE FACILITIES. The system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

STORM, TEN (10)-YEAR. The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten (10) years and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

STORM, ONE-HUNDRED (100)-YEAR. The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in one hundred (100) years and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

STORMWATER RUNOFF. The direct runoff of water resulting from precipitation in any form.

STREAM. A water course that collects surface runoff.

STREAM BUFFER. A natural or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer width is measured landward from the normal pool elevation of impoundments and from the bank of each side of streams or rivers. (This definition applies only with respect to watershed protection regulations.)

STREET –

- 1) COLLECTOR STREET (3). A street whose principal function is to carry traffic between cul-de-sac, local, and subcollector streets, and streets of higher classification, but which may also provide direct access to abutting properties.
- 2) CUL-DE-SAC STREET (6). A short local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.
- 3) LOCAL STREET (5). A street whose primary function is to provide access to abutting properties.
- 4) MAJOR THOROUGHFARE STREET (1). Major thoroughfares consist of interstate, other freeway, expressway, or parkway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.
- 5) MINOR THOROUGHFARE STREET (2). Minor thoroughfares collect traffic from collector, subcollector, and local streets and carrying it to the major thoroughfare

system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating movement of moderate volumes of traffic within and through urban areas and may also serve abutting property.

- 6) PRIVATE DRIVE (9). A vehicular travelway not dedicated or offered for dedication as a public street, providing access to parking lot(s) for two (2) or more principal buildings in a group housing or group nonresidential development.
- 7) PRIVATE LANE (8). A private cul-de-sac for vehicular traffic serving four (4) or fewer residential lots in a minor subdivision and maintained pursuant to NCGS 136-102.6.
- 8) PRIVATE STREET (7). A vehicular travelway not dedicated or offered for dedication as a public street, but resembling a cul-de-sac or a local street by carrying traffic from a series of driveways to the public street system.
- 9) PUBLIC STREET. A dedicated public right-of-way for vehicular traffic which 1) has been accepted by NCDOT for maintenance; or 2) is not yet accepted, but in which the roadway design and construction have been approved under public standards for vehicular traffic. Alleys are specifically excluded.
- 10) STREET RIGHT-OF-WAY. A strip of land occupied or intended to be occupied by a travelway for vehicles and also available, with the consent of the appropriate governmental agency, for installation and maintenance of sidewalks, traffic control devices, traffic signs, street name signs, historical marker signs, water lines, sanitary sewer lines, storm sewer lines, gas lines, power lines, and communication lines.
- 11) SUBCOLLECTOR STREET (4). A street whose principal function is to provide access to abutting properties, but which is also designed to be used or is used to connect local streets with collector or higher classification streets.
- 12) THOROUGHFARE PLAN. A plan adopted by the Governing Body for the development of existing and proposed major streets that will adequately serve the future travel needs of an area in an efficient and cost effective manner.

STRUCTURE. A walled and roofed building, a manufactured home including a gas or liquid storage tank, or other man-made facilities or infrastructures that are principally above ground. (This definition applies only with respect to flood hazard regulations.)

SUBDIVIDER. Any person who subdivides land.

SUBDIVISION. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future and includes all division of land involving the dedication of a new street or a change in existing streets; however, the following are not included within this definition and are not subject to any subdivision approval regulations in this Ordinance:

1. The combination or recombination of portion of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance;

2. The division of land into parcels greater than ten (10) acres if no street right-of-way dedication is involved;
3. The public acquisition by purchase of strips of land for widening or opening streets; and
4. The division of a tract in single ownership the entire area of which is not greater than two (2) acres into not more than three (3) lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of this Ordinance.
5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.
 - (b) A city may provide for expedited review of specified classes of subdivisions.
 - (c) The city may require only a plat for recordation for the division of a tract or parcel of land in single ownership if all of the following criteria are met:
 - (1) The tract or parcel to be divided is not exempted under subdivision (2) of subsection (a) of this section.
 - (2) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
 - (3) The entire area of the tract or parcel to be divided is greater than five acres.
 - (4) After division, no more than three lots result from the division.
 - (5) After division, all resultant lots comply with all of the following:
 - a. Any lot dimension size requirements of the applicable land-use regulations, if any.
 - b. The use of the lots is in conformity with the applicable zoning requirements, if any.
 - c. A permanent means of ingress and egress is recorded for each lot."

SUBDIVISION, MAJOR. A subdivision involving more than four (4) lots, or requiring new public street(s) for access to interior property, or requiring extension of public sewer or water line, or requiring a waiver or variance from any requirement of this Ordinance.

SUBDIVISION, MINOR (PRIVATE). A subdivision involving not more than four lots, all or some of which may have access on a private lane.

SUBDIVISION, MINOR (PUBLIC). A subdivision involving not more than four (4) lots fronting on an existing approved public street(s), not requiring any new public street(s) for access to interior property, not requiring extension of public sewer or water line.

SUBSTANTIALLY COMPLETED. Work has progressed to the point that, in the opinion of the Enforcement Officer, it is sufficiently completed in accordance with the approved plans and specifications that the work can be utilized for its intended purposes. For permanent runoff control structures this generally means that the following have been accomplished: 1) the dam has been constructed to the approved lines and grades; 2) all slopes have been fine graded, seeded, mulched, fertilized, and tacked to establish permanent ground cover; 3) principal and emergency spillways have been installed at the approved elevations and dimensions; and 4) permanent velocity controls on the inlet and outlet pipes and channels have been installed.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50%) percent of the market value of the structure before the damage occurred. See definition of "Substantial Improvement.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to comply with existing state and local health, sanitary, or safety code specifications which have been identified by the Enforcement Officer and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

SWIMMING POOL. A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty (30) inches designed, used, and maintained for swimming and bathing.

SWIMMING POOL, NONPERMANENT. A swimming pool that is so constructed that it may be readily disassembled for storage and reassembled to its original integrity.

TECHNICAL BULLETIN. A FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals

and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

TEMPERATURE CONTROLLED. Having the temperature regulated by a heating and/or cooling system, built-in or appliance.

TEMPORARY BUILDING. Any building of an impermanent nature, or which is designed for use for a limited time, including any tent or canopy.

TEMPORARY STRUCTURE. Any structure of an impermanent nature or which is designed for use for a limited time, including any tent or canopy.

TENANT. Any person who alone, or jointly, or severally with others, or occupies a building under a lease or holds a legal tenancy.

TENANT DWELLING. A dwelling located on a bona fide farm, and occupied by a farm worker employed for agricultural purposes by the owner, or operator of the farm.

THROUGH LOT. A lot abutting two (2) streets that do not intersect at the corner of the lot.

TOURIST HOME. A private residence in which accommodations are provided for lodging and may include meals for overnight guests for a fee

TOWNHOUSE DWELLING. A building consisting of single family residences attached to one another in which each unit is located on an individually owned parcel, generally within a development containing drives, walks and open space in common area.

TOWNHOUSE LOT. A parcel of land intended as a unit for transfer of ownership, and lying underneath, or underneath and around, a townhouse, patio home, or unit in nonresidential group development.

TRACT. All contiguous land and bodies of water in one ownership, or contiguous land and bodies of water in diverse ownership, being developed as a unit, although not necessarily all at one time.

TWENTY-FIVE (25) YEAR STORM. The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in twenty-five (25) years, and of a duration which will produce the maximum peak rate of runoff, from the watershed of interest under average antecedent wetness conditions.

TWIN HOME DWELLING. A building consisting of two single-family dwelling units, each dwelling unit occupying its own conventional lot and conveyed by deed, connected along a common party wall with no interior circulation between the two.

TWO-FAMILY DWELLING. A building on one zone lot arranged and designed to be occupied by two (2) families living independently of each other.

UNCOVERED. The removal of ground cover from, on or above the soil surface.

UNDERSTORY TREE. A species of tree which normally grows to a mature height of fifteen (15) to thirty-five (35) feet in height.

UNDERTAKEN. The initiating of any activity, or phase of activity, which results or will result in a change in the ground cover or topography of a tract of land.

UNDISTURBED AREA. That portion of a lot, tract, or subdivision which has not and will not be occupied and which has not and will not be graded to change land contours or to destroy existing vegetation. Only areas that are wooded or reforested are considered undisturbed for the purposes of watershed protection scoresheet evaluation. (This definition applies only with respect to Watershed Protection Regulations.)

UNPROTECTED AREA. Any ground surface area disturbed to such an extent that twenty (20%) percent or more of the soil surface of any square is exposed to the physical forces of meteorological elements.

UPPER-STORY DWELLING: A dwelling unit located on a floor above a nonresidential use. An upper-story dwelling unit shall provide complete, independent living facilities for one or more persons, which include provisions for living, sleeping, eating, cooking and sanitation.

USE. The purpose or activity for which land or structures is designed, arranged or intended, or for which land or structures are occupied or maintained.

UNSAFE. A condition which is reasonably likely to do harm to humans or to real or personal property of not corrected or stopped.

USE, MIXED. Occupancy of building or land by more than one use.

USE, ACCESSORY(S). A structure or use that: 1) is clearly incidental to and customarily found in connection with a principal building or use; 2) is subordinate to and serves a principal building or a principal use; 3) is subordinate in area, extent, or purpose to the principal building or principal use served; 4) contributes to the comfort, convenience, or necessity of

occupants, business, or industry, in the principal building or principal use served; and 5) is located on the same zone lot as the principal building or use served.

USE(S), PRINCIPAL. The primary purpose or function that a lot or structure serves or is proposed to serve.

UTILITY EASEMENT. An easement which grants to the Governing Body or other utility providers the right to install and thereafter maintain any and all utilities including, but not limited to, water lines, sewer lines, septic tank drain fields, storm sewer lines, electrical power lines, telephone lines, natural gas lines and community antenna television systems.

VARIANCE. Official permission from the Board of Adjustment to depart from the requirements of this Ordinance.

VELOCITY. The average velocity of flow through the cross section of the main channel at the peak flow of the storm of interest. The cross section of the main channel shall be that area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overload flows are not to be included for the purpose of computing velocity of flow.

VIOLATION: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in **Section 7.5** is presumed to be in violation until such time as that documentation is provided.

WAIVER. Official permission from any designated body, other than the Board of Adjustment, to depart from the requirements of this Ordinance.

WALL, RETAINING. A structure, either masonry, metal, or treated wood, designed to prevent the lateral displacement of soil, rock, fill or other similar material.

WASTE. Surplus materials resulting from on-site construction and disposed of at other locations.

WATER DEPENDENT STRUCTURES. Structures for which the use requires access or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

WATER QUALITY CONSERVATION EASEMENT. A permanent easement in which no structures or land-disturbing activities are allowed. The natural ground cover and the natural tree canopy must be preserved with the following exceptions: 1) the cutting or trimming of overcrowded trees is allowed provided that no trees in excess of three (3) inches in diameter as measured twelve (12) inches or less from the ground are removed; 2) utilities and erosion control structures can be constructed and maintained; 3) normal maintenance by mechanical means is allowed for the removal of dead, diseased, deformed, poisonous, or noxious vegetation and pests harmful to health and; 4) mechanical mowing of utilities areas is allowed to control growth.

WATER SURFACE ELEVATION. The height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

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

WATERSHED, WATER SUPPLY. The entire area contributing drainage to Lake Townsend, Lake Brandt, Lake Higgins, Oak Hollow Lake, High Point City Lake, Polecat Creek Lake, Reidsville Reservoir, Lake Mackintosh, Ramseur Reservoir, Madison intake, and the proposed Randleman Dam reservoir.

WATERSHED CRITICAL AREA. That portion of the watershed within the lake basin of the water supply reservoir as delineated in Article VII (Environmental Regulations).

WET DETENTION POND. A pond that has a permanent pool and also collects stormwater runoff, filters the water, and releases it slowly over a period of days.

WORKING DAYS. Days exclusive of Saturday and Sunday during which weather conditions or soil conditions permit land-disturbing activity to be undertaken.

ZONING DISTRICT. An area defined by this Ordinance and delineated on the Official Zoning Map, in which the requirements for the use of land, and building, and development standards are prescribed.

ZONING VESTED RIGHT. A right pursuant to NCGS 160D-108 to undertake and complete the development and use of property under the terms and conditions of an approved site development plan.

ARTICLE III - PERMITS AND PROCEDURES

3-1 PERMIT REQUIRED

No person shall undertake any development activity subject to this Ordinance without first obtaining a permit from the Enforcement Officer(s).

3-2 PERMIT EXEMPTIONS

3-2.1 Building Permit Exemptions

The following are exempt from building permit requirements:

(A) In Gibosonville's extra-territorial jurisdiction (ETJ), Bona Fide Farm buildings are exempted from municipal building permit requirements, with the exception of electrical permits. Bona Fide Farm buildings, there associated and incidental uses are also exempted from municipal zoning requirements. Residences located on Bona Fide Farm parcels are not exempted from building and zoning regulations. Farms and agricultural activities located within the city limits of Gibosonville are subject to all applicable regulations.

~~(A)~~(B) Facilities for storage, handling and utilizing liquefied petroleum gases for fuel and anhydrous ammonia or other liquid fertilizers; but not including tanks and tank farms;

~~(B)~~(C) Facilities of a public utility or an electric or telephone membership corporation (except buildings);

~~(C)~~(D) Accessory buildings, less than one hundred (100) square feet; and

~~(D)~~(E) Federal or State buildings.

3-2.2 Grading Permit Exemptions

The following land-disturbing activities are exempt from grading permit requirements:

(A) for the purpose of fighting fires;

(B) for the stock piling of raw or processed sand, stone, or gravel in material processing plants and storage yards, provided that sediment control measures have been utilized to protect against off-site damage;

(C) areas that do not exceed one (1) acre in surface area. In determining the area, contiguous lands under one or diverse lands being developed as a unit will be aggregated;

(D) those undertaken on agricultural land for the production of plants and animals useful to man, including but not limited to: forage and sod crops, grain and feed crops, tobacco, cotton, and peanuts; dairy animals and dairy products; poultry and

- poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, including the breeding and grazing of any or all such animals; bees and aviary products; fur animals;
- (E) those undertaken on forest land for the production and harvesting of timber and timber products;
- (F) mining activity undertaken by persons as defined in NCGS 113A-52(8), who are otherwise regulated by the provisions of The Mining Act of 1971, NCGS 74-46 through 74-68; and
- (G) land-disturbing activity over which the State has exclusive regulatory jurisdiction as provided in NCGS 113A-56(a).

3-2.3 Sign Permit Exemptions

No sign permit shall be required for signs exempted by Section 6-1 (Sign Regulation).

3-3 PERMIT APPLICATIONS

3-3.1 General Requirements

- (A) Submission: Unless otherwise specified, all applications for permits under this Ordinance shall be submitted by the owner of the property or the authorized agent of such owner. The Enforcement Officer receiving such application may require reasonable proof of agency from any person submitting an application as agent.
- (B) Form of Submission: An application for any review under this Ordinance shall be submitted in such form, number of copies and format as required by Appendix 3 (Table of Permit Application Requirements), together with such fees as required.
- (C) Waiver of Submission Requirements: The Enforcement Officer may from time to time waive submission of required elements of information when in his opinion such information is otherwise available or is not necessary to allow complete review of the application. The Enforcement Officer may refuse to process an incomplete application.
- (D) Processing: All applications for permits shall be submitted, reviewed, and processed in accordance with the requirements of this Ordinance.
- (E) Approved Plans: A copy of required plans or information submitted with the application shall be returned to the applicant after the Enforcement Officer has marked the copy either approved or disapproved and attested to same. A similarly marked copy shall be retained by the Enforcement Officer.
- (F) Health Permit Required: A permit for any building or use for which a State or County Health Department permit for installation of a well or a sewage disposal system is required or approval by the State or County Health Department of an

existing well or sewage disposal system shall not be issued until such permit or approval has been issued by the State or County Health Department.

- (G) Conformance with "Airport Overlay District": The Enforcement Officer shall not issue a building, sign, or use/location zoning permit of Certificate of Occupancy or other development approval for any building or sign not in conformity with the provisions of the "Airport Zoning Overlay District", except upon written order of the Board of Airport Zoning Appeals.

3-3.2 Building, Sign, and Use/Location Zoning Permits

Application for a building, sign, and use/location zoning permits shall be made to the Enforcement Officer.

3-3.3 Event Permit

- (A) Application: Application for an event permit shall be made to the Enforcement Officer at least three (3) working days prior to the start of the event.
- (B) Permit Required: An event permit shall be obtained for non-permanent facilities and activities which will have a duration more than three (3) days but not more than thirty (30) days shall obtain a Certificate of Occupancy. Example of this type of event uses are: a carnival, a turkey shoot, a revival or similar activity conducted on a short term basis. Turkey shoots may have a duration not to exceed ninety (90) days. Refer to Section 6-4 (Development Standards) for additional requirements for Turkey Shoots.
- (C) Purpose of Permit: The purpose of this permit will be to authorize a specific use for a defined period of time; and to coordinate health, traffic, and other code specific inspections necessary to the safe and healthful operation of the event.
- (D) Permit Issuance: The event permit shall not be issued until evidence is shown that the following conditions have been or will be complied with:
- (1) Ample off-street parking shall be provided for the event, in addition to required parking for the use or uses located at the event site.
 - (2) The owner of the property where the event is to be held, or his agent, shall provide to the Enforcement Officer written authorization that the event may take place on the property.
 - (3) An event held outside of a building and within five hundred (500) feet of any residence shall cease operation at 10:00 p.m.
 - (4) Noise shall be controlled so that no adjoining property owner or occupant is unduly disturbed by the event.
 - (5) Licenses and/or permits required by other agencies shall be obtained prior to the issuance of the event permit.
- (E) Maximum Number of Permits: No more than three (3) permits may be issued on the same property for the same event in any one calendar year.

3-3.4 Grading Permit

Application for a grading permit shall be made to the Enforcement Officer, in accordance with provisions of Section 7-4 (Soil Erosion and Sedimentation Control). A Certificate of Erosion Control Performance is required in accordance with Section 3-8.3.

3-3.5 Floodplain Development Permit

Application for a Certificate of Occupancy and/or building permit shall be made to the Floodplain Administrator on appropriate forms prior to any development activities located within Special Flood Hazard Areas, and shall include the following:

- 1) A Plot Plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - a) The nature location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - b) The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section 7-5.4(C), or a statement that the entire lot is within the Special Flood Hazard Area;
 - c) Flood zone(s) designation of the proposed development area as determined on the FIRM;
 - d) The boundary of the floodway(s) or non-encroachment area(s) as defined in Section 7-5.4(C);
 - e) The Base Flood Elevation (BFE) where provided as set forth in Section 7-5.4(C) and Section 7-5.12; and
 - f) The old and new location of any watercourse that will be altered or relocated as a result of proposed development.
- 2) Proposed elevation and method thereof, of all development within a Special Flood Hazard Area, including but not limited to:
 - a) Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;
 - b) Elevation in relation to NAVD 1988 to which any non-residential structure in Zones A, AE, AH, AO, A99 will be floodproofed; and
 - c) Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.
- 3) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:

- a) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
 - b) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Section 7-5.10(B)(4)(iv).
- 4) Usage details of any enclosed areas below the lowest floor.
 - 5) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
 - 6) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
 - 7) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Section 7-5.10(B)(6) and (7).
 - 8) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.
- A. The Floodplain Development Permit shall include, but not be limited to:
- 1) A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.);
 - 2) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Section 7-5.4(C);
 - 3) The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities;
 - 4) The Regulatory Flood Protection Elevation required for the protection of all public utilities;
 - 5) All certification submittal requirements with timelines;
 - 6) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of Section 7-5.14;

7) The flood openings requirements, if in Zones A, AE, AH, AO, A99.

B. Certification Requirements:

1) Elevation Certificates:

- a) An Elevation Certificate (FEMA Form 086-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
- b) A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable.

2) Floodproofing Certificate:

- a) A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to

submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.

- 3) If a manufactured home is placed within Zones A, AE, AH, AO, A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Section 7-5.10(B)(3)(ii).
 - 4) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
 - 5) Certification Exemptions.
 - a) The following structures, if located within Zones A, AE, AH, AO, A99, are exempt from the elevation/floodproofing certification requirements specified in items (1) and (2) of this subsection:
 - i. Recreational Vehicles meeting requirements of Section 7-5.10(B)(6)(a);
 - ii. Temporary Structures meeting requirements of Section 7-5.10(B)(7);
 - iii. Accessory Structures with a footprint or 150 square feet or less, or which is minimal investment of \$3,000 or less, and meeting requirements of Section 7-5.10(B)(8).
- C. Determinations for Existing Buildings and Structures:
- 1) For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other

improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- a) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- b) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- d) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

3-3 PERMIT AND DEVELOPMENT APPROVAL ISSUANCE

3-4.1 Permit Sequence

- (A) Order of Review and Issuance: The order of permit or development approval issuance shall be as follows:
 - (1) A Grading Permit may be issued in advance of issuance of all other permits and plans approvals;
 - (2) If required, a Health Department Improvement Permit for well or septic tank, driveway permit, sewer and water construction plans, site or plot plan, and watershed control plan shall be issued or approved prior to issuance of a building, sign, use, location or occupancy permit.
- (B) Recordation of Final Plats: Recordation of Final Plats may be deferred on group development projects and projects in excess of fifty thousand (50,000) square feet of gross floor area. A Certificate of Occupancy may not be issued until all platting requirements are met.
- (C) Phasing of Projects: Phased projects may be occupied in phases as long as compliance is achieved in each phase, and access and other requirements are met.
- (D) Permits Prior to Final Plan Approval: The Enforcement Officer may issue permits for model homes, temporary construction trailers, safety structures, and other customary construction mobilization structures prior to site plan and final plat approval.
- (E) Concurrent Review: Review of plans may be concurrent.

3-4.2 Documentation of Permits and Development Approvals

The issuance of a Zoning Permit or Development Approval is intended to demonstrate that the plans, specifications and the intended use of land as well as existing or proposed structure(s) conforms in all respects to the provisions of this Ordinance.

All Zoning or Development Approval Permit applications shall be made in print or electronic writing by a person with a property interest or a contract to purchase property to the Zoning Administrator on forms provide for that purpose. A record of all such applications shall be kept on file by the Zoning Administrator. If electronic writing is used, then it must be protected from further editing pursuant of NCGS 160D-403(a).

3-4.3~~2~~ Fees

The Governing Body may establish a Schedule of Fees, charges and expenses, and a collection procedure, for building permits, sign permits, ~~use/location permits~~ zoning permits, ~~conditional use~~ and special use permits, grading permits, variances, waivers, appeals and other ~~matters~~ development approvals pertaining to this Ordinance. No permit, certificate, variance etc. shall be issued unless or until such costs, charges, fees, or expenses as established, have been paid in full, nor shall any action be taken on proceedings before the administrative board authorized by this Ordinance unless or until charges and fees have been paid in full.

3-4.4 Permit Choice

If an application for a development approval and the development regulation changes between the time the application was submitted and a decision is made, the applicant may choose which version of the development regulation will apply to the application. If the development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the development permit applicant shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit. This section applies to all development approvals issued by the State and County.

3-5 PERMITS APPEAL

3-5.1 Permit Denial

Any owner or occupant who has been denied a permit may appeal the denial by giving notice of appeal in writing to the Enforcement Officer within ~~fifteen (15) days~~ **thirty (30) days**, in accordance with Section 9-7 (Appeals).

3-5.2 Appellant Body

An appeal from permit denial shall be made to the appropriate body in accordance with Section 9-7 (Appeals).

3-6 INSPECTIONS AND INVESTIGATIONS

3-6.1 Periodic Inspections

The Enforcement Officer shall have the right, upon presentation of proper credentials, provided appropriate consent has been given for areas not open to the public or for administrative search/inspection warrant if necessary, to enter on any premises within the jurisdiction of the Governing ~~Board~~ body at any reasonable hour for the purposes of inspection, determination of plan compliance or other enforcement action.

3-6.2 Investigation

The Enforcement Officer shall have the power to conduct such investigation as he may reasonably deem necessary to carry out his duties as prescribed in this Ordinance, and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of any complaints or alleged violations of this Ordinance.

3-6.3 Written Statements

The Governing Body or its agent shall also have the power to require written statements, certificates and certifications or the filing of reports under oath, with respect to pertinent questions relating to complaints or alleged violations of this Ordinance.

3-7 PERMIT EXPIRATION & REVOCATION

3-7.1 Building, Sign, ~~Use/Location~~ Zoning Permit Expiration

- (A) Start of Construction: If the work authorized by a building, sign, use, or location permit has not begun within one-hundred and eighty (180) days from the date of issuance thereof, the permit shall be void and a new permit, consistent with all provisions of this Ordinance, shall be required. For purposes of this Section, construction shall be deemed to have begun at the time of completion of an approved foundation inspection.

- (B) Permit Continuance: If, after start of construction, the work is discontinued for a period of one (1) year, the permit shall immediately expire. No work authorized by any permit that has expired shall thereafter be performed until a new permit has been secured unless otherwise provided for in the Vested Rights Section 3-18.
- (C) Posting: The building sign, use, or location permit must be posted in a prominent place on the site at all times it is in effect.

3-7.2 Grading Permit Expiration

- (A) Expiration: A grading permit shall be valid for one (1) year unless it is revoked by the Enforcement Officer or the grading project is completed and a Certificate of Compliance is issued by the Enforcement Officer within the one (1) year period.
- (B) Renewal: The grading permit may be reissued for an additional one Hundred eighty (180) day period, if adequately justified, by making a written request to the Enforcement Officer. No permit fee will be required for reissuance of a grading permit; however, the applicable surety shall remain in effect.
- (C) Eighteen (18) Month Limit: If grading or protection of the site is not completed within eighteen (18) months, the person conducting the land-disturbing activity shall be required to obtain a new grading permit by following the same procedures whereby the original permit was issued.
- (D) Posting: The grading permit must be posted in a prominent place on the site of the land-disturbing activity at all times it is in effect.

3-7.3 Development Permit Revocation

Any development (permit) approval may be revoked if:

- (A) the work or activities approved depart substantially from those described at the time of development application
- (B) terms of the permit application were falsified or misrepresented
- (C) work or activities depart from submitted plans and specifications or refusal to comply with any applicable requirements or conditions of the permit
- (D) the work taking place violates local development regulations or relevant state statutes
- (E) there is found to be a risk or danger to human safety or property

Development approval revocation shall follow the same procedures and approval issuance. —Permit revocation may be appealed by following the procedures detailed in Chapter 8 of this —Ordinance pursuant to (NCGS 160D 403 f).

3-8 CERTIFICATE REQUIREMENTS

3-8.1 Certificate of Occupancy and Compliance

- (A) Certificate of Occupancy Required: No land, building, or sign shall be structurally altered, erected, moved, occupied, or its use change until a Certificate of Occupancy is issued by the Enforcement Officer. This certificate shall state that the building and/or proposed use thereof complies with the provisions of this Ordinance. Farm uses and buildings, except residences, are exempt from the provisions of this Ordinance outside the municipality.
- (B) Nonconforming Use: A Certificate of Occupancy shall be required for the purpose of renewing or altering a nonconforming use.
- (C) Certificate of Occupancy Application: A Certificate of Occupancy shall be applied for concurrently with the application for a building, sign, and ~~use/location~~ zoning permit.
- (D) Issuance: A Certificate of Occupancy shall be issued as soon as practical after completion of construction or alterations of such building or sign after:
 - (1) Inspection by the Enforcement Officer to determine compliance with all applicable provisions of this Ordinance; and
 - (2) Compliance with all applicable provisions of related health, building, and fire codes.
- (E) Certificate of Occupancy and Compliance: A Certificate of Occupancy may also serve as a Certificate of Compliance under the building code in which case it shall be known as a Certificate of Occupancy and Compliance.

3-8.2 Temporary Certificate

A Temporary Certificate of Occupancy may be issued by the Enforcement Officer prior to the completion of all construction, alterations, or changes if such occupancy will not violate any health or safety considerations of applicable codes.

- (A) Time Period: A Temporary Certificate of Occupancy may be for a time period as the Enforcement Officer deems appropriate to complete the work, but not to exceed one hundred eighty (180) days.
- (B) Surety: A surety will be posted in an amount sufficient to insure that the missing elements specified in the plan will be accomplished within the period of the Temporary Certificate of Occupancy.
- (C) Work Incomplete: If the work is not completed within the period of the Temporary Certificate of Occupancy, the Enforcement Officer shall notify the owner. The owner shall cease use of the building and land immediately and shall not resume such use until a Certificate of Occupancy has been issued. Failure to cease use shall subject the owner or operator to civil penalties and other enforcement actions available under this Ordinance.

3-8.3 Certificate of Erosion Control Performance

A Certificate of Erosion Control Performance shall be issued after initial erosion control devices have been installed, inspected, and certified to be installed and functioning properly in accordance with an approved grading plan. After issuance of a grading permit, grading on the site shall be limited to that required to install erosion control devices until Certificate of Erosion Control Performance is issued.

3-8.4 Certificate of Floor Elevation/Flood Proofing

If the property is located in a flood hazard area, a Certificate of Flood Elevation or Flood Proofing after the lowest floor is complete shall be provided within twenty-one (21) days of establishment of the flood-proofing by whatever construction means. It shall be the duty of the permit holder to submit to the Enforcement Officer a certificate of the elevation of the lowest floor, flood-proofed elevation, or the elevation of the bottom of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under direct supervision of a professional engineer or architect and certified by same. Any work done within the twenty-one (21) day period and prior to submission of the certification shall be at the permit holder's risk. The Enforcement Officer shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make corrections required hereby shall cause to issue a stop-work order for the project.

3-8.5 Certificate of Appropriateness

A Certificate of Appropriateness shall be required for all activities specified in Section 4-7 (Historic District Overlay) whether a building permit is otherwise required or not.

3-8.6 Record

A record of all certificates shall be kept on file by the Enforcement Officer.

3-8.7 Construction and Use

Construction and use as provided in the Certificate of Occupancy, building permit, ~~use/location zoning~~ permit, sign permit, or ~~grading~~ permit listed on the basis of approved plans or applications authorizes only the use, arrangement, and construction set forth in such approved plans or ~~applications~~ development approval. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation.

3-9 DEDICATION OR RESERVATION OF RIGHT-OF-WAY

3-9.1 Dedication of Right-of-Way with Density Transfer

Whenever a tract of land located within the Jurisdiction is proposed for subdivision or for use pursuant to a special use permit, and a portion of it is embraced within a corridor for a street of highway on a plan established and adopted pursuant to NCGS 136-66.2, the Jurisdiction may provide for the dedication of right-of-way within that corridor pursuant to any applicable legal authority, or:

- (1) The Jurisdiction may require an applicant for subdivision plat approval or for a special use permit, or for any other permission pursuant to a land use control ordinance authorized by local act to dedicate for street or highway purpose, the right-of-way within such corridor if the Jurisdiction allows the applicant to transfer density credits attributable to the dedicated right-of-way to contiguous land by the applicant. No dedication of right-of-way shall be required pursuant to this Section unless the board or agency granting final subdivision plat approval or the special use permit, or permission shall find, prior to the grant, that the dedication does not result in the deprivation of a reasonable use of the original tract and that the dedication is either reasonably related to the traffic generated by the proposed subdivision or use of the remaining land or the impact of the dedication is mitigated by measures provided in this Ordinance.
- (2) If the Jurisdiction does not require the dedication of right-of-way within the corridor pursuant to subsection (1) of this Section (3-9.1) or other applicable legal authority, but an applicant for subdivision plat approval or a zoning or building permit, or any other permission pursuant to land use control ordinance authorized by local act elects to dedicate the right-of-way, the Jurisdiction may allow the applicant to transfer density credits attributable to dedicated right-of-way to contiguous land that is part of a common development plan.

~~3-9.2 Reservation of Right-of-Way Through Official Roadway Corridor Maps~~

~~(A) Authority: Under the authority granted by NCGS 136-2E, the Board of Alderman or NC Department of Transportation may from time to time adopt, amend,~~

~~supplement, or change a roadway corridor official map for any streets or roadways identified on the adopted Thoroughfare Plan.~~

~~Procedure:~~

~~(0) No roadway corridor official map shall be adopted, amended, supplemented or changed unless:~~

~~(-) Public hearings have been held by both the Planning Board and the Governing Body. Notice of the hearings, to include the scheduled dates for both hearings, shall be published once a week for four successive weeks prior to the first hearing in a newspaper of general circulation in the Town. Notice of the hearing before the Governing Body shall be published two additional times, once a week for the two successive weeks preceding the hearing. Written notice shall be provided two weeks prior to the first hearing date to the Secretary of Transportation and the Chairman of the Board of County Commissioners for the county through which the roadway corridor passes. In addition, copies of the proposed roadway corridor map or amendment shall be posted at the courthouse door and available at the Town Hall for at least twenty-one (21) days prior to the public hearing dates. The above referenced notices shall make reference to this posting and the availability of the proposed maps at Town Hall; and~~

~~(-) A permanent certified copy of the roadway corridor official map or amendment has been filed with the Register of Deeds for the county in which the affected property lies. The boundaries may defined by map or by written description, or a combination thereof. (The copy shall measure approximately twenty (20) inches by twelve (12) inches, including no less than one and one-half (1½) inches binding space on the left hand side.)~~

~~(0) Roadway corridor official maps and amendments shall be distributed and maintained in the following manner:~~

~~(-) A copy of the official map and each amendment thereto shall be filed in the Town Hall.~~

~~(-) A copy of the official map, each amendment thereto, and any variance therefrom shall be furnished to the tax supervisor of any county affected thereby.~~

~~(-) The certified copy filed with the Register of Deeds shall be placed in a book maintained for the purpose and cross-indexed by number of road, street name, or other appropriate description.~~

~~(0) No roadway corridor or any portion thereof placed on an official map shall be effective unless:~~

~~(-) The roadway corridor or a portion thereof appears in the Transportation Improvement Program adopted by the North Carolina Board of Transportation; or~~

~~(-) The roadway corridor or a portion thereof appears on the adopted Thoroughfare Plan and is included in the Town's adopted~~

capital improvement program, which shows the estimated cost of the acquisition and construction of the designated roadway corridor and the anticipated financing for that project.

~~(0) If not already accomplished, within one (1) year following the establishment of a roadway corridor official map or amendment, work shall begin on an environmental impact statement (EIS) or preliminary engineering for the project. The failure to begin work within the one-year period shall constitute an abandonment of the corridor, and the provisions of this Section shall no longer apply to properties or portions of properties included within the roadway corridor.~~

~~(B) Effect of Roadway Corridor Official Map~~

~~(0) After a roadway corridor official map is filed with the Register of Deeds, no building permit shall be issued for any building or structure or part thereof located within the roadway corridor, nor shall approval of a subdivision, as defined in Section IV (Subdivisions: Procedures and Standards), be granted with respect to property within the roadway corridor. The provision of this Section shall not apply to valid building permits issued prior to the effective date of this Section, or to building permits for buildings and structures which existed prior to the filing of the roadway corridor provided and the type of the building code occupancy as set forth in the NC Building Code is not changed.~~

~~(0) No application for building permit issuance or subdivision plan approval shall be delayed by the provisions of this Section for more than three (3) years from the date of the original building permit or subdivision plan submittal.~~

~~(0) Real property that lies within a roadway corridor marked on an official map is designated a special class of property and is taxable at twenty percent (20%) of the general tax rate levied on real property by the taxing unit in which the property is situated if:~~

~~— As of January 1, no building or other structure is located on the property; and~~

~~— The property has not been subdivided, as defined in Article V (Subdivisions: Procedures and Standards), since it was included in the corridor.~~

~~(B) Variance Procedures~~

~~(0) The Board of Adjustment shall hear and decide requests for variances from the requirements of this Section. A variance may be granted by the Board with a majority vote upon a showing that:~~

~~— Even with the tax benefits provided, no reasonable return may be earned from the land; and~~

~~— The requirements of this Section result in practical hardships.~~

~~(0) If a variance is granted by the Board, the Governing Body may make, or, if appropriate, request the North Carolina Department of Transportation to make an advance acquisition of the specific parcels of property. The Town~~

shall have sixty (60) days from the date of the granting the variance to initiate the acquisition.

(0) Voting: approval of a Variance requires a four fifths (4/5) majority vote of sitting members of the Board of Adjustment.

(B) Advance Acquisition of Right of Way

(0) After a roadway corridor official map is filed with the Register of Deeds in the County in which the corridor is located, the Town may, at its discretion, make advanced acquisition of specific parcels of property, or it may request that the North Carolina Department of Transportation consider advanced acquisition when such acquisition is determined by the Town to be in the best public interest to protect the roadway corridor from development or when the roadway corridor official map creates an undue hardship on the affected property owner. All advance acquisitions shall be in accordance with adopted policies and procedures for such instances to assure the advanced purchase is in the best overall public interest.

(0) The Town may be eligible for reimbursement from the North Carolina Department of Transportation for advanced right-of-way acquisition on state system streets. In all such cases, the Town shall obtain concurrence from the North Carolina Department of Transportation prior to advance acquisition.

(0) In exercising the authority granted by this Section, the Town is authorized to expend municipal funds for the protection of rights of way shown on a duly adopted road corridor official map, regardless of whether the right-of-way to be acquired is located inside or outside the municipal corporate limits.

3-10 SURETIES OR IMPROVEMENT GUARANTEES

3-10.1 Agreement and Security

(A) Financial Guarantee in Lieu of Immediate Installation for Approval

(1) In lieu of requiring the completion, installation, and dedication of all improvements prior to final plat approval or issuance of the Certificate of Occupancy, the Jurisdiction may enter into an agreement with the developer whereby the developer shall complete all required improvements. Once said agreement is signed by the developer and the security required herein is provided, the final plat may be approved or the Certificate of Occupancy may be issued, if all other requirements of this Ordinance are met. To secure this agreement, the developer shall provide, any or a combination of the following guarantees to cover one hundred and twenty-five percent (125%) of the costs and pursuant to NCGS 160D-804 (g);

a) Surety Performance Bond(s)

(i) The developer shall obtain a performance bond from a surety bonding company authorized to issue said bonds in North Carolina.

(ii) The bond shall be payable to the Jurisdiction and shall be in an amount equal to the entire estimated cost as approved by the Jurisdiction, of installing all required improvements.

b) Cash, **Letter of Credit** or Equivalent Security

Commented [LC3]: Added for clarification

i) The developer shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the Jurisdiction or in escrow with a financial institution. The use of any instrument other than cash shall be subject to the approval of the Jurisdiction. The amount of deposit shall be equal to the entire estimated cost, as approved by the Jurisdiction, of installing all required improvements.

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

- 1) That said escrow account shall be held in trust until released by the Jurisdiction and may not be used or pledged by the developer in any other matter during the term of the escrow: and
- 2) That in the case of a failure on the part of the developer to complete said improvements, the financial institution shall, upon notification by the Jurisdiction and submission by the Jurisdiction to the financial institution of an estimate of the amount needed to complete the improvements, immediately either pay to the Jurisdiction the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the Jurisdiction any other instruments fully endorsed or otherwise made payable in full to the Jurisdiction.

(B) Duration of Financial Guarantees

- 1) The duration of a **financial/performance** guarantee shall be of a reasonable period to allow for completion and acceptance of improvements. **In general the initial term of a financial/performance guarantee is 12 months**, but in no case shall the duration of the financial guarantee for improvements exceed eighteen (18) months.
- 2) All developments whose public improvements are not completed and accepted at the expiration of the financial guarantee shall be considered to be in default, unless said guarantee is extended with the consent of the Jurisdiction.

Commented [LC4]: amended for clarification

(C) Default

- 1) Upon default, meaning failure on the part of the developer to complete the required improvements in a timely manner as specified out in the bond or escrow agreement, the surety or the financial institution holding the escrow account shall, if requested by the Jurisdiction pay all or any portion of the bond or escrow fund to the Jurisdiction up to the amount needed to complete the improvements based on an estimate by the Jurisdiction. Upon payment, the Jurisdiction at its discretion, may expend such portion of said funds as deemed necessary to complete all or any portion of the required improvements. The Jurisdiction shall return to the developer any funds not spent in completing the improvements. Default on a project does not release the developer from liability/responsibility for the completion of the improvements.
- 2) Release of Guarantee Security: The Jurisdiction may release a portion or all of any security posted as the improvements are completed and approved by the Jurisdiction.

3-10.2 Oversized Improvements

The Jurisdiction may require installation of certain oversized utilities or the extension of utilities to adjacent property when it is in the interest of future development. If the Jurisdiction requires the installation of oversized improvements, the Jurisdiction shall reimburse the developer for the over-sizing based on the rates set in the Jurisdiction, a copy of which shall be filled with the Jurisdiction.

3-11 SITE PLAN AND PLOT PLAN PROCEDURES

3-11.1 Applicability

(A) Plot Plan Required:

No building permit for a single-family or two-family dwelling and their accessory(s) on a single lot shall be issued until a Plot Plan, prepared in accordance with the Map Standards, Appendix 2, has been approved.

(B) Site Plan Required:

No other building permit shall be issued on a lot until a Site Plan, prepared in accordance with the Map Standards, Appendix 2, has been approved for the development. Except that no new or amended Site Plan shall be required if an adequate Site Plan is already on file, no change in the parking requirements is required, and no increase in impervious surface is proposed or required.

3-11.2 Submission of Site Plans

(A) Timing:

Site plans for review by the Technical Review Committee shall be submitted to the Planning Department at least seven (7) days prior to the next scheduled meeting

(B) Site Plan Compliance:

Site plans shall contain all applicable information listed in the Appendix 2 (Map Standards). The Site Plan shall consist of four sheets: a site layout, a water and sewer utility plan, a conceptual landscaping plan showing planting yard areas, types of plantings (i.e. Canopy trees, understory trees, shrubs), and number of plantings, and a grading, erosion control and watershed plan, if required. Depending on the scale or complexity of the development, any or all of the sheets may be combined. The site layout meeting the requirements of Article V (Subdivision: Procedures and Standards) of this Ordinance may serve as the preliminary subdivision plat.

(C) Fees:

All fees shall be due and payable when the Site Plan is submitted according to the Schedule of Fees.

3-11.3 Coordination with Other Procedures

To lessen the time required to attain all necessary approvals, the site plan approval process may run concurrently with building plan review; applications for Certificates of Appropriateness for Historic Districts; applications for grading permits or other applications for approvals required for the particular project.

3-11.4 Site Plan and Plot Plan Approval

(A) Approval of Site/Plot Plan:

The Site Plan or Plot Plan shall be approved when it meets all requirements of the Ordinance or proper waivers and/or variances are obtained.

(B) Approval Authority:

- 1) Site Plans submitted for development, or additions to existing developments, of less than fifteen thousand square feet (15,000 ft^2) of gross floor area, but not more than eight (8) dwelling units in a single building, or for open uses of land, or expansions of

open uses of land, involving less than forty thousand square feet (40,000 *ft*²) may be approved by the Planning Department.

- 2) Site plans submitted for developments, or additions to existing developments, with fifteen thousand square feet (15,000 *ft*²) or more of gross floor area or for open uses of land, or expansions of open uses of land involving forty thousand square feet (40,000 *ft*²) or more may be approved by the Technical Review Committee.

(C) Action by Technical Review committee:

If the Site Plan is approved, the applicant may proceed with other requirements necessary to obtain a Building Permit. If the Technical Review Committee denies the Site Plan, reasons for denial shall be stated in writing and the Site Plan may be revised and resubmitted. The Technical Review Committee shall take action within thirty (30) days of reviewing the Site Plan. If the Site Plan is denied, granted conditional approval, or no action is taken within thirty (30) days by the Technical Review Committee, the applicant may appeal the Site Plan to the Planning Board. The appeal may be made within fifteen (15) days after denial, conditional approval, or lack of action by the Technical Review Committee.

(D) Action by Planning Board:

If a Site Plan is appealed to the Planning Board, it shall be scheduled, subject to published filing dates, to be reviewed at the next regularly scheduled meeting. If the Site Plan is denied, or granted conditional approval, or if no action is taken by the Planning Board, the applicant may appeal the Site Plan to the Governing Body within fifteen (15) days after the Planning Board meeting.

(E) Conditional Approvals:

If the Site Plan is granted conditional approval by the Planning Department, Technical Review Committee, Planning Board, or Governing Body, the applicant shall revise and resubmit the Site Plan. The Planning Department shall review the revised Site Plan and, if it meets all the approval conditions and is otherwise substantially unaltered, shall signify on the plan the change from conditional approval to approval. If the Site Plan is not revised within sixty (60) days to meet the approval conditions, or the applicant notifies the

Planning Department that he is unwilling to revise the Site Plan, it shall be deemed denied.

(F) Expiration of Site Plan Approval:

If construction or development does not begin within eighteen (18) months following Site Plan approval; or is begun and then discontinued for a period greater than one hundred and eighty (180) days; such approval shall expire, and a new Site Plan must be submitted in accordance with the procedures in this Section.

3-11.5 Street and Utility Construction

(A) Plans:

Street and utility construction plans for all public or private street, water, sanitary sewer, and storm sewer facilities shall be submitted to the Jurisdiction following conditional approval or approval of the Site Plan. For each phase of the Site Plan, these street and utility construction plans shall include all improvements lying within or adjacent to that section as well as all water and sanitary sewer lines lying outside that section and being required to serve that section.

(B) No Construction Without Plan Approval:

None of the improvements listed above shall be constructed until the street and utility construction plans for such improvements have been reviewed and approved by Town Engineer.

(C) Inspections:

Work Performed pursuant to approved street and utility construction plans shall be inspected and approved by the Town Engineer. Such inspections shall be paid for by the developer.

3-11.6 Watershed Control Ponds and Soil & Erosion Control Devices

Any approved watershed control pond(s) and soil and erosion control device(s) may be installed prior to approval of street and utility construction plans.

3-11.7 Permits

Upon approval of the Site Plan, the developer shall be eligible to apply for building and any other permits required by this Ordinance or other laws, unless otherwise provided in this Ordinance.

3-12 ZONING MAP AND TEXT AMENDMENTS

3-12.1 General Requirements

- (A) Amendments and Modifications:
Zoning regulations, restrictions, and zone boundaries as shown on the Official Zoning Map may from time to time be amended, supplemented, changed, modified or repealed according to the provisions of this Ordinance. Amendments and modifications shall be acted upon by the Governing Body, after recommendation from the Planning Board. Refer to Section 3-12.2(H) for voting procedures.
- (B) Prior Building Permit Approval:
Amendments, modifications, supplements, repeal or other changes in zoning regulations and zone boundaries shall not be applicable or enforceable without the consent of the owner with regard to lots for which building permits have been issued, pursuant to state law, prior to the enactment of the ordinance making the change or changes, so long as the permits remain valid and unexpired or revoked.
- (C) Authorized Submission:
The Governing Board, any Local Board, Commission, Department or property owner(s) of the property requested for rezoning may petition for an amendment to this Ordinance.

3-12.3 Requirements for Zoning Map Amendments

- (A) Application Form:
Any person authorized to seek an ordinance amendment shall submit an application according to a form provided by the Planning Department, along with other required information pursuant to Appendix 3 (Table of Permit Application Requirements).
- (B) Fee:
All fees shall be due and payable when the application is made according to the Schedule of Fees.
- (C) Filing of Application:
 - 1) No application for rezoning to the same district shall be filed within one (1) year period from the date of final action on the

previous rezoning request (other than a withdrawal prior to the public hearing) on a given parcel of land or portion thereof unless the Planning Board determines that evidence submitted to them merits consideration for a public hearing at their next meeting.

- 2) A second request for the same parcel of land or portion thereof for a different zoning district may occur within a one (1) year period from final action on the initial request.
- 3) Under no circumstances may more than two (2) zoning map amendments be filed for rezoning a given parcel of land or any portion thereof within any one (1) year period.

(D) Notification:

The posting of signs, publishing of legal notices and other procedures as provided in Article IX (Administration) shall be followed.

(E) Public Hearing:

The Planning Board shall hold a public hearing on the application. The Planning Department shall present the application to the Planning Board, together with the Planning Department's recommendations, at the first regularly scheduled meeting following proper filing and notice of the application.

(F) Application Withdrawal:

- 1) An application for amendment may be withdrawn by the applicant anytime before submission of the public notice to the newspaper announcing the public hearing.
- 2) After submission of such notice, an application may be withdrawn at the discretion of the Planning Board or Governing Body.
- 3) No more than two (2) withdrawals may occur on the same parcel of land or portion thereof within a one (1) year period.
- 4) No application shall be filed on the same parcel of land or portion thereof within one (1) year period after the date of the second withdrawal.

(G) Continuance:

The Planning Board may continue a rezoning request for up to two (2) months provided the reason for said continuance is stated in the motion to continue. Nothing in this Section shall prohibit a continuance being granted for a greater period of time provided it is mutually agreed upon by all parties concerned. Upon failure of the Planning Board to act on a request immediately following all proper continuances, or in the event that no action is taken, the petitioner may take the proposal to the Governing Body without a recommendation from the Planning Board.

~~(G)~~ Left Blank

~~(G)~~ Protest Petition:

A valid Protest Petition requiring a three Fourths (3/4) vote for approval by the Planning Board, or Governing Body by appeal, shall meet the following requirements:

- ~~0)~~ The Protest Petition shall be signed by:
 - ~~—) The owners of twenty percent (20%) or more of the area of the lots included in a proposed change; or~~
 - ~~—) The owners of twenty percent (20%) or more of the lots immediately adjacent to the lots included in the proposed change, either in the rear thereof or on either side therefrom, extending one hundred (100) feet there from, or of those directly opposite thereto extending one hundred (100) feet from the street frontage of the opposite lots.~~
- ~~0)~~ Protest petitions must be filed with the Clerk in sufficient time to allow the Local Government at least two (2) normal work days, excluding Saturdays, Sundays and legal holidays, before the date established for public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition.
- ~~0)~~ The Governing Body may, by ordinance, require that all protest petitions be on a form prescribed and furnished by the Local Government, and such form may prescribe any reasonable information deemed necessary to permit the Clerk to determine the sufficiency and accuracy of the petition.
- ~~0)~~ Protest petitions shall not be appealed to any amendment which initially zones property added to the territorial coverage of the Ordinance as a result of annexation or otherwise.

~~(Q)~~(H) Voting:

- 1) A favorable majority vote from the Planning Board shall constitute a favorable recommendation forwarded to the Governing Body.
- 2) An unfavorable majority vote from the Planning Board shall constitute a recommendation of denial forwarded to the Governing Body.
- ~~3)~~ Applications that receive a valid Protest Petition shall require a three fourths (3/4) majority vote of the Governing Body to be approved.
- 4~~3~~) Applications receiving a favorable majority vote from the Governing Body shall constitute approval of the application.
- 4) Applications receiving an unfavorable majority vote from the Governing Body shall constitute denial of the application.

(I) Down-Zoning

1) No amendment to zoning regulations or a zoning map that down-zones property shall be initiated by a third party, nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the local government. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways:

a. By decreasing the development density of the land to be less dense than was allowed under its previous usage.

a-b. By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage."

(R)(J) Citizen Comments

If any resident or property owner in the city submits a written statement regarding a proposed amendment, modification, or repeal to a zoning ordinance to the clerk of the board at least two business days prior to the proposed vote on such change, the clerk to the board shall deliver such written statement to the city council. If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160A-338, the clerk shall provide only the names and addresses of the individuals providing the written comment, and the provision of such names and addresses to all members of the board shall not disqualify any member of the board from voting.

3-12.4 Statement of Reasonableness and Plan Consistency

A) Amendments to this Ordinance shall be accompanied by a statement describing the level of consistency or inconsistency of the amendment with adopted comprehensive plans for the Town in accordance with NCGS 160D-605 (a).

B) If a zoning map 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.

CB) When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be made by the planning

board and recommended to the governing board. This statement of reasonableness may consider, among other factors,

- (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community,
- (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment;
- (iv) why the action taken is in the public interest; and
- (v) any changed conditions warranting the amendment. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the governing board statement on reasonableness may address the overall rezoning. The statement of reasonableness and plan consistency may be approved by a single statement.

~~(S)(K)~~ Appeals:

- 1) Any decision of the governing body may be appealed to the Superior Court
- 2) Such Appeals shall be made within thirty (30) days of the decision by filling with the Clerk to the Superior Court a written notice of appeal.

3-12.3 Amendments to the Flood Zoning Map

(A) Authorization to Amend:

The location of any floodway zone or floodway fringe zone may be amended in cases where:

- 1) A flood control project of the federal, state, county, or city government has substantially altered the flood hazard; or
- 2) Flood data indicates that the boundaries or either of the zones as shown on the official flood zoning map are no longer correct; or
- 3) A private individual, corporation, firm or governmental agency has submitted plans to the appropriate local authority, state agencies, and the Federal Emergency Management Agency for a channel improvement or relocation or a street or bridge which would affect the location of the existing zone boundaries as shown on the Official Flood Zoning Map. Any development activity requiring as a prerequisite an amendment to the Official Flood Zoning Map shall not be allowed until the amendment to the Official Flood Zoning Map is approved.
- 4) Amendment approval is a prerequisite whenever the proposed development or proposed use combined with the allowable encroachment of the floodway fringe and with any previously placed or previously approved encroachment in the floodway will increase the base flood elevation by more than one (1) foot. The increase in base flood elevation due to the allowable encroachment of the floodway fringe is listed in the Floodway Data Table in the Flood Insurance Study prepared by the Federal Emergency Management Agency (FEMA).

(B) Application Process:

Application for an amendment to the Official Flood Zoning Map shall be processed in the same manner as an amendment to the official zoning map. The applicant shall be responsible for submitting the proposed amendment and supporting documentation to the Federal Emergency Management Agency (FEMA) for its approval. The application for flood zone map

amendments shall be deemed incomplete if not accompanied by a letter of approval from FEMA.

(C) Conformance to State Statutes:

The Official Flood Zoning Map and all amendments thereto shall be filed in accordance with NCGS 143-215.56(c).

3-12.4 Requirements for Text Amendments

(A) Submission of Application:

Applications to amend the text of this Ordinance shall be submitted to the Planning Department.

~~(B)~~ Planning Board and MDOC Recommendations:

~~The Planning Department shall refer such applications to the Multi-jurisdictional Development Ordinance Committee (MDOC) for recommendation. The MDOC shall make its recommendation to the Planning Board within sixty (60) days of said referral.~~

~~(D)~~(B) Planning Board Recommendation:

The Planning Board shall make a written recommendation to the Governing Body concerning the proposed text amendment, ~~after receipt of the recommendation from MDOC.~~

~~(E)~~(C) Application Approval:

The Governing Body shall approve or disapprove the text amendment after receipt of the recommendation from the ~~MDOC and~~ Planning Board.

3-13 CONDITIONAL ZONING

A Conditional District is a parallel zoning district to the general purpose district of the same name. However, the Conditional District, by request of the owners and as rezoned by the Town Board has one designated permitted use with conditions that make the rezoning more compatible with surrounding uses than a general use rezoning. The use of the property is subject to predetermined standards, rules, regulations and conditions imposed as part of a legislative decision creating a Conditional Zoning District and applying it to a particular property. A Conditional Zoning District allows particular uses to be established only in accordance with specific standards and conditions pertaining to each individual development project.

A Conditional District, bearing the designation CD, is hereby established as a parallel district for every district established in the list of General Use districts.

3-13.1 Submissions and Community Meeting

(A) The review and approval process for conditional zoning petitions involves a legislative hearing and legislative decision by the Town Board. The review of conditional district zoning petitions shall be undertaken in accordance with the normal rezoning procedure with the following additions.

(B) *Submissions:* Property may be placed in a conditional zoning district only in response to a petition by the owners of all the property to be included. A petition for conditional zoning shall be accompanied by a master site plan that includes:

1. A boundary survey, with metes and distances showing the property's gross acreage, current zoning classification(s), the location of adjacent public streets, railroad right-of-way, bodies of water (ponds, lakes, streams, rivers, creeks), date of submittal, north arrow, and vicinity map;
2. All existing and proposed easements, reservations and rights-of-way with street section and widths;
3. Footprint of existing and proposed structures;
4. Proposed use of all land and structures, including the number and type (single-family detached, multifamily, town homes, apartments) of residential units and/or the total square footage of any nonresidential development;
5. All setbacks, buffers, screening, and landscaping required by town regulations and/or conditions proposed by the petitioner;
6. All existing and proposed access points to public streets and traffic control devices;
7. Generalized drainage plan of existing and proposed drainage patterns, buffers, delineation of regulatory floodplains, delineated wetlands, riparian buffers and open space if an Open Space Development;
8. Proposed phasing, if any;
9. General location and number of parking spaces and circulation plan;
10. A statement in each petition analyzing the reasonableness of the proposed conditional zoning. The statement shall include, but not be limited to, the following: (a) the conditional zoning's compatibility with the adopted Plan of the Town; (b) the benefits and detriments of the conditional zoning for the subject property, neighboring properties and the surrounding community; and (c) the conditional zoning's compatibility with the existing land uses on adjacent and neighboring tracts.
11. Reference to provisions, if any, in Town ordinances and/or the Comprehensive Land Development Plan or other Plan that refer to or anticipate impacts reasonably expected to be generated by the development or use of the site.

(A) The Manager or other designated staff member may waive an application requirement where the type of use or scale of the proposal makes providing that information unnecessary or impractical.

(B) In the course of evaluating a petition for conditional zoning for a proposed use or development, the Town may request additional information from the petitioner related to: number and location of all structures, exterior features, building materials, architectural style, signage and any additional information needed to demonstrate that conditional zoning will minimize particular impacts and protect both the immediate area and the community as a whole. The zoning regulation may provide that defined minor modifications in conditional district standards that do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved administratively. Any other modification of the conditions and standards in a conditional district shall follow the same process for approval as are applicable to zoning map amendments. (G.S.160D-7-3(b))

3-13.2 Community Meeting

The Town shall sponsor an Information meeting involving the developer, Planning Board, and abutting property owners including those separated by a street, railroad, or other transportation corridor. The purpose of the informal meeting is to provide a time for adjoining property owners to meet with the developer and the Town staff to review preliminary proposals before they are presented at a public hearing conducted by the Town Board. Notices of this Information Meeting shall be sent by First Class mail at a minimum to all adjoining property owners.

3.13-3 Review and Approval

(A) *Review and Approval Process:* The review and approval of a petition for a conditional zoning district shall follow the same legislative process as outlined for a general use rezoning outlined in Section 3-12.

(B) Conditional zoning district decisions shall be made in consideration of identified relevant adopted land use plans for the area, including, but not limited to, land development plans, comprehensive plans, strategic plans, district plans, small area plans, corridor plans, and other land development policy documents.

(C) Conditions to Approval - Specific conditions applicable to the conditional zoning districts may be proposed by the petitioner or the Town or its agencies, but only those conditions mutually approved by the Town and by the petitioner may be incorporated into the zoning regulations or permit requirements.

1. Conditions and site-specific standards imposed in a conditional zoning district shall be limited to those that address the conformance of the development

and use of the site to town ordinances and an 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.

2. Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the Town Board may find appropriate or the petitioner may propose. Such conditions to approval of the petition may include dedication to the town or state, as appropriate, of any rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development.
3. The petitioner shall have a reasonable opportunity to consider and respond to any such conditions before final action by the Town Board. Evidence of the petitioner's approval shall be documented by the petitioner's signature on the conditions adopted by the governing body. The signed conditions shall be retained by the Town and a copy provided to the petitioner.
4. If for any reason any condition for approval is found to be illegal or invalid or if the petitioner should fail to accept any condition following approval, the approval of the site plan for the district shall be null and void and of no effect and proceedings shall be instituted by the Town to rezone the property to its previous zoning classification or to another zoning district.

(D) *Effect of Approval:* If the conditional rezoning is approved, the use of the property shall be governed by zoning requirements for the underlying district, the approved site plan for the Conditional Zoning District and any other approved conditions. These conditions shall be binding on the property as an amendment to the zoning map. The subject property shall be identified on the official Zoning map with the underlying general district followed by the letters "CD" (example "HI CD").

(E) *Alterations to Approval:* Except as provided in subsection 1(b), below, substantial changes to an approved petition or to the conditions attached to the approved petition shall be treated the same as amendments to this Ordinance or to the zoning map and shall be processed in accordance with the procedures in this Ordinance.

1. The Town Manager shall have the delegated authority to administratively approve an amendment to an approved site plan that is not substantial.
 - a. A substantial change that may not be approved administratively is one that:
 - decreases use of compatible design features, including building styles and materials, signage and lighting, and site layout, both

internal to the development and as it impacts external development;

- decreases pedestrian features such as sidewalks, crosswalks, and external pedestrian connections; or
 - changes the use(s) approved for the property.
- b. A change may be approved administratively and is not substantial if it reduces impacts on surrounding properties in one or more of the following ways:
- it decreases intensity of land uses proposed on the site (ex. number of housing units or gross floor area) by not more than 10%;
 - it increases proposed setbacks by not more than 10% by locating buildings closer to internal property lines without increasing the setbacks of proposed buildings from public streets;
 - a significant increase in the visually obscuring buffers along the perimeter of the site that includes preserved vegetation, added landscaping, walls and fences, or the use of topography;
 - a decrease in the traffic impact due to a significant decrease or shift in the number, location or configuration of access points to or additional road improvements for the development; or
 - an increase in the amount of usable or passive open space, tree preservation, greenways, or trails provided on the site.

Any decision by the Manager must be in writing stating why the requested change is not substantial and why it is approved.

2. Any request for an administrative amendment shall be pursuant to a written letter, signed by the owners of all of the property affected by the proposed change, detailing the requested change. Upon request, the applicant shall provide any additional information as deemed necessary by the Manager or the Manager's designee working directly with the developer. Upon an approval of an administrative amendment, the applicant shall file a sufficient number of copies of the revised site plan as deemed necessary by the Manager or Manager's designee.
3. If the Manager finds that the requested changes are substantial, as described above, the applicant may file a rezoning petition for a public hearing and Town Board decision.

3.13-4 Progress Following Approval of a Conditional Zoning District

A conditional rezoning decision is based on firm plans to develop the property. Therefore, no sooner than three (3) years after the approved rezoning, the Planning Board may examine the progress made toward developing the property in accordance with the approved rezoning and associated conditions. If the Planning Board determines that progress has not been made in accordance with the approved petition and conditions, the Planning Board shall forward to the governing board a report which may recommend that the property be rezoned to its previous zoning classification or to another district, but no action would take place in conflict with Vested Rights as described in Section 3-18.

3-14 SPECIAL USE PERMITS

3-14.1 Approval Procedure

Applications for Special Use Permits shall be considered and decided by the Planning Board in accordance with the procedure used by the Planning Board for the review of applications for zoning map amendments.

3-14.2 Conditions for Approval

An application for a Special Use Permit shall be approved by the Planning Board if and only if the Planning Board finds that:

- 1) The proposed use is represented by an "S" in the column for the district in which it is located on the Permitted Use Schedule in this Ordinance.
- 2) The proposed conditions meet or exceed the development standards found in Article VI (Development Standards).
- 3) Either the use as proposed or the use as proposed subject to such additional conditions as the owner may propose or the Planning Board may impose is consistent with the purposes of the District and compatible with surrounding uses. [Additional conditions imposed by the Planning Board may only include those that are otherwise allowed local statutory authority.](#)
- ~~3~~4) The landowner/applicant must provide written consent to any and all conditions of a Special Use Permit when granted.
- 4)5) The Special Use Permit shall be granted when each of the following Findings of Fact have been made by the Planning Board [and conditions agreed to in writing by the applicant or landowner:](#)
 - a) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted and approved;
 - b) That the use meets all required conditions and specifications;
 - c) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
 - d) That the location and character of the use, if developed according to the plan submitted and approved, will be in harmony with the area in which is to be located and in general conformity with the plan of development of the Jurisdiction and its environs.

3-14.3 Greater Restrictions

In granting a Special Use Permit, the Planning Board may impose more restrictive requirements upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served.

3-14.4 Permit Denial

If the Planning Board fails to make the findings required by Section 3-13.2 or makes other findings inconsistent with the required findings, then such proposed permit shall be denied.

3-14.5 Permit Applicability

Any Special Use Permit so authorized shall be perpetually binding upon the property included in such permit unless subsequently changed or amended through application for a new or amended Special Use Permit or until a use otherwise permitted in the district is established.

3-14.6 Compliance with Approved Permit

No building or other subsequent permit or approval shall be issued for any development on property subject to a Special Use Permit except in accordance with the terms of the permit and the district.

3-14.7 Submission of Site Plans

Site plans for any development made pursuant to any Special Use Permit shall be submitted for review in the same manner as other development plans required by this Ordinance.

3-14.8 Minor Modification(s)

In approving such Site Plans, the Technical Review Committee may make minor modifications to the requirements of such Special Use Permit where such modification will result in equal or better performance and provide that the objective and purpose of the requirements and conditions of the Special Use Permit are maintained.

3-14.9 Amendment of Permit

The Planning Board may change or amend any Special Use Permit subject to the same consideration as provided for in this Ordinance for the original issuance of a Special Use Permit.

3-14.10 Timing of Amendment Proposal

No proposal to change or amend any Special Use Permit shall be considered within a one (1) year period after the date of the original authorization of such permit or within a one (1) year period after the hearing of any previous proposal to change or amend any such permit.

3-14.11 Effect of Invalidity

If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid, such Special Use Permit shall be null and void and of no effect.

3-14.12 Non-compliance with Permit Conditions

If after receiving a Notice of Violation for violation of the terms or conditions of a Special Use Permit, the owner fails to correct such violations within a reasonable time, then the Special Use Permit may, after a hearing, be revoked by the Planning Board. The Planning Board shall revoke such permit on all or part of a development if it finds that there has been a violation that: was intentional; or continued for an unreasonable time after the owner had notice thereof; or was substantially inconsistent with the purposes of the district and continued for any time after the owner had notice thereof and the opportunity to cure. All of the other remedies of this ordinance for zoning violation shall apply to a violation of the terms of a Special Use Permit. Civil and/or criminal penalties may accrue pending the correction of a violation of a Special Use Permit, notwithstanding the fact that the owner may correct the violation within a reasonable time for purposes of the revocation provisions of this paragraph.

3-15 NONCONFORMING LOTS, USES AND STRUCTURES

3-15.1 Nonconforming Lots of Record

(A) Single Lot of Record

- 1) When a lot has an area or width which does not conform to the dimensional requirements of the district where located, but such lot was of record at the time of adoption of this Ordinance or any subsequent amendment which renders such lot nonconforming, then such lot may be used for a use permitted in the district where located, provided the setback dimensions and other requirements, except area or width, are complied with.
- 2) In residential zones, only a single family dwelling shall be permitted on the nonconforming lot.

- 3) Nothing contained herein exempts a lot from meeting the applicable provisions of the Board of Health, of the County in which the lot is located.
- (B) Lots with Contiguous Frontage in One Ownership;
- 1) When two (2) or more adjoining and vacant lots with contiguous frontage are in one ownership and said lots individually have area or width which does not conform to the dimensional requirements of the district where located, but such lots were of record at the time of adoption of this Ordinance or any subsequent amendment which renders such lot nonconforming, such lot or several buildable lots for any use permitted in the district where located provided the setback and all other requirements are complied with.
 - 2) Nothing contained herein exempts the contiguous lots considered as a single buildable lot or lots from meeting the applicable provisions of the Board of Health, of the County in which the lot or lots are located.
- (C) Reduction of a Lot of Record: A lot of record reduced to less than the required area, width, or setback dimension as the result of a condemnation or purchase by a local or state government agency shall become a nonconforming lot of record.

3-15.2 Nonconforming Uses of Land

- (A) Continuance of Nonconforming Use of Land; Any nonconforming use legally existing at the time of adoption or amendment of this Ordinance, or any nonconforming use created by the extension of the jurisdiction, may be continued so long as it remains otherwise lawful.
- (B) Conditions for Continuance: Such nonconforming use of land shall be subject to the following conditions:
- 1) No nonconforming use shall be changed to another nonconforming use unless such use is determined to be of equal or less intensity. In determining whether a nonconforming use is of equal or less intensity, the Board of Adjustment shall consider:
 - a) probable traffic of each use;
 - b) parking requirements of each use;
 - c) probable number of persons on the premises of each use at a time of peak demand;
 - d) off-site impacts of each use, such as noise, glare, dust, vibration or smoke.
 - 2) No such nonconforming use shall be enlarged, increased, or to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance. The number of dwelling units in a nonconforming residential use shall not be increased.

- 3) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
- 4) If any nonconforming use of land ceases for any reason, a continuous period of more than one (1) year, any subsequent use of such land shall be a permitted use in the district in which such land is located.
- 5) The resumption of a nonconforming use of land shall not be permitted if such nonconforming use is superseded by a permitted use for any period of time.
- 6) No additional structure(s) not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

3-15.3 Nonconforming Structures

- (A) Continuation of Nonconforming Structure: Any nonconforming structure legally existing at the time of adoption or amendment of this Ordinance or any nonconforming structure created by extension of jurisdiction may be continued so long as it remains otherwise lawful.
- (B) Conditions for Continuance: Such nonconforming structures shall be subject to the following conditions:
- 1) No nonconforming structure may be enlarged or altered in any way which increases its dimensional deficiencies; however any nonconforming structure or portion thereof may be altered to decrease its dimensional deficiencies. Any enlargement of the structure shall conform to the current dimensional requirement.
 - 2) In the event of damage by fire or other causes to the extent exceeding fifty percent (50%) of its tax value prior to such damage as established by the County Tax Department, reconstruction of a nonconforming structure shall be permitted only in compliance with the dimensional provisions of this Ordinance.
 - 3) In the event of damage by fire or other causes to the extent causing less than fifty percent (50%) of its tax value prior to such damage as established by the County Tax Department, reconstruction of a nonconforming structure shall be permitted provided it is constructed:
 - a) In the same manner in which it originally existed; or
 - b) In compliance with the dimensional requirements.
 - 4) No nonconforming structure shall be moved or relocated unless it is made to comply with the dimensional and use requirements of the district in which it is located.

(C) Preservation of Safe or Lawful Conditions: Nothing in this Ordinance shall prevent the strengthening or restoration to a safe or lawful condition any part of any building declared unsafe or unlawful, by the Building Inspector or other duly authorized official.

3-16 ANNEXATION AND ORIGINAL ZONING

3-16.1 Submission of petition

Petitions for annexation and original zoning shall be submitted to the Planning Department with other information as required by Appendices 2 and 3 and shall be forwarded to the Planning Board for recommendation of original zoning to the Governing Body.

3-16.2 Initiation by Governing Body

Where the Governing Body initiates the annexation, it shall not be necessary to provide a metes and bounds description provided that local government planning maps are utilized which clearly delineate the area involved and the proposed zoning classification.

3-16.3 Filing of Maps

The maps shall be duly filed with the Clerk upon adoption.

3-17 HISTORIC DISTRICTS

Request for change in the zoning classification of property within a historic district shall be processed and considered in the same manner and procedure as set forth in this Ordinance for rezoning requests, except that the Historic Preservation Commission shall forward a recommendation to the Planning Board prior to Planning Board taking action on any such request.

3-18 ZONING VESTED RIGHTS

3-18.1 Establishment of a Vested Right

A landowner may apply for the determination of a vested right pursuant to North Carolina General Statute 160D-108 on a form to be provided by the Zoning Administrator at the same time as application is made for a zoning map amendment, subdivision plan approval, a conditional zoning, a special use permit, or a site plan approval. The Zoning Administrator shall make an initial determination as to the existence of the vested right. The decision of the zoning administrator or officer may be appealed under NCGS 160D-

405. On appeal, the existence of a vested right shall be reviewed de novo. In lieu of seeking such a determination, a person claiming a vested right may bring an original civil action as provided by NCGS -160D-405(c).

- (A) A vested right shall be deemed established upon the valid or conditional approval of a site specific development plan submitted with the application by the Planning Board, the Board of Adjustments or the Town Council (hereinafter referred to as the governing board) whichever has jurisdiction over the zoning action being considered following notice and a public hearing.
- (B) Such vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site specific development plan which plan may be approved upon such terms and conditions as may be reasonably necessary to protect the public health, safety, and welfare. Failure to abide by the terms and conditions imposed shall result in the forfeiture of a vested right.
- (C) A right which has been vested as provided for in this section shall remain vested for a period of two years which period shall not be extended by any amendment or modification to a site specific development plan unless expressly provided by the governing board.
- (D) The establishment of a zoning vested right shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or preclude Ordinances or regulations that are general in nature and are applicable to all property subject to land-use regulation by the Town, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new or amended regulations shall become effective with respect to property that is subject to a site specific development plan upon the expiration or termination of the vested right in accordance with this article.

3-18.2 Types and Duration of Statutory Vested Rights

Amendments in Town of Gibsonville development regulations shall not be applicable or enforceable with regard to development that has been permitted or approved pursuant to NCGS 160D-108 long as one of the types of approvals listed in this subsection remains valid and unexpired. Each type of vested right listed in this subsection is defined by and is subject to the limitations provided in this section. Vested rights established under this section are not mutually exclusive. The establishment of a vested right under this section does not preclude the establishment of one or more other vested rights or vesting by common law principles. Vested rights established by the Town of Gibsonville approvals are as follows:

- (A) Six months - Building permits. - Pursuant to NCGS 160D-1109, a building permit expires six (6) months after issuance unless work under the permit has commenced. Building permits also expire if work is discontinued for a period of 12 months after work has commenced.
- (B) One year - Other local development approvals. - Pursuant to NCGS 160D-403(c), unless otherwise specified by statute or local ordinance, all other local development approvals expire one year after issuance unless work has substantially commenced. Expiration of a local development approval shall not affect the duration of a vested right established under this section or vested rights established under common law.
- (C) Two years - Site-specific vesting plans.
 - 1. Duration. - A vested right for a site-specific vesting plan shall remain vested for a period of two years. This vesting shall not be extended by any amendments or modifications to a site-specific vesting plan unless expressly provided by Town of Gibsonville ordinance.
 - 2. Relation to building permits. - A right vested as provided in this subsection shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed. Upon issuance of a building permit, the provisions of NCGS 160D-1109 and NCGS 160D-1113 shall apply, except that the permit shall not expire or be revoked because of the running of time while a vested right under this subsection exists.
 - 3. Requirements for site-specific vesting plans. - For the purposes of this section, a "site-specific vesting plan" means a plan submitted to the Town of Gibsonville describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. The plan may be in the form of, but not be limited to, any of the following plans or approvals: a planned unit development plan, a subdivision plat, a site plan, a preliminary or general development plan, a special use permit, a conditional zoning, or any other development approval as guided by the Town of Gibsonville ordinance. What constitutes a site-specific vesting plan shall be defined by the relevant development regulation, and the development approval that triggers vesting shall be so identified at the time of its approval. At a minimum, the regulation shall designate a vesting point earlier than the issuance of a building permit. In absence of a Town of Gibsonville regulation setting forth what constitutes a site-specific vesting plan, any development approval shall be considered to be a site-specific vesting plan. A variance shall not constitute a site-specific vesting plan and approval of a site-specific vesting plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained. If a sketch plan or other document fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property, it may not constitute a site-specific vesting plan.
 - 4. Process for approval and amendment of site-specific vesting plans. - If a site-specific vesting plan is based on an approval required by the Town of Gibsonville development regulations, a notice and hearing is required for that underlying approval. If the duration of the underlying approval is less than two years, that shall not affect the duration of the site-specific vesting plan established under this subdivision. If the site-specific vesting plan is not based on such an approval, a legislative hearing with notice as required by NCGS 160D-602 shall be held.

The Town of Gibsonville may approve a site-specific vesting plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare. Such conditional approval shall result in a vested right, although failure to abide by its terms and conditions will result in a forfeiture of vested rights. The Town of Gibsonville shall not require a landowner to waive vested rights as a condition of developmental approval. A site-specific vesting plan shall be deemed approved upon the effective date of the local government's decision approving the plan or such other date as determined by the governing board upon approval. An approved site-specific vesting plan and its conditions may be amended with the approval of the owner and the local government as follows: any substantial modification must be reviewed and approved in the same manner as the original approval; minor modifications may be approved by the Zoning Administrator, if such are defined and authorized by local regulation.

- (D) Seven years - Multiphase developments. - A multiphase development shall be vested for the entire development with the zoning regulations, subdivision regulations, and unified development ordinances in place at the time a site plan approval is granted for the initial phase of the multiphase development. This right shall remain vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multiphase development. For purposes of this subsection, "multiphase development" means a development containing 100 acres or more that (i) is submitted for site plan approval for construction to occur in more than one phase and (ii) is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval.
- (E) Indefinite - Development agreements. - A vested right of reasonable duration may be specified in a development agreement approved under NCGS. 160D-1001

3-18.3 Continuing Review

- (A) Following approval or conditional approval of a statutory vested right, a local government may make subsequent reviews and require subsequent approvals by the local government to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval. The local government may revoke the original approval for failure to comply with applicable terms and conditions of the original approval or the applicable local development regulations.

3-18.4 Termination of a Vested Right

A zoning right that has been vested as provided in this article shall terminate.

- (A) At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit application has been filed;
- (B) With the written consent of the affected landowner;
- (C) Upon findings by the governing board, by Ordinance after notice and a public hearing, that natural or man-made hazards on or in the

immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan;

- (D) Upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the Town, together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by such action;
- (E) Upon findings by the governing board, by Ordinance after notice and a hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the governing board of the site specific development plan; or
- (F) Upon the enactment or promulgation of a State or Federal law or regulation that precludes development as contemplated in the site specific vesting plan or phased development plan, in which case the governing board may modify the affected provisions, upon a finding that the change in State or Federal law has a fundamental effect on the plan, by Ordinance after notice and a hearing.

3-18.5 Repealer

In the event that NCGS 160D-102 is repealed, this Section shall be deemed repealed and the provisions hereof no longer effective.

3-18.6 Plans Not Vested

- (A) Conceptual Plans: Because the following plans frequently lack sufficient detail, they are not vested under this Ordinance:
 - 1) A Planned Development- Residential or Planned Development- Mixed Sketch plan; or
 - 2) A subdivision master plan or sketch plan.
- (B) Plans Not Relating to Type and Intensity of Use: The following types of plans are reviewed and approved under statutes not related to the type and intensity of use in the context of NCGS 160D-102 and, therefore, are not considered vested in the meaning of this Ordinance:
 - 1) Soil erosion and sedimentation control plans;
 - 2) Utility and street construction plans; or
 - 3) Building and other construction plans.

3-18.7 Compliance

- (A) **Conformance Review:** Following approval or conditional approval of a site specific development plan, nothing in this Ordinance shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such review and approvals are not inconsistent with the original approval.
- (B) **Noncompliance:** Nothing in this Ordinance shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or the Zoning Ordinance.
- (C) **Life of Building Permit:** A building permit shall not expire or be revoked because of the running of time while a zoning vested right under this Section is outstanding.

3-19 DEVELOPMENT AGREEMENTS

3-19.1 Purpose

The purpose of this section is to establish standards and procedures for the Town to enter into Development Agreements for long-term, large-scale developments, in recognition of the following findings and statements of intent:

- (A) *Large-Scale Development Projects and Long-Term Commitment of Resources*
Large-scale development projects often occur in multiple phases extending over a period of years, requiring a long-term commitment of both public and private resources.
- (B) *Potential Community Impacts*
Such large-scale developments often create potential community impacts and potential opportunities that are difficult or impossible to accommodate within traditional zoning processes.
- (C) *Careful Integration between Public Capital Facilities Planning, Financing, Schedules*
Because of their scale and duration, such large-scale projects often require careful integration between public capital facilities planning, financing and construction schedules and the phasing of the private development.
- (D) *Stable Development Standards*
Because of their scale and duration, such large-scale projects involve substantial commitments of private capital by private developers, which private developers are unwilling to risk without sufficient assurances that development standards will remain stable through the extended period of the development.
- (E) *Nontraditional Development Types*
Because of their size and duration, such developments often permit communities and developers to experiment with different or nontraditional types of

development concepts and standards, while still managing the impacts on the surrounding areas.

(F) *Negotiating Flexibility*

To better structure and manage development approvals for such large-scale developments and ensure their proper integration into local capital facilities programs, local governments need the flexibility in negotiating such developments.

(G) *Plan Consistency*

In negotiating for such developments, it is the intent of the Town to remain consistent with the adopted plans, policies, and goals of the Town as they relate to land use and capital improvements.

3-19.2 Authority

The Town may enter into a Development Agreement with a developer, subject to the procedures and standards of this Article. In entering into such a Development Agreement, the Town may not exercise any authority or make any commitment not authorized by general or local act and may not impose any tax or fee not authorized by otherwise applicable law. If more than one local government is made party to an agreement, the agreement must specify which local government is responsible for the overall administration of the Development Agreement.

3-19.3 Relationship to Prior Development Approvals

Although an application for a Development Agreement generally is submitted and reviewed before, or in conjunction with, the first development approval required for the proposed development (e.g., a Mixed Use Development), such an application may be submitted and decided at any stage of the development. If the application is submitted after development approvals have been granted, either the Development Agreement should incorporate the terms and conditions of those prior approvals or any approval of the Development Agreement shall be contingent upon any amendments to those prior approvals necessary to ensure conformance between the Development Agreement and applicable development approvals.

3-19.4 Initiation

An application for a Development Agreement may be initiated by any person who may submit applications in accordance with the provisions of this Article.

3-19.5 Procedures

1. Application Contents

An application for a Development Agreement shall include a proposed Development Agreement that shall, at a minimum, include all of the following:

- a) A legal description of the property subject to the agreement and the names of its legal and equitable property owners.
- b) The duration of the agreement.
- c) A development schedule, including commencement dates and interim completion dates at no greater than five-year intervals.
- d) The development uses permitted on the property, including population densities and building types, intensities, placement on the site, and design.
- e) A description of public facilities that will service 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.
- f) If the Development Agreement provides that the Town 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).
- g) A description, where appropriate, of any reservation or dedication of land for public purposes and any provisions to protect environmentally sensitive property.
- h) A description of all local development permits approved or needed to be approved for the development of the property together with a statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction does not relieve the developer of the necessity of complying with the law governing their permitting requirements, conditions, terms, or restrictions.
- i) A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the Town for the public health, safety, or welfare of its citizens.
- j) A description, where appropriate, of any provisions for the preservation and restoration of historic structures.

- k) An indemnification and "hold harmless" clause whereby the developer/property owner holds the Town and its agents harmless from liability for damages, injury, or death that may arise from the direct or indirect operations of the owner, developers, contractors, and subcontractors that relate to the project.

The proposed Development Agreement may include the following:

- 1) A provision that the entire development or any phase of it be commenced or completed within a specified period of time.
- 2) Other defined performance standards to be met by the developer.
- 3) Other matters not inconsistent with law.

The application shall include a master plan that depicts the general configuration and relationship of the principal elements of the proposed development, including major uses, general building types, pedestrian and vehicular circulation, open space, public facilities, and phasing.

2. Review and Report by Town Manager or Administrator

As part of the staff review of the application, the Manager/Administrator or the designee may negotiate revisions to the proposed Development Agreement consistent with the provisions of Subsection H Development Agreement Standards.

3. Review and Recommendation by Planning Board

Following staff review, preparation of a staff report, and provision of public notification in accordance with Subsection g. Development Agreement Standards, the staff shall recommend that:

- the Town enter into the Development Agreement as submitted;
- the Town enter into the Development Agreement application subject to modifications agreed to by the applicant, in writing; or
- the Town not enter into the Development Agreement.

4. Review and Action by Governing Board

Following Planning Board review, the governing body shall conduct a legislative public hearing on the application in accordance with public hearing guidance. Thereafter the Board may vote:

- To enter into the Development Agreement as submitted;
- To enter into the Development Agreement, subject to modifications agreed to by the applicant, in writing;
- Not to enter into the Development Agreement; or
- Remand the application to the Planning Board for further consideration.

DEVELOPMENT AGREEMENT PROCEDURES DIAGRAM



F. Recording the Agreement

Within 14 days after entering into a Development Agreement, the Town shall record the agreement with the Alamance/Guilford County Register of Deeds.

G. Development Agreement Standards

In consideration of the Town's participation in a Development Agreement, a development subject to the agreement must meet the following criteria:

1. *Planned Development*

The information regarding the property subject to the Development Agreement shall contain details of the property and the planned development in accordance with NCGS 160D Article 10 Development Agreements.

2. *Phasing and Duration of Development*

The development shall demonstrate phasing and participation in the proposed agreement shall be of reasonable terms that shall be specified in the agreement.

3. *Impact on Capital Improvements*

The development shall demonstrate the impact on existing and future provisions of capital improvements by the Town including at least one of the following: transportation, potable water, sanitary sewer, solid waste, stormwater management, educational, parks and recreational, and health systems and facilities.

H. Effect of Development Agreement

1. *Burdens and Benefits*

The burdens of the Development Agreement are binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

2. *Rights and Obligations*

Rights and obligations established by a Development Agreement shall not preclude or supersede rights and obligations established pursuant to other law regarding building permits, site specific development plans, phased development plans or other provisions of law.

3. *Building Code*

A Development Agreement shall not exempt the property owner or developer from compliance with the State Building Code.

4. *Subsequently Enacted Laws*

Unless the Development Agreement specifically provides for the application of subsequently enacted laws, the laws applicable to development of the property subject to a Development Agreement are those in force at the time of execution of the agreement.

5. *Application of Subsequently Adopted Laws*

Except for grounds specified in Section 160D-1-(e) of the North Carolina General Statutes, the Town may not apply subsequently adopted ordinances or development policies to a development that is subject to a Development Agreement.

6. *Change in State or Federal Law*

If State or Federal law is changed after a Development Agreement has been entered into and the change prevents or precludes compliance with one or more provisions of the Development Agreement, the Town, by ordinance after notice and a hearing, may modify the affected provisions, upon a finding that the change in State or Federal law has a fundamental effect on the Development Agreement.

7. *Vested Rights*

This Ordinance does not abrogate any rights preserved by NCGS 160D-1-8, or that may vest pursuant to common law or otherwise in the absence of a Development Agreement.

I. Approval of Debt

If any of the obligations of the Town in the Development Agreement constitute debt, the Town shall comply, at the time of the obligation to incur the debt and before the debt becomes enforceable against the Town, with any applicable constitutional and statutory procedures for the approval of this debt. The agreement shall be signed by the Town Attorney, Finance Director, and Town Manager.

J. Periodic Review and Breach of Agreement

1. *Annual Review*

During any period of time in which a development permit is active, the Town shall review the development at least once every 12 months for compliance with the agreement. The developer shall be required to demonstrate good faith compliance with the terms of the Development Agreement. The failure to meet a commencement or completion date specified in the Development Agreement shall not, in and of itself, constitute a material breach of the agreement, but must be judged based upon the totality of the circumstances.

2. *Material Breach*

If the Town finds and determines that the developer has committed a material breach of the terms or conditions of the Development Agreement, the Town shall serve written notice of the breach upon the developer within a reasonable time after the periodic review. Such notice shall set forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination and shall provide the developer a reasonable time in which to cure the material breach.

3. *Failure to Cure Material Breach*

If the developer fails to cure the material breach within the time given,

then the Town unilaterally may terminate or modify the Development Agreement.

4. *Appeal*

The notice of termination or modification may be appealed to the Board of Adjustment for review and decision in accordance with Section 7-13(D Appeals).

k. Amendments to Development Agreement

1. *Mutual Consent*

A Development Agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.

2. *Major Modification*

Consideration of a proposed major modification of a Development Agreement shall follow the same procedures as required for initial approval of the agreement.

3. *Minor Modification*

The Planning Director may approve minor modifications of the Development Agreement with the mutual consent of the other parties to the agreement, without following the same procedures as required for initial approval of the agreement, upon making written findings that the proposed modifications would not significantly change the use, intensity, or design of the development, would be consistent with the purposes and goals of the agreement, would comply with this Ordinance, and would not adversely affect the public health, safety, or general welfare.

l. Assumption of Jurisdiction Over Development Agreements

1. *Town Assumes Planning Jurisdiction*

If the Town assumes planning jurisdiction over property subject to a Development Agreement established by another jurisdiction, such development agreement shall be valid for the duration of the agreement, or eight years from the effective date of the Town's assumption of planning jurisdiction over the subject property, whichever is earlier.

2. *Rights and Obligations*

The parties to the development agreement and the Town shall have the same rights and obligations with respect to each other regarding matters addressed in the Development Agreement as if the property had remained in the previous jurisdiction.

Modification or Suspension

The Town may modify or suspend the provisions of the Development Agreement if the Town determines that the failure to do so would place the residents of the area subject to the Development Agreement, or the residents of the Town's planning jurisdiction, or both, in a condition dangerous to their health or safety, or both.

ARTICLE IV - ZONING

4-1 DISTRICTS ESTABLISHED

In order to achieve the purpose of this Ordinance as set forth, all property within the jurisdiction of the Town of Gibsonville is divided into districts, with the designations and purposes listed in Article 4-2 (District Descriptions).

4-2 DISTRICT DESCRIPTIONS

4-2.1 General Use District

(A) AGRICULTURAL DISTRICT

The AG, Agricultural District, is primarily intended to accommodate uses of an agricultural nature, including farm residences and farm tenant housing. It also accommodates scattered non-farm residences on large tracts of land. It is not intended for major residential subdivisions. The district is established for the following purposes:

- 1) to preserve and encourage the continued use of land for agricultural, forest and open space purposes;
- 2) to discourage scattered commercial and industrial land uses;
- 3) to concentrate urban development in and around growth centers, thereby avoiding premature conversion of farmland to urban uses;
- 4) to discourage any use which, because of its character, would create premature or extraordinary public infrastructure and service demands.

(B) Single-Family Residential: In the following districts the number refers to the minimum lot size in thousands of square feet.

1) RS-40 RESIDENTIAL SINGLE-FAMILY DISTRICT

The RS-40, Residential Single-Family District is primarily intended to accommodate single-family detached dwellings or large lots in areas without access to public water and wastewater services. The district is established to promote single-family detached residences where environmental features, public service capacities or soil characteristics necessitate very low density single-family development. The overall gross density in RS-40 areas will typically be 1.0 unit per acre or less.

2) RS-30 RESIDENTIAL SINGLE-FAMILY DISTRICT

The RS-30, Residential Single-Family District, is primarily intended to accommodate low density single-family detached dwellings on large lots in

areas without access to public water and wastewater services. The overall gross density in RS-30 areas will typically be 1.3 units per acre or less.

The following districts require public sewer service.

3) RS-20 RESIDENTIAL SINGLE-FAMILY DISTRICT

The RS-20, Residential Single-Family District, is primarily intended to accommodate low to moderate density single-family detached dwellings in suburban areas at an overall typical density of 1.9 units per acre.

The following districts require public water and sewer service.

4) RS-15 RESIDENTIAL SINGLE-FAMILY DISTRICT

The RS-15, Residential Single-Family District, is primarily intended to accommodate moderate density single-family detached dwellings in suburban areas at an overall typical density of 2.5 units per acre.

5) RS-12 RESIDENTIAL SINGLE-FAMILY DISTRICT

The RS-12, Residential Single-Family District, is primarily intended to accommodate moderate density single-family detached dwellings in suburban or urban areas at a typical overall density of 3.0 units per acre.

6) RS-9 RESIDENTIAL SINGLE-FAMILY DISTRICT

The RS-9 Residential Single-Family District, is primarily intended to accommodate higher density single-family detached dwellings in suburban or urban areas, at minimum lot dimension of 9,000 square feet, 70 feet minimum width, 30 feet front setback, 25 feet rear setback, 10 feet side setback, and side street setback of 15/40 feet (RW/CL). Additional standards include side walks required on one side of the street, street pavement width reduced to 26 feet, back-of-curb, on a 50 foot right-of-way, sufficient driveways to accommodate two cars side-by-side, and covered entry ways for all residential construction.

(C) Multi-Family Residential: In the following districts the number refers to dwelling units per gross acre. Public water and sewer service is required in all districts.

1) RM-5 RESIDENTIAL MULTI-FAMILY DISTRICT

The RM-5, Residential Multi-Family District, is primarily intended to accommodate duplexes, twin-homes, townhouses, cluster housing, and similar residential uses at a maximum overall density of 5.0 units per acre.

2) RM-8 RESIDENTIAL MULTI-FAMILY DISTRICT

The RM-8, Residential Multi-Family District, is primarily intended to accommodate duplexes, twin-homes, townhouses, cluster housing, and similar residential uses at a maximum overall density of 8.0 units per acre.

3) RM-12 RESIDENTIAL MULTI-FAMILY DISTRICT

The RM-12, Residential Multi-Family District, is primarily intended to accommodate duplexes, twin-homes, townhouses, cluster housing, and similar residential uses at a maximum overall density of 12.0 units per acre.

(D) Office, Commercial, and Industrial

1) LO LIMITED OFFICE DISTRICT

The LO, Limited office District, is primarily intended to accommodate low intensity medical, professional administrative and government office uses on small to mid-size sites near residential areas.

2) GO-M GENERAL OFFICE MODERATE INTENSITY

The GO-M, General Office Moderate Intensity District, is primarily intended to accommodate moderate intensity office and institutional uses, moderate density residential uses at a maximum of 12.0 units per acre, and supporting service and retail uses.

3) GO-H GENERAL OFFICE HIGH INTENSITY

The GO-H, General Office High Intensity District, is primarily intended to accommodate high intensity office and institutional uses, high density residential uses at a maximum of 26.0 units per acre, and supporting service and retail uses.

4) NB NEIGHBORHOOD BUSINESS DISTRICT

The NB, Neighborhood Business District, is primarily intended to accommodate very low intensity office, retail and personal service uses within residential areas. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents without disrupting the character of the neighborhood. It is not intended to accommodate retail uses which primarily attract passing motorists. Compatibility with nearby residences is reflected in design standards for both site layout and buildings.

5) LB LIMITED BUSINESS DISTRICT

The LB, Limited Business District, is primarily intended to accommodate moderate intensity shopping and services close to residential areas. The district is established to provide locations for businesses which serve nearby neighborhoods. The district is typically located near the intersection of collectors or thoroughfares in areas which are otherwise developed with residences.

6) GB GENERAL BUSINESS DISTRICT

The GB, General Business District, is primarily intended to accommodate a wide range of retail, service, and office uses. The district is typically located along thoroughfares in areas which have developed with minimal front setbacks.

7) HB HIGHWAY BUSINESS DISTRICT

The HB, Highway Business District, is primarily intended to accommodate those retail service and distributive uses which are typically located along thoroughfares. The district is established to provide locations for establishments which require high visibility and good road access, or which cater primarily to passing motorists. Developments in this district generally have substantial front setbacks.

8) CB CENTRAL BUSINESS DISTRICT

The CB, Central Business District, is solely intended for application in the central core of the city. The district is established to encourage high intensity, compact urban development. The district is intended to accommodate a wide range of uses including office, retail, service, and institutional developments in a pedestrian-oriented setting.

9) SC SHOPPING CENTER DISTRICT

The SC, Shopping Center District is primarily intended to accommodate a wide range of high intensity retail and service developments meeting the shopping needs of the community and the region. The district is established on large sites to provide locations for major developments which contain multiple uses, shared parking and drives, coordinated signage and high-quality landscaping. The district also accommodates high density residential development. These uses may typically be mixed on the same tract or in the same building.

10) CP CORPORATE PARK DISTRICT

The CP, Corporate Park District, is primarily intended to accommodate office, warehouse, research and development, and assembly uses on large sites in a planned, campus-like setting compatible with adjacent residential uses. The district may also contain retail and service uses which customarily locate within planned employment centers.

11) LI LIGHT INDUSTRIAL DISTRICT

The LI, Light Industrial District, is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development, and related commercial/service activities which, in their normal operations, have little or no adverse effect upon adjoining properties.

12) HI HEAVY INDUSTRIAL DISTRICT

The HI, Heavy Industrial District, is primarily intended to accommodate a wide range of assembling, fabricating, and manufacturing activities. The district is established for the purpose of providing appropriate locations and development regulations for uses which may have significant environmental impacts or require special measures to ensure compatibility with adjoining properties.

(E) Public and Institutional

PI PUBLIC AND INSTITUTIONAL DISTRICT

The PI, Public and Institutional District, is intended to accommodate mid- and large-sized public, semi-public and institutional uses which have a substantial land use impact or traffic generation potential. It is not intended for smaller public or institutional uses customarily found within residential areas.

4-2.2 Overlay Districts

Overlay Districts make applicable to certain areas regulations which are in addition to the underlying general use, planned unit development or conditional [zoning](#) district(s).

(A) WP WATERSHED PROTECTION DISTRICT

The WP Overlay District is intended to set forth regulations for protection of public drinking water supplies, and are applicable to all lands which drain towards such supplies. These regulations are specified in Section 7-1 (Watershed District), Section 7-2 (Watershed Areas), and Section 7-3 (Watershed Critical Areas).

(B) FH FLOOD HAZARD DISTRICT

The FH Overlay District is intended to set forth regulations which will minimize the damage done by floods. These regulations are specified in Section 7-5 (Flood Control).

(C) HD HISTORIC DISTRICT

The HD Overlay District is intended to set forth regulations which will help maintain the historic integrity of certain areas in Guilford County. These regulations are specified in Section 4-7 (Overlay District Requirements).

(D) SR SCENIC CORRIDOR DISTRICT

The SR Overlay District is intended to set forth regulations which will enhance the attractiveness of major thoroughfares which enter and/or pass through Guilford County. These regulations are specified in Section 4-7 (Overlay District Requirements).

(E) MH MANUFACTURED HOUSING DISTRICT

The MH Overlay District is intended to set forth regulations governing the development of subdivisions for manufactured housing in certain areas of [Gibsonville](#). These regulations are specified in Section 4-7 (Overlay District Requirements).

(F) AD APPEARANCE DISTRICT (RESERVED)

4-3 PERMITTED USES

4-3.1 Permitted Uses Schedule

(A) Tabulation of Permitted Uses: Within the various zoning districts as indicated on the Official Zoning Map and subject to all requirements and conditions specified in this Ordinance, land, buildings, and structures shall only be used and buildings and structures shall only be erected which are intended or designed to be used for uses listed in the Permitted Use Schedule, Table 4-3-1. In the appropriate columns of Table 4-3-1 uses permitted by right in the various districts are indicated with a "P", uses requiring a Special Use Permit are indicated by an "S", uses permitted by right subject to meeting additional development standards as set forth in Article VI are indicated with a "D", and uses requiring a Manufactured Housing overlay zone are indicated with a "Z". The column on the far right labeled "LUC" indicates the Land Use Classification of each use as it relates to Planting Yard requirements found in Section 6-4 (Landscaping Regulations).

(B) Formulation of Permitted Use Schedule

- 1) The Standard Industrial Classification Manual- 1987 was utilized in the preparation of this table and shall be referred to as a guide for purposes of interpretation by the Enforcement Officer, SIC codes are used to refer to SIC Classifications. Entries with 0000 in the Reference SIC column do not correspond to any classification in the SIC Manual.
- 2) When a use is not listed in the Permitted Use Schedule, the Enforcement Officer shall classify it with that use in the table most similar to it. The SIC Manual shall serve as a guide in classifying any unlisted use. If the Enforcement Officer should determine that a use is not listed and is not similar to a use in the Permitted Use Schedule, then said use is prohibited.
- 3) Rental and leasing of any commodity shall be permitted under the same classification and in the same districts as are sales of the commodity, unless rental or leasing of that commodity is listed separately in the Permitted Use Schedule.
- 4) If an industrial plant or facility involved two (or more) manufacturing activities with different SIC codes on the same buildable lot, the industrial plant shall be permitted only in those zoning districts where the more restricted activity is permitted. (For example, an industrial plant preparing canned peanuts and also manufacturing the cans is allowed in those zoning districts permitting can manufacturing.)

4-3.2 Principal Buildings per Lot

Every building hereafter erected or moved shall be located on a buildable lot; and in no case shall there be more than one (1) principal residential building and its accessory buildings on a buildable lot except as provided below:

- (A) Nonresidential Group Development: Two or more principal nonresidential buildings are permitted pursuant to a site plan approval by the Technical Review Committee, providing that an access driveway is maintained to each building in passable condition for service and emergency vehicle.
- (B) Residential Group Development: Two or more principal buildings are permitted in a multi-family development pursuant to a site plan approved by the Technical Review Committee, provided that an access driveway is maintained to each building in passable condition for service and emergency vehicle.

4-3.3 Mixed Uses

Two or more uses may occupy the same principal building.

4-3.4 Prohibited Uses

The uses listed below are specifically prohibited from establishment within the Jurisdiction:

- (A) Adult Massages
- (B) Adult Theatres
- (C) Adult Bookstores
- (D) Manufacture of Ammunition
- (E) Hazardous Waste Incinerators

Use Type	Development Standards Section	Ref SIC	AG	RS40	RS30	RS 20	RS15	RS12	RS09	RMS	RM8	LO	GOM	GOH	NB*	LB*	GB*	HB*	CB	SC	GP*	LI*	HI	PI	LUC
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P= Use of Right D= Development Standards S= Special Use Permit Required Z= Overlay Zoning Required *= Indicates additional District requirements (See Section 4-4.3[B])

Agricultural Uses																										
Agricultural Production (crops)		0100	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1
Agricultural Production (Livestock) (county)		0200	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1
Agricultural Production (livestock)		0200	P																							1
Animal Feeder/Breeder	6-4.5	0210	D																							1
Animal Services (Livestock)		0751	P																			P	P			3
Animal Service (other)	6-4.6	0752	P										D	D		D	D	D	D	D	D	P	P			3
Fish Hatchery		0920	P																			P	P			4
Forestry		0810	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1
Horticultural Specialties		0180	P															P				P	P			2
Veterinary Service (Livestock)		0741	P																			P	P			3
Veterinary Service (Other)	6-4.65	0742	P										D	D		D	D	D	D	D	D	P	P			3
Mining Uses																										
Mining and Quarrying	6-4.42	1000	S																					S		5
Residential Uses																										
Boarding and Rooming House		7021	S								S	P	P	P			P	P								2
Common Recreation & Service Facility		0000	P	P	P	P	P	P	P	P	P	P	P	P	P											1
Congregate Care Facility	6-4.22	0000									D		D	D					D					D		2
Family Care Facility		0000	P	P	P	P	P	P	P	P	P	P	P	P	P				P							1
Group Care Facility		0000											P	P					P					P		2
Manufactured Dwelling (Class AA)	6-4.39	0000	P	Z	Z	Z	Z	Z	Z	Z	Z															1
Manufactured Dwelling (Class A, B, C)	6-4.39	0000	P	Z	Z																					1

Use Type	Development Standards Section	Ref SIC	AG	RS40	RS30	RS 20	RS15	RS12	RS09	RMS	RM8	LO	GOM	GOH	NB*	LB*	GB*	HB*	CB	SC	GP*	LI*	HI	PI	LUC		
Manufactured Dwelling Park	6-4.39	0000	S							S	S														2		
Multifamily Dwelling (including Condo)		0000								P	P		P	P					P						2		
Private Dormitory	6-4.47	0000											D	D										P	2		
Single Family Detached Swelling		0000	P	P	P	P	P	P	P	P	P	P	P	P	P				P						1		
Townhouse Dwelling		0000								P	P		P	P					P						2		
Two Family Dwelling (Twin Home or Duplex)		0000	P							P	P	P	P	P	P				P						1		
Accessory Uses and Structures																											
Accessory Dwelling Unit		0000	D	D	D	D	D	D	D	D	D	D	D	D	P				D								
Accessory Uses and Structures (customary)		0000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Caretaker Dwelling	6-4.16	0000										D	D	D	D	D	D	D	D	D	D	D	D	D	D		
Home Occupation (including room rental)	6-4.36	0000	D	D	D	D	D	D	D	D	D		D	D	D				D								
Junked Motor Vehicle	6-4.37	0000	P	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D		
Migrant Labor Housing	6-4.41	0000	D																								
Rural Family Occupation	6-4.54	0000	S																								
Satellite Dish/Communication Tower	6-4.56	0000	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D		
Swimming Pool	6-4.61	0000	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D		
Yard Sale (no more than 2 per year)		0000	P	P	P	P	P	P	P	P	P	P	P	P	P												
Upper Story Dwelling		0000													P	P	P	P	P	P							
Recreational Uses																											
Amusement or Water Parks, Fairgrounds	6-4.4	7996	S															D				D			4		
Athletic Fields	6-4.8	0000	S	S	S	S	S	S	S	S	S	D	P	P	D	P	P	P	P	P	P	P	P	P	P	1	

Use Type	Development Standards Section	Ref SIC	AG	RS40	RS30	RS 20	RS15	RS12	RS09	RMS	RMS	LO	GOM	GOH	NB*	LB*	GB*	HB*	CB	SC	GP*	LI*	HI	PI	LUC
Auditorium, Coliseum, or Stadium		0000																P	P	P		P		P	3
Batting Cages		7999																D				D	D		3
Billiard Parlors		7999														P	P	P	P	P					3
Bingo Games		7999														P	P	P	P	P					3
Bowling Center		7933															P	P	P	P		P			3
Club or Lodge	6-4.20	8640	S	S	S	S	S	S	S	S	S	S	P	P	S	P	P	P	P	P	P			P	3
Coin Operated Amusement		7993														P	P	P	P	P					3
Country Club with Golf Course	6-4.25	7997	P	S	S	S	S	S	S	S	S		S	S				D			D	D		D	1
Dance School		7911													P	P	P	P	P	P					3
Equestrian Facility	6-4.30	7999	S	S																			S		2
Fortune Tellers, Astrologers		7999														P	P	P	P						3
Go-cart Raceway		7999	S															P				P	P		4
Golf Course, Miniature		7999														P	P	P	P	P					3
Golf course	6-4.34	7992	P	S	S	S	S	S	S	S	S							D			D	D		D	1
Golf Driving Range	6-4.35	7999	S															D				D	D		3
Martial Arts Instructional Schools		7999														P	P	P	P	P					3
Physical Fitness Center		7991											P	P		P	P	P	P	P	P	P			3
Private Club or Recreation Facility, Other		7997	S																						3
Public Park	6-4.48	7990	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	1
Public Recreation Facility	6-4.49	7990	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	2
Shooting Range, Indoor	6-4.58	7999	S														D	D				D	D		3
Shooting Range, Outdoor	6-4.59	7999	S																					S	5
Skating Rink		7999															P	P	P	P		P			3
Sports Instructional Schools	6-4.60	7999	S													P	P	P	P	D				P	3

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Use Type	Development Standards Section	Ref SIC	AG	RS40	RS30	RS 20	RS15	RS12	RS09	RMS	RM8	LO	GOM	GOH	NB*	LB*	GB*	HB*	CB	SC	GP*	LI*	HI	PI	LUC
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Sports & Recreation Clubs, Indoor		7997														P	P	P	P	P	P			P	3	
Swim & Tennis Club	6-4.25	7997	S	S	S	S	S	S	S	S	S		D	D							D			D	3	
Educational and Institutional Uses																										
Ambulance Service		4119	P										P	P		P	P	P	P	P	P	P	P	P	P	3
Cemetery/ Mausoleum	6-4.18	0000	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	2
Church	6-4.19	8661	P	D	D	D	D	D	D	D	D	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3
College or University		8220															P		P						P	3
Correctional Institution		9223	S																					S	S	4
Day Care Center, Adult (5 or less, Hom. Occ)	6-4.26 (A)	8322	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	1
Day Care Center, Adult (6 or more)	6-4.26 (B)	8322	S								D	D	D	D	D	D	D	D	D	D	D	D	D		D	3
Day Care Center, Child (5 or less, Hom. Occ)	6-4.26 (A)	8351	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	1
Day Care Center, Child (6 or more)	6-4.26 (B)	8351	S								D	D	D	D	D	D	D	D	D	D	D	D	D		D	3
Elementary or Secondary School	6-4.29	8211	D	D	D	D	D	D	D	D	D	D													P	3
Fire Station		9214	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3
Fraternity or Sorority (Univ or College)		0000											P	P		P	P	P	P				P		P	3
Government Office		9000										P	P	P	P	P	P	P	P	P	P	P	P	P	P	3
Hospital		8062																							P	3
Library		8231										P	P	P	P	P	P	P	P	P	P	P	P		P	3
Museum or Art Gallery		8412										P	P	P	P	P	P	P	P	P	P	P			P	3
Nursing and Convalescent Home		8050											P	P			P	P	P						P	3
Orphanage		8361	S										P	P											P	3
Police Station, Neighborhood		9221	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3
Post Office		0000										P	P	P	P	P	P	P	P	P	P	P	P	P	P	3
Psychiatric Hospital		8063											P	P			P	P	P						P	3

Use Type	Development Standards Section	Ref SIC	AG	RS40	RS30	RS 20	RS15	RS12	RS09	RMS	RM8	LO	GOM	GOH	NB*	LB*	GB*	HB*	CB	SC	CP*	LI*	HI	PI	LUC
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Retreat Center		0000	S														P	P	P	P	P			P	3		
School Administration Facility		9411										P	P	P	P	P	P	P	P	P	P	P	P	P	P	3	
Specialty Hospital		8069										P	P				P	P	P					P	3		
Business, Professional & Personal Services																											
Accounting, Auditing or booking		8721										P	P	P	P	P	P	P	P	P	P	P	P				
Administrative or Management Services		8740										P	P	P	P	P	P	P	P	P	P	P	P				
Adult Entertainment	6-4.1.1	0000															D	D					D			3	
Advertising Agency or Representative		7310											P	P	P	P	P	P	P	P	P	P				3	
Advertising, Outdoor Services	6-4.2	7312															D	D			P	P	P			4	
Automobile Rental or Leasing		7510															P	P	P				P	P		4	
Automobile Repair Services, Major		0000															P	P	P				P	P		4	
Automobile Repair Services, Minor		0000															P	P	P	P			P	P		3	
Automotive Towing and Storage Services	6-4.9	7549															D	D					D	D		3	
Bank, Savings & Loan, or Credit Union	6-4.10	6000											D	D		P	P	P	P	P	D	P				3	
Barber Shop	6-4.13	7241											P	P	P	P	P	P	P	P	D	P				3	
Beauty Shop		7241											P	P	P	P	P	P	P	P	D	P				3	
Boat Repair		3730															P	P	P				P	P		4	
Building Maintenance Services		7349															P	P	P				P	P		3	
Car Wash	6-4.17	7542															D	D	D	D			P	P		4	
Clothing Alteration or Repair		0000															P	P	P	P	P					3	

Use Type	Development Standards Section	Ref SIC	AG	RS40	RS30	RS 20	RS15	RS12	RS09	RMS	RM8	LO	GOM	GOH	NB*	LB*	GB*	HB*	CB	SC	CP*	LI*	HI	PI	LUC
Computer Maintenance and Repair		7378															P	P	P	P	P	P			3
Computer Services		7370											P	P	P	P	P	P	P	P	P	P			3
Economic, Socio., or Educational Research		8732										P	P	P	P	P	P	P	P	P	P	P			3
Employment Agency, Personnel Agency		7360											P	P	P	P	P	P	P	P	P	P			3
Engineering, Architect, or Survey Service		8710										P	P	P	P	P	P	P	P	P	P	P			3
Equipment Rental & Leasing (No outside Stor.)		7350															P	P	P			P	P		3
Equipment Rental & Leasing (Outside Storage)		7350																				P	P		4
Equipment Repair, Heavy		7690																					P		4
Equipment Repair, Light	6-4.31	7690															D	D	D			P	P		3
Finance or Loan Office		6100											P	P		P	P	P	P	P	P	P			3
Fureral Home or Crematorium		7261											P	P			P	P	P					S	3
Furniture Repair Shop		7641															P	P	P			P	P		3
Hotel or Motel		7011											S	S			P	P	P	P	P				3
Insurance Agency (No on-site claims insp.)		6411										P	P	P	P	P	P	P	P	P	P	P			3
Insurance Agency (Carriers/On-site Claims)		6300											P	P			P	P	P	P	P	P			3
Kennels or Pet Grooming	6-4.6	0752	P										D	D			D	D	D	D	D	P	P		3
Landscape and Horticultural Services		0780	S																			P	P		4
Laundromat, Coin-operated		7215													P	P	P	P	P	P					3

P= Use of Right D= Development Standards S= Special Use Permit Required Z= Overlay Zoning Required *= Indicates additional District requirements (See Section 4-4.3[B])

Use Type	Development Standards Section	Ref SIC	AG	RS40	RS30	RS 20	RS15	RS12	RS09	RMS	RMS8	LO	GOM	GOH	NB*	LB*	GB*	HB*	CB	SC	GP*	LI*	HI	PI	LUC
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Laundry or Dry Cleaning Plant	6-4.38	7211													P	D	P	P	P	D	P	P	P		3
Laundry or Dry Cleaning Substation		7212													P	P	P	P	P	P	P	P			3
Law Office		8111										P	P	P	P	P	P	P	P	P	P	P			3
Medical, Dental, or Related Office		8000										P	P	P	P	P	P	P	P	P	P	P	P	P	3
Medical or Dental Laboratory		8071										P	P	P		P	P	P	P	P	P	P	P	P	3
Motion Picture Production		7810															P	P	P		P	P			3
Noncommercial Research Organization		8733										P	P	P	P	P	P	P	P	P	P	P			3
Pest or Termite Control Services		7342															P	P				P	P		3
Office Uses Not otherwise classified		0000											P	P	P	P	P	P	P	P	P	P			3
Photocopying and Duplicating Services		7334											P	P	P	P	P	P	P	P	P	P			3
Photofinishing Laboratory		7384															P	P	P	P	P	P			3
Photography Commercial		7335															P	P	P		P	P			3
Photography Studio		7221											P	P	P	P	P	P	P	P	P				3
Real Estate Office		6500										P	P	P	P	P	P	P	P	P	P	P			3
Recreational Vehicle Park or Campsite	6-4.39 (A) 2)	7033	S															D							4
Refrigerator or Large Appliance Repair	6-4.51	7623															D	D	D			P	P		3
Rehabilitation or Counseling Services		8300										P	P	P	P	P	P	P	P	P	P	P	P		3
Research, Development or Testing Services		8730																			P	P	P		3
Septic Tank Services		7699																					P		4

Use Type	Development Standards Section	Ref SIC	AG	RS40	RS30	RS 20	RS15	RS12	RS09	RMS	RM8	LO	GOM	GOH	NB*	LB*	GB*	HB*	CB	SC	CP*	LI*	HI	PI	LUC
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Shoe Repair or Shoeshine Shop	6-4.57	7251													P	P	P	P	P	P	D				3		
Stock, Security or Commodity Broker		6200										P	P	P	P	P	P	P	P	P	P	P			3		
Taxidermist		7699															P	P	P						3		
Television, Radio, or Electronic Repair		7620															P	P	P	P		P			3		
Theater (outdoor)		7833	S																						4		
Theater (indoor)		7832															P	P	P	P					3		
Tire Recapping		7534																					P		4		
Tourist Home (Bed & Breakfast)	6-4.62	7011	S	S	S	S	S	S	S	S	D		D	D	D	D	P	P	P						2		
Travel Agency		4720										P	P	P	P	P	P	P	P	P	P	P	P	P	3		
Truck Driving School		8249																					P	P	3		
Truck & Util. Trailer Rent & Leasing, Light		0000															P	P	P				P	P	4		
Truck & Util. Trailer Rent & Leasing, Heavy		0000																					P	P	5		
Truck Wash		7542																					P		5		
Vocational, Business or Secretarial School		8240											P	P		P	P	P	P	P	P	P	P	P	3		
Watch or Jewelry Repair Shop	6-4.68	7631													P	P	P	P	P	P	D				3		
Retail Trade																											
ABC Store (Liquor)		5921															P	P	P	P					3		
Antique Store		5932													P	P	P	P	P	P					3		
Appliance Store		5722															P	P	P	P					3		
Arts & Crafts		0000													P	P	P	P	P	P					3		
Auto Supply Sales		5531															P	P	P	P					3		
Bakery		5461													P	P	P	P	P	P					3		
Bar	6-4.11	5813															D	D	D	D			P		3		
Bar (capacity 50 or less persons)	6-4.12	5813															S	S	S	S			P		3		

Use Type	Development Standards Section	Ref SIC	AG	RS40	RS30	RS 20	RS15	RS12	RS09	RMS	RM8	LO	GOM	GOH	NB*	LB*	GB*	HB*	CB	SC	CP*	LI*	HI	PI	LUC
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Boat Sales		5551														P	P	P	P			P	P		4	
Bookstore		5942													P	P	P	P	P	P						3
Building Supply Sales (no storage yard)		5211															P	P	P	P						3
Building Supply Sales (with storage yard)	6-4.15	5211															D	D		D		P	P			4
Camera Store		5946													P	P	P	P	P	P						3
Candy Store		5441													P	P	P	P	P	P						3
Clothing, Shoe and Accessory Store		5600													P	P	P	P	P	P						3
Computer Sales	6-4.21	5734													P	P	P	P	P	P	D	P				3
Convenience Store (with gasoline pumps)	6-4.23	5411														P	P	P	P	P	D	P	P			4
Convenience Store (without gasoline pumps)	6-4.24	5411													P	P	P	P	P	P	D	P	P			3
Dairy Products Store		5451													P	P	P	P	P	P						3
Department, Variety or General Merchandise		5300														P	P	P	P	P	P					3
Drugstore	6-4.28	5912														P	P	P	P	P	P	D				3
Fabric or Piece Goods Store		5949														P	P	P	P	P	P	P				3
Floor Covering, Drapery or Upholstery		5710																P	P	P	P		P			3
Florist		5992														P	P	P	P	P	P					3
Food Store		5400														P	P	P	P	P	P					3
Fuel Oil Sales		5980																					P	P		4
Furniture Sales		5712															P	P	P	P	P					3
Garden Center or Retail Nursery	6-4.33	5261																P	P	P	D		P			3
Gift or Card Shop		5947														P	P	P	P	P	P					3
Hardware Store		5251														P	P	P	P	P	P					3
Hobby Shop		5945														P	P	P	P	P	P					3

Use Type	Development Standards Section	Ref SIC	AG	RS40	RS30	RS 20	RS15	RS12	RS09	RMS	RMS	LO	GOM	GOH	NB*	LB*	GB*	HB*	CB	SC	GP*	LI*	HI	PI	LUC
Home Furnishings, Miscellaneous		5719														P	P	P	P	P	P				3
Jewelry Store		5944														P	P	P	P	P	P				3
Luggage or Leather Goods Store		5948														P	P	P	P	P	P				3
Manufactured Home Sales		5271																	P			P	P		4
Miscellaneous Retail Sales		5999																P	P	P	P	P			3
Motor Vehicle Sales (new and used)		5511																P	P	P			P	P	4
Motorcycle Sales		5571																P	P	P			P	P	4
Musical Instrument Sales		5736														P	P	P	P	P	P				3
Newstand	6-4.44	5954														P	P	P	P	P	P	D			3
Office Machine Sales		5999														P	P	P	P	P	P	P	P		3
Optical Goods Sales	6-4.45	5995												D	D	P	P	P	P	P	P				3
Paint and Wallpaper Sales		5231																P	P	P	P		P		3
Pawnshop or Used Merchandise Store		5932																P	P	P	P				3
Pet Store		5999															P	P	P	P	P				3
Record and Tape Store		5735														P	P	P	P	P	P				3
Recreational Vehicle Sales		5561																P	P	P			P	P	4
Restaurant (with drive-thru)		5812																P	P	P	P				3
Restaurant (no drive-thru)	6-4.52	5812													P	D	P	P	P	P	P	P	P	P	3
Restaurant (serving mixed alcoholic bev.)	6-4.53	5812															D	P	P	P	P	P	P	P	3
Service Station, Gasoline		5541															P	P	P	P	P		P	P	4
Sporting Goods		5941														P	P	P	P	P	P				3

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Use Type	Development Standards Section	Ref SIC	AG	RS40	RS30	RS 20	RS15	RS12	RS09	RMS	RM8	LO	GOM	GOH	NB*	LB*	GB*	HB*	CB	SC	CP*	LI*	HI	PI	LUC
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Stationery Store		5943														P	P	P	P	P	P				3		
Television, Radio, or Electronic Sales		5731														P	P	P	P	P	P				3		
Tire Sales		5531																P	P	P	P		P		3		
Tobacco Store		5993														P	P	P	P	P	P				3		
Truck Stop		5541																					P	P	4		
Video Tape Rental and Sales		7841														P	P	P	P	P	P				3		
Wholesale Trade																											
Agricultural Cem./Pesticides/ Fertilizers	6-4.69	5191	D																					P	5		
Agricultural Products, Other	6-4.69	5159	D																				P	P	4		
Ammunition		5099																						P	4		
Animals and Animals Products, Other	6-4.69	5159	D																					P	5		
Apparel, Piece Goods and Notions		5130																P	P			P	P	P	4		
Beer/Wine/Distilled Alcoholic Beverages		5180																				P	P	P	4		
Books, Periodicals and Newspapers		5192																P	P			P	P	P	4		
Chemicals and Allied Products		5169																						P	5		
Drugs and Sundries		5122																P	P			P	P	P	4		
Durable Goods, Other		5099																P	P			P	P	P	4		
Electrical Goods		5060																P	P			P	P	P	4		
Farm Supplies, Other	6-4.69	5191	D																				P	P	4		
Flowers, Nursery Stock & Florists Supplies		5193																P	P				P	P	4		
Forest Products		5099																						P	5		
Furniture and Home Furnishings		5020																P	P			P	P	P	4		

Use Type	Development Standards Section	Ref SIC	AG	RS40	RS30	RS 20	RS15	RS12	RS09	RMS	RM8	LO	GOM	GOH	NB*	LB*	GB*	HB*	CB	SC	GP*	LI*	HI	PI	LUC
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Grain and Field Beans	6-4.69	5153	D																					P	5
Groceries and Related Products		5140																P	P			P	P	P	4
Hardware		5072																P	P			P	P	P	4
Jewelry, Watches, Precious Stones & Metals		5094																P	P			P	P	P	4
Livestock	6-4.69	5154	D																					P	5
Lumber and Other Construction Materials		5030																						P	5
Machinery, Equipment, and Supplies		5080																						P	5
Market Showroom (Furniture, Apparel, etc.)	6-4.40	0000																D		D					3
Metals and Minerals		5050																						P	5
Motor Vehicles, Parts and Supplies		5010																				P	P		4
Paints and Varnishes		5198																				P	P		4
Paper and Paper Products		5110															P	P			P	P	P		4
Petroleum and Petroleum Products	6-4.46	5170																						D	5
Plastics Materials		5162																			P	P	P		4
Plumbing and Heating Equipment		5070																				P	P		4
Professional & Comm. Equipment & Supplies		5040															P	P			P	P	P		4
Resins		5162																						P	5
Scrap and Waste Materials		5093																						P	5
Sporting & Recreational Goods & Supplies		5091															P	P			P	P	P		4
Tobacco and Tobacco Products		5194															P	P			P	P	P		4

Use Type	Development Standards Section	Ref SIC	AG	RS40	RS30	RS 20	RS15	RS12	RS09	RMS	RM8	LO	GOM	GOH	NB*	LB*	GB*	HB*	CB	SC	GP*	LI*	HI	PI	LUC
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Toys and Hobby Goods and Supplies		5092															P	P			P	P	P		4	
Wallpaper and Paint Brushes		5198															P	P			P	P	P		4	
Transportation, Warehouse and Utilities																										
Airport or Air Transportation Facility	6-4.3	4500	S																					P	5	
Bulk Mail and Packing		4212																					P	P	4	
Bus Terminal		4100															P	P					P	P	4	
Communication or Broadcasting Facility		4800											P	P			P	P	P	P	P	P	P	P	2	
Courier Service, Central Facility		4215																					P	P	4	
Courier Service, Substation		4215											P	P			P	P	P	P	P	P	P	P	3	
Demolition Debris Landfill, Major	6-4.27 (B)	0000	S																					S	5	
Demolition Debris Landfill, Minor	6-4.27 (A)	0000	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	5
Hazardous & Radioactive Waste (Transportation, Storage, and Disposal)		4953																						S	5	
Heliport		4522	S											S	S				S	S	S	S	P	S	5	
Moving and Storage Service		4214																					P	P	4	
Radio, Television or Communication Tower		0000	D										D	D					D	D		D	D	D	3	
Telecommunication Towers	6-4.50																									
Free Standing	6-4.50 (C) 1)		S										S	S				S			S	S	S	S	3	
Concealed/Camouflaged	6-4.50 (C) 2)			P	P	P	P	P	P	P	P		P	P				P			P	P	P	P		

Use Type	Development Standards Section	Ref SIC	AG	RS40	RS30	RS 20	RS15	RS12	RS09	RMS	RM8	LO	GOM	GOH	NB*	LB*	GB*	HB*	CB	SC	GP*	LI*	HI	PI	LUC
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Roof-Top Communication Tower	6-4.50 (C) 3												D	D				D			D	D	D	D			
Railroad Terminal or Yard		4010																P				P	P	P	4		
Reuse and Raw Material Hauling		4212																					P		4		
Sewage Treatment Plant		4952																					P		5		
Solar Farms	6-4.78	0000	D	D	D	D																D	D				
Solid Waste Disposal (non-hazardous)		4953	S																				S		5		
Taxi Terminal		4121															P	P	P				P	P	4		
Trucking or Freight Terminal		4213																					P	P	5		
Utility Company Office		0000											P	P			P	P	P	P	P	P	P	P	3		
Utility Equipment and Storage Yards	6-4.64	0000																					P	P	5		
Utility Lines and Related Appurtenances	6-4.64	0000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Utility Service Facility (no outside storage)	6-4.64	0000															P	P					P	P	4		
Utility Substation	6-4.64	0000	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	4		
Warehouse (general storage/enclosed)	6-4.66	4220															D	D				P	P	P	4		
Warehouse (self-storage)	6-4.67	4225															D	D					P	P	4		
Water Treatment Plant		0000																					P	P	P	4	
Manufacturing and Industrial Uses																											
Aircraft and Parts		3720																						P		5	
Animal Feeds (including dog & cat)		2048																						S		5	
Animal Slaughter or Rendering		0000																						S		5	
Apparel and Finishing Fabric Products		0300																					P	P	P	4	

Use Type	Development Standards Section	Ref SIC	AG	RS40	RS30	RS 20	RS15	RS12	RS09	RMS	RM8	LO	GOM	GOH	NB*	LB*	GB*	HB*	CB	SC	GP*	LI*	HI	PI	LUC
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Arms and Weapons		3480																				P	P		4
Asbestos, Abrasive and Related Products		3290																				P	P		5
Asphalt Plant	6-4.7	2951	S											P							P	P	S		5
Audio, Video and Comm. Equipment		3600																				P	P		4
Bakery Products		2050				P	P	P	P	P		P								P	P	P	P	P	4
Batteries		3691																				P	P		5
Beverage Products (alcoholic)		2080																D	D	D	D	D	P		5
Beverage Products (nonalcoholic)		2086																				P	P		4
Bicycle Assembly		3751																			P	P	P		4
Bicycle Parts and Accessories		3751																			P	P	P		4
Boat and Ship Building		3730																				P	P		4
Brooms and Brushes		3991																			P	P	P		4
Burial Caskets		3995																				P	P		4
Chemicals, Paint, and Allied Products		2800																					P		5
Coffee		2095																			P	P	P		4
Computer and Office Equipment		3570																			P	P	P		4
Concrete, Cut Stone and Clay Products		3200																					P		5
Contractors (no outside storage)		0000															P	P			P	P	P		3
Contractors, General Building		1500																				P	P		4
Contractors, Heavy Construction		1600																					P		5
Contractors, Special Trade		1700																				P	P		4

Use Type	Development Standards Section	Ref SIC	AG	RS40	RS30	RS 20	RS15	RS12	RS09	RMS	RM8	LO	GOM	GOH	NB*	LB*	GB*	HB*	CB	SC	GP*	LI*	HI	PI	LUC
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Costume Jewelry and Notions		3960																			P	P	P		4
Dairy Products		2020																				P	P		4
Drugs		2830																					P		5
Electrical Industrial Apparatus, Assembly		3620																			P	P	P		4
Electrical Industrial Apparatus, Manufac.		3620																				P	P		5
Electrical Components		3670																					P		5
Electrical Equipment		3600																				P	P		5
Explosives	6-4.32	2892	S																						5
Fabricated Metal Products		3400																					P		5
Fabricated Valve and Wire Products		3490																				P	P		4
Fats and Oils, Animals		2077																					P		5
Fats and Oils, Plant		2070																				P	P		4
Fish, Canned, Cured or Frozen		2091																					S		5
Floor Coverings (excluding carpet)		3996																					P		5
Food and Related Products, Miscellaneous		2090																				P	P		4
Furniture Framing		2426																				P	P		4
Furniture and Fixtures Assembly		0000																			P	P	P		4
Furniture and Fixtures		2500																				P	P		4
Glass		3200																					P		5
Glass Products from Purchased Glass		3231																				P	P		4
Grain Mill Products		2040																				P	P		4
Heating, Equipment and Plumbing Fixtures		3430																				P	P		4
Household Appliances		3630																				P	P		4

Use Type	Development Standards Section	Ref SIC	AG	RS40	RS30	RS 20	RS15	RS12	RS09	RMS	RM8	LO	GOM	GOH	NB*	LB*	GB*	HB*	CB	SC	CP*	LI*	HI	PI	LUC
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Ice		2097															P	P			P	P	P		4	
Industrial and Commercial Machinery		3500																					S	P		4
Jewelry and Silverware (no plating)		3910																				P	P	P		4
Leather and Leather Products (no tanning)		3100																				P	P	P		4
Leather and Leather Products (tanning)		3100																						S		5
Light and Wiring Equipment		3640																					P	P		4
Logging and Wood, Raw Materials		2411	S																							1
Manufactured Housing and Wood Buildings		2450																					P	P		4
Measurement, Analysis & Control Instruments		3800																				P	P	P		4
Meat/ Poultry, Packing & Process (no rendering)		2010																						P		5
Medical, Dental and Surgical Equipment		3840																				P	P	P		4
Metal Coating and Engraving		3470																						S		5
Metal Fasteners (screws, bolts, etc.)		3450																					P	P		4
Metal Processing		3350																					P	P		4
Millwork, Plywood and Veneer		2430																				P	P	P		4
Motor Vehicle Assembly		3710																						P		5
Motor Vehicle Parts and Accessories		3714																					P	P		4
Motorcycle Assembly		3751																					P	P		4
Musical Instruments		3930																				P	P	P		4
Paper Products (no coating or laminating)		2670																					P	P		4

Use Type	Development Standards Section	Ref SIC	AG	RS40	RS30	RS 20	RS15	RS12	RS09	RM5	RM8	LO	GOM	GOH	NB*	LB*	GB*	HB*	CB	SC	GP*	LI*	HI	PI	LUC
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P= Use of Right D= Development Standards S= Special Use Permit Required Z= Overlay Zoning Required *= Indicates additional District requirements (See Section 4-4.3[B])

Paper Products (coating or laminating)		2670																					P		4
Paperboard Containers and Boxes		2650																			P	P	P		4
Pens and Art Supplies		3960																			P	P	P		4
Petroleum and Related Products		2900																					S		5
Pharmaceutical Preparations		2834																			P	P	P		4
Photographic Equipment		3861																			P	P	P		4
Photographic Supplies		3861																			P	P	P		5
Pottery and Related Products		3260																				P	P		4
Preserved Fruits & Vegetables (no can mfg.)		2030																				P	P		4
Primary Metals Products and Foundries		3300																					P		5
Printing and Publishing		2700															P	P	P		P	P	P		4
Pulp and Paper Mills		2610																					S		5
Rubber and Plastics, Miscellaneous		3000																				P	P		4
Rubber and Plastics, Raw		3000																					S		5
Salvage Yards, Auto Parts	6-4.55	5015	S																				S		5
Salvage Yards, Scrap Processing	6-4.55	5903	S																				S		5
Sawmill or Planning Mills		2420	P																				P		5
Signs	6-1.	3993																	S		P	P	P		4
Soaps and Cosmetics		2840																			P	P	P		4
Sporting Goods and Toys		3940																			P	P	P		4

Use Type	Development Standards Section	Ref SIC	AG	RS40	RS30	RS 20	RS15	RS12	RS09	RMS	RM8	LO	GOM	GOH	NB*	LB*	GB*	HB*	CB	SC	GP*	LI*	HI	PI	LUC
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P= Use of Right D= Development Standards S= Special Use Permit Required Z= Overlay Zoning Required *= Indicates additional District requirements (See Section 4-4.3[B])

Sugar and Confectionery Products		2060																			P	P	P		4	
Surface Active Agents		2843																					P		5	
Textile Products (no dyeing & finishing)		2200																			P	P	P		4	
Textile Products (with dyeing & finishing)		2260																					P		5	
Tires and Inner Tubes		3011																					S		5	
Tobacco Products		2110																					P		5	
Wood Containers		2440																				P	P		4	
Wood Products, Miscellaneous		2490																					P		5	
Other Uses																										
Automotive Parking	6-2.5	0000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3
Mixed Development	6-4.43	0000															D	D		D	D				3	
Temporary Construction, Storage or Office; Real Estate Sales or Rental Office (with concurrent building permit for permanent building)		0000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Temporary Events (see below)	3-3.3																									
Arts and Crafts Shows		0000											P	P	P	P	P	P	P	P	P	P	P	P		
Carnivals and Fairs		7999	P														P	P	P	P	P	P	P	P		
Christmas Tree Sales		0000	P														P	P	P	P	P	P	P	P		
Concerts, Stage Shows		7920	P															P	P	P	P	P	P	P		
Conventions, Trade Shows		0000																P	P	P	P	P	P	P		
Outdoor Retail Sales		5000																			P	P	P	P		
Outdoor Religious Events		0000	P	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P		
Turkey Shoots	6-4.63	0000	D																							
Billboards	6-4.14.1	0000																D				D	D		1	

4-4 DIMENSIONAL REQUIREMENTS

Within the zoning districts as shown on the Official zoning Map, all the following dimensional requirements shall be complied with.

4-4.1 Agricultural and Single-Family Districts

- (A) Dimensional Requirements for Agricultural and Single-Family Districts:
Dimensional Requirements for Agricultural and Single-Family Districts are found in Table 4-4-1.
- (B) Open Space Requirements: Open Space shall be provided at a rate of not less than ten percent (10%) of the total land area of the development. All such areas must have a width of at least twenty-four (24) feet and be accessible to the residents of the development at no charge. All such areas shall be occupied by recreational activities, grass and landscaping or woods. Uses suggested for these areas are swimming pools, tennis courts, play areas, passive recreation, etc. Uses not permitted in such areas are parking, garbage areas, mechanical equipment, or similar uses. Land dedicated as park land, drainage ways and required buffer zones shall count toward this requirement.

Table 4-4-1 Agricultural and Single Family Districts Dimensional Requirements							
Min Lot Size (sq/ft)	AG/40,000	RS-40/40,000	RS-30/30,000	RS-20/20,000	RS-15/15,000	RS-12/12,000	RS-9/9,000
Min Lot Width (ft)							
Interior Lot	150	150	100	90	80	75	70
Corner Lot	150	150	100	100	90	85	80
Min Street Frontage (ft)							
	50	50	50	45	45	45	45
Min Street Setback (ft.), Local, Subcollector, Collector-Front ^a							
	40/65	40/65	40/65	35/60	30/55	30/55	55/30
Min Street Setback (ft.), Local, Subcollector, Collector-Side							
	40/65	40/65	20/45	20/45	15/40	15/40	40/15
Minor Thoroughfare							
	45/80	45/80	45/80	40/75	40/75	40/75	75/40
Major Thoroughfare							
	50/95	50/95	50/95	50/95	50/95	50/95	95/50
Min. Interior Setbacks (ft.)							
Side Yard	15	15	10	10	10	10	10
Rear Yard	30	30	30	30	30	30	25
Max Building Height (ft.) ^b							
		50	50	50	50	50	50
Max Bldg. Cover (% of lot)							
	30	30	30	30	30	30	30
^a Setback from right-of-way line or property line/ setback from street centerline, whichever is greater							
^b No more than three (3) full or partial stories entirely above grade.							

Notes:

- 1) A corner lot has two street setbacks. The street of lower setback category shall be considered the side street. If both streets are of the same setback category, the property owner shall designate the side street for his lot.
- 2) A through lot has two streets setbacks, but no rear setback
- 3) On a corner lot of record, the side street setback may be reduced, if necessary, to yield a buildable width equal to sixty percent (60%) of the lot width.
- 4) For any lot of record, the street setback and the rear setback may be reduced, if necessary, to yield a buildable depth equal to forty percent (40%) of the lot depth. The rear setback shall be reduced first, but not below fifteen (15) feet.

(C) Cluster Development

1) Cluster Option

- a) Cluster development may be used in any district that permits single-family uses if the tract is ten acres or more and is served by municipal sanitation sewer.
- b) Cluster development may be used on tracts smaller than ten acres if street right-of-way in a street or highway corridor pursuant to NCGS 136-66.10 is dedicated and the development will be served by municipal sanitary sewer.

2) Cluster Required: The Technical Review Committee (TRC) may require that cluster development be used if right-of-way dedication is required pursuant to NCGS 136-66.10 or the development lies partially or wholly within a Watershed Critical Area.

3) Development Standards: The objective of the cluster option is to place the houses in a development closer together and on smaller lots than would normally be permitted by the zoning district in which the development is located, and to place land which would otherwise have been included in private lots into public dedication or common area.

- a) When cluster development is employed, all lots size and other dimensional requirements for single-family dwellings are decreased to comply with all requirements of a smaller-lot RS zone.
- b) The sum of those areas placed into common area as open space those areas dedicated as public open space in excess of any required dedication for such purposes, and those areas dedicated as street right-of-way pursuant to NCGS 136-66.10 (a) shall not be less than fifteen percent (15%) of the total area of the development.
- c) The maximum number of lots permitted in a cluster development shall be determined as follows:
 - i) Calculate the gross acreage of the tract, excluding any existing street right-of-way;
 - ii) Subtract $\frac{3}{4}$ of the area of any drainageway and/or open space required to be dedicated by this Ordinance.
 - iii) Divide by the density factor from Table 4-4-2.
- d) Common areas shall be located within the development so as to:
 - i) Preserve stands of trees, lakes, steep slopes, historic sites, or other significant features;

- ii) Provide common green space around and through the development for aesthetic purposes and pedestrian uses;
 - iii) Provide space for common recreation facilities;
 - iv) Provide buffering from adjacent land uses.
- e) Common area shall be of usable dimensions, including a minimum width of twenty-four (24) feet and shall be accessible to all homeowners in the development.
- f) If approved by the Technical Review Committee, a site may be reserved for a school, church, civic club, public recreation center, or public library within the area that would otherwise have been common area.

Table 4-4-2 CLUSTER DEVELOPMENT LOT AND DENSITIES REQUIREMENTS FOR SINGLE FAMILY DWELLINGS		
DEVELOPMENT ZONED	LOTS AND BUILDINGS MUST MEET REQUIREMENTS OF	DENSITY FACTOR PER ACRE
RS-40 (WCA TIER 2)	RS-40	.20
RS-40 (WCA TIER 3)	RS-40	.33
RS-40	RS-20	1.0
RS-30	RS-15	1.3
RS-20	RS-12	1.9
RS-15	RS-9	2.5
RS-12	RS-9	3.0
RS-9	RS-9	4.0
RM-5	RS-9	5.0
RM-8	RS-9	8.0

4-4.2 Multi-Family Districts

- (A) Dimensional Requirements for Permitted Single-Family District Uses and Two-Family Dwellings in RM, GOM, and GOH District: Dimensional requirements for permitted Single-Family districts uses and two-Family Dwellings in RM, GOM, and GOH districts shall meet the dimensional requirement of the RS-12 district.
- (B) Dimensional Requirements for Multi-Family Developments with Three or more Units: Dimensional requirements for Multi-Family developments with three or more units are found in Table 4-4-34.
- (C) Additional Requirements For Multi-Family Developments
- 1) A multi-family dwelling shall not be placed behind and on the same lot as a single-family dwelling.
 - 2) In order to permit adequate fire protection, all portions of every building shall be located within three hundred (300) feet of a public street that furnishes direct access to the property unless the Fire Marshall determines that the fire hydrants and service drives within the development will offer adequate protection.
 - 3) All common driveways within the development shall be approved traffic circulation and shall be kept available for emergency and service use by any public vehicle.
 - 4) Off-street parking spaces shall be located within two hundred (200) feet of each building in an amount proportional to the number of dwelling units in each building. No parking area with five (5) or more spaces shall be located closer than ten (10) feet to the dwelling wall with windows or doors.
 - 5) All walkways within two (2) feet of and perpendicular to parking spaces shall have a minimum width of six (6) feet. Any walkway serving only one dwelling unit, other than a handicapped unit, shall have a minimum width of three (3) feet. All other walkways shall have a minimum width of four (4) feet. Walkways shall be of dustless all-weather surfaces.

Table 4-4-3 Dimensional Requirements in RM & GO Districts for Multi-Family Developments (Including Townhouses Condominiums, Private Dormitories and Congregate Care Facilities)				
	RM-5	RM-8	GO-M	GO-H
Min Lot Size (sq/ft) (for first 3 DU's)	26,000	16,000	15,000	9,000
Additional Lot Area per Additional Unit (sq/ft)	8,712	5,445	3,630	1,675
Min. Lot Width (ft.)(for first 3 DU's)	75	75	75	60
Additional Lot Width per Additional Unit- 5 ft., until total lot width = 120 ft.				
Min. Street Frontage (ft.)	50	50	50	50
Min. Street Setback (ft.) ^a Local, Subcollector & Collector	30/55 ^d	25/50 ^d	25/50	25/50
Minor Thoroughfare	40/75	35/70	35/70	35/70
Major Thoroughfare	50/95	45/90	45/90	45/90
Min. Interior Setbacks (ft.)				
Side	10	10	10	10
Rear	25	25	25	25
Min. Building Separation (ft.)	20	20	20	20
Maximum Height (ft.)	50 ^b	50 ^b	50/80 ^c	— ^c
Maximum Building Cover (% of lot)	35	40	45	50
^a Setback from the right-of-way line or property line/setback from street centerline, whichever is greater.				
^b No more than three (3) full or partial stories entirely above grade.				
^c Increase all setbacks by one (1) foot for every one (1) foot in height between fifty (50) and eighty (80) feet. No additional setback is required for buildings above eighty (80) feet in height.				
^d The front setback for Townhouses and condominiums on public streets is a minimum of 15' from the street right-of-way.				

6) Open Space and/or Recreation Facilities

- a) Open space and/or recreation facilities shall be provided at the rate of ten (10%) percent of the total land area in developments of under three (3) acres or four (4) stories, and shall be at a single location.
- b) In developments of three acres or more, open space shall be provided at the rate of one (1) acre per one hundred (100) dwelling units. Such open

space and/or recreation facilities may be at more than one location, but each area must have at least ten thousand (10,000) square feet to be counted toward this requirement.

- c) All such areas must have a width of at least twenty-four (24) feet and be accessible to residents of the development at no charge. All such areas shall be occupied by recreational activities, grass, and landscaping, or woods. Uses suggested for these areas are swimming pools, tennis courts, play areas, passive recreation, etc. Uses not permitted in such areas are parking, garbage areas, mechanical equipment, or other similar uses. Land dedicated as parkland or as drainageway and open space shall count toward this requirement.
- 7) No building shall exceed two hundred and fifty (250) feet in length unless it is designed for the elderly and has central facilities for dining and recreation.
- 8) Trash containers (dumpsters or compacters) of a number and size conforming with the requirements of the Jurisdiction shall be provided. Each container shall be located so as not to interfere with sight distance or the free movement of vehicles on streets or access drives and so as to allow collector trucks adequate maneuvering space to empty the containers without interference from utility lines or other structures and to leave the property without excessive backing. Concrete pads shall be located beneath and in the approach to each trash container.

Note: Developments with two (2) or fewer principal buildings and a width at all potential building locations of one hundred twenty (120) feet or less are exempt from the following requirements.

- 9) On the site plan an isosceles triangle shall be drawn from each building façade which, at its closest point, lies within one hundred (100) feet of a lot line other than a street right-of-way line or within one hundred (100) feet of another building in the development. Facades shall be designated so that a minimum number, normally four, results. The base of the triangle shall be a line connecting the extreme ends of the façade (ignoring one-story storage rooms and other one-story protrusions of one hundred (100) square feet or less, exterior stairways, and decks), and its altitude shall be the length of the base line multiplied by a factor related to the height of the building as shown below.

Number of Stories	1	2	3	4 or more
Altitude Factor	0.4	0.5	0.6	0.7

An isosceles triangle thus established may not overlap any portion of another building, another triangle, or another property, unless that property is public parkland, dedicated drainageway and open space, or street right-of-way.

- 10) Private drives shall be no closer than fifteen (15) feet to a dwelling.
- 11) Play areas and sports facilities shall not be placed within fifty (50) feet of adjacent land used or zoned for single-family residential purposes.
- 12) All electric, communications, water, and sewer utility lines shall be installed underground.
- 13) Arrangements of buildings in parallel rows shall be avoided.

4-4.3 Nonresidential Districts

(A) Dimensional Requirements for Non-Residential Districts: Dimensional requirements for non-residential districts are show in Table 4-4-5.

(B) Additional Requirements for Non-Residential Districts

- 1) Neighborhood Business District (NB)
 - a. No more than three thousand (3,000) square feet of gross floor area per use shall be permitted on a lot in the NB district.
 - b. Outside storage is prohibited.
 - c. Hours of operation shall be restricted to between 6:00 AM to midnight.
 - d. Drive-by services are not permitted.
 - e. Exterior lighting is limited to indirect illumination and safety lighting. All exterior lighting shall be hooded or shielded so that the light source is not directly visible from adjacent streets or properties. No exterior lighting shall be located higher than fifteen (15) feet above ground or pavement.
 - f. All off-street parking shall be located to the rear of the building.
 - g. Buildings must be reflective of the architectural styles, exterior material, and colors of nearby residences.
 - h. A maximum of two (2) dwellings units are permitted above each business.
- 2) Limited Business (LB)
 - a) No more than fifty thousand (50,000) square feet of gross floor area per use shall be permitted on a lot in the LB District.
 - b) No more than one hundred thousand (100,000) square feet of gross floor area per development shall be permitted in the LB District.
 - c) Outside storage is prohibited

- 3) General Business (GB): All permitted uses within the Wholesale Trade category, except Market Showrooms, shall meet the following standards:
 - a) A maximum of ten thousand (10,000) square feet of gross floor area intended for wholesale trade shall be permitted per establishment, and
 - b) No outside storage of materials shall be permitted.
- 4) Highway Business (HB): All permitted uses within the Wholesale Trade category shall meet the following standards:
 - a) A maximum of ten thousand (10,000) square feet of gross flooring area intended for wholesale trade shall be permitted per establishment, and
 - b) No outside storage of materials shall be permitted.
- 5) Corporate Park District (CP)
 - a) Loading areas shall not be located on the side of a building facing a public street.
 - b) Accessory outside storage shall not cover an area exceeding twenty five percent (25%) of the ground level gross floor area of the principal building(s), shall be restricted to the area between the rear property line and the building(s), and shall be fully screened from ground level view.
 - c) Outside assembly or processing shall not be permitted.
- 6) Light Industrial District (LI)
 - a) Loading areas shall not be located on the side of a building facing a public street, unless the street is classified as a local industrial or industrial cul-de-sac street.
 - b) Outside storage and/or outside assembly shall be fully screened from ground level view.

Table 4-4-5
Nonresidential Districts Dimensional Requirements

	LO	GO-M	GO-H	NB	LB	GB	HB	CB	SC	CP	LI	HI	PI
Min. Dev. Size (ac.)	-	-	-	-	-	-	-	-	5	20	-	-	5
Min. Dev. Width (ft.)	-	-	-	-	-	-	-	-	250	-	-	-	-
Min. Lot Size (ft. ²) ^a	9,000	20,000 ^g	20,000 ^g	9,000 ^b	15,000	12,000	20,000	-	20,000	40,000	20,000	20,000	40,000
Min. Lot width (ft.)	60	100	100	60	80	75	100	-	-	150	100	100	150
Min. Street Frontage	60	75	75	60	80	75	100	-	100	100	75	75	100
Min. Street Setback (ft.)	-	-	-	-	-	-	-	-	-	-	-	-	-
Local Subcollector and Collector	20/45	25/50	25/50	20/45	25/50	15/40	30/55	0/30	30/55	30/55	25/50	25/50	35/55
Minor Thoroughfare	30/65	30/65	30/65	30/65	30/65	15/50	40/75	0/35	40/75	40/75	30/65	30/65	40/75
Major Thoroughfare	35/80	35/80	35/80	35/80	35/80	15/60	50/95	0/45	50/95	50/95	35/80	35/80	50/95
Min. Int. Setbacks (ft.)	0/5 ^d	10	10	0/5 ^d	10	0/5 ^d	10	0/5 ^d	20 ^e	20	0/5 ^d	0/5 ^d	20
Adj. to Res. Zoning	20	25	25	20	25	10	25	10	35 ^e	50	25	50	35
Maximum Height (ft.)	50 ^h	50/80 ^f	50/80 ^f	50 ^h	50 ^h	50/80 ^f	50/80 ^f	-	50/80 ^f	50/80 ^f	50/80 ^f	50/80 ^f	50/80 ^f
Max. bldg. Cover (% of Lot)	-	-	-	-	-	-	-	-	-	45	60	60	-

Table 4-4-5 footnotes

- ^a Lots of Record having less than minimum required area may be developed pursuant to Section 3-14.3 (Nonconforming Lots of Record).
- ^b Maximum district size of 3 acres (excluding any street right-of-way).
- ^c Setbacks from right-of-way line or property line/street centerline, whichever is greater
- ^d Zero setback if no setback is provided. If setback is provided it must be a minimum of five (5) feet.
- ^e Development perimeter only.
- ^f Increase all setbacks by one (1) foot for every foot in height between fifty (50) and eighty (80) feet. No additional setback is required for buildings above eighty (80) feet in height.
- ^g Smaller lots are permitted for residential uses (refer to Table 4-4-3).
- ^h No more than three (3) full or partial stories entirely above grade.

4-5 ACCESSORY BUILDINGS AND STRUCTURES

4-5.1 Setbacks Requirements

- (A) Front: No encroachment in the front setback is permitted.
- (B) Side and Rear: If the gross floor area (GFA) of the accessory structure or building is less than six hundred (600) square feet, the structure or building may be located five (5) feet from a side or rear line. If the GFA is greater than six hundred (600) square feet, it must meet the setback requirements of the principal building(s).

4-5.2 Location

- (A) Residential Zoning Districts: All accessory structures and buildings must be located behind the front building line of the principal structure.
- (B) Non-Residential Zoning Districts: Accessory structures and buildings may be in front of the front building line of the principal structure, but must follow the same street setback as the principal building.
- (C) All Districts: No accessory building or structure except for utility substations and improvements permitted by Section 6-5.7 (General Fence Requirements) shall be erected in any easement.

4-5.3 Height

The height of all accessory structures and buildings shall conform to the zoning district in which it is located.

4-6 SUPPLEMENTARY DIMENSIONAL REQUIREMENTS

4-6.1 Structures Permitted Above Height Limits

Except as otherwise prohibited by the Airport Overlay District, the height limitations of this Ordinance shall not apply to public buildings, church spires, belfries, cupolas and domes not intended for residential purposes, or to monuments, water towers, observation towers, power transmission towers, silos, grain elevators, chimneys, smokestacks, derricks, conveyors, flag poles, radio, television and communication towers, masts, aerials and similar structures, provided such structures meet the required NC Building Code.

4-6.2 Prevailing Street Setback

Where fifty (50%) percent or more of the lots on the same side of the block as the lot in question are developed with less than the required street setbacks, the average setback of the two principal buildings nearest that lot shall be observed as the required minimum setback.

4-6.3 Encroachment into Required Setbacks

(A) Encroachments Permitted in Required Setback: The following are permitted in required setbacks provided there is no interference with any sight area:

- 1) Landscaping features, including but not limited to, ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths;
- 2) Pet shelters, at grade patios, play equipment or outdoor furniture, ornamental entry columns and gates, flag poles, lamp posts, address posts, HVAC equipment, mailboxes, outdoor fire places, public utility wires and poles, pumps or wells, and fences or retaining walls subject to the requirements of Article VI (Development Standards).

(B) Structures Permitted in Required Setbacks: The following structures may encroach into any required setback:

- 1) Cornices, steps, overhanging eaves and gutters, window sills, bay windows or similar architectural features, chimneys and fireplaces, fire escapes, fire balconies, and fire towers may project not more than two and one-half feet

into any required setback, but in no case shall be closer than three (3) feet to any property line.

2) Porches may encroach into the required front and rear setbacks as follows:

Type	Yard	Maximum Encroachment	Maximum Area
Covered or Uncovered	Front	5 feet	35 ft. ²
Uncovered Only	Rear	50% of setback	-

(C) Permitted Projections: Canopies, awnings, and marquees or similar covers attached to a building in the CB and GB districts may project into the street right-of-way provided that:

- 1) No portion of the cover is located closer to the face of the street curb than a horizontal distance of three (3) feet.
- 2) No portion of the cover or sign hanging below the cover is less than nine (9) feet above the sidewalk.
- 3) No cover requiring vertical support to the sidewalk is located over a sidewalk with a total width of less than eight (8) feet.

(D) Canopy Projections: Gas station and convenience store pump canopies may be located in the street setback provided that no equipment or part of the canopy is located closer than fifteen (15) feet to a street right-of-way line.

4-6.4 Easement Encroachments

(A) Utility Easements: In addition to the lines, boxes, structures, and substation buildings for which utility easements are intended, fences without foundations may be located within utility easements. (Note: Prior to fence construction the property owner should contact ULOCO).

4-6.5 Setbacks from Thoroughfares

In accordance with adopted Thoroughfare Plan(s) the following additional street setbacks shall be required.

- (A) Thoroughfare Widening: Street setbacks for properties adjacent to any thoroughfares listed below shall be at the distance specified from the centerline of the existing right-of-way.
 - 1) ...
 - 2) ...
 - 3) ...
- (B) Proposed Thoroughfares: Where proposed street alignments have been established, building setbacks shall be measures from the future right-of-way line or centerline of the proposed street.

4-7 OVERLAY DISTRICT REQUIREMENTS

4-7.1 Historic District

- (A) Designation Procedure: Historic districts, as provided for in this Section, may from time to time be designated, amended or repealed through the following procedure:
 - 1) An investigation and report describing the significance of the buildings, structures, features sites or surroundings included in any such proposed district, and a description of the boundaries of such district must be prepared by the Historic Preservation Commission and a recommendation thereon made to the Planning Board.
 - 2) The North Carolina Department of Cultural Resources, acting through the State Preservation Officer or his designee, shall make an analysis of and recommendations concerning such report and the description of proposed boundaries, Failure of the department to submit its written analysis and recommendation to the Governing Body within thirty (30) calendar days after a written request for such analysis has been received by the Department of Cultural Resources shall relieve the Governing Body of any responsibility for awaiting such analysis, and said Body may at any time thereafter take any necessary action to adopt or amend this Section.
 - 3) The Governing Body may also refer to the report and proposed boundaries to any Local Preservation Commission or other interested body for its recommendation prior to take action.
 - 4) Changes in the boundaries of such district subsequent to its initial establishment, or the creation of additional districts within the Jurisdiction, shall require the preparation of investigative studies by the Commission, and they shall be referred to the Department of Planning

and Development for its review and comment according to the procedures of set forth in this Section. Changes in the boundaries of an initial district or proposals for additional districts shall also be submitted to the Department of Cultural Resources in accordance with the provisions of this Section.

- 5) The Planning Board shall review the recommendations and forward its comments and recommendations to the Governing Body.
- 6) The Planning Board shall process the historic district overlay zoning as a rezoning, in the same manner set forth in Article III (Permits and Procedures).

(B) Dimensional Regulations and Exceptions: Structures within a historic district shall comply with the regulations of the underlying zoning district, except as follows:

- 1) Structures erected in a historic district may use the prevailing setback of structures on the same side of the street in accordance with Section 4-5.2 (Prevailing Setbacks).
- 2) All applicable zoning regulations shall apply to property within a historic district unless a variance is approved by the Board of Adjustment. The said variance shall be granted only if it complies with the intent of the architectural and historic guideline of the historic district and if first recommended by the Commission.
- 3) Where the Commission, in considering an application for a Certificate of Appropriateness, shall find that the number of off-street parking spaces or parking spaces and/or design standards for parking lots specified by this Ordinance would render the site incompatible with the historic aspects of the district, it may recommend to the Board of Adjustment a variance, in part, or in whole, of the off-street parking requirements and/or design standards. The Board of Adjustment may authorize as a variance a reduced standard concerning off-street parking provided:
 - a) the Board of Adjustment finds that the lesser standard will not create problems due to increased on-street parking; and
 - b) the Board of Adjustment finds that the lesser standard will not create a threat to the public safety.

(C) Certain Changes Not Prohibited: Nothing in this Section shall be construed to prevent the following:

- 1) The ordinary maintenance or repair of any exterior architectural feature in a historic district which does not involve a change in design, material, or outer appearance thereof.

- 2) The construction, reconstruction, alteration, restoration, moving or demolition of any such feature which the building inspector or similar official shall certify in writing to the Commission is required to protect the public safety because of unsafe or dangerous conditions.
- 3) The ordinary maintenance or repair of streets, sidewalks, pavement markings, utility service lines, street signs, traffic signs and/or replacement of street light fixtures in the event of equipment failure, accidental damage or natural occurrences such as electrical storms, tornadoes, ice storms, and the like.

(D) Certificate of Appropriateness Required

- 1) After the designation of a historic district, no exterior portion of any building or other structure (including but not limited to architectural style; general design; and general arrangement of the exterior of the building or other structure; including the kind and texture of building material, the size and scale of the building, the type and style of all windows, doors, light fixtures, signs, masonry walls, fences, steps and pavement, and other appurtenant features, such as historic signs, colors, significant landscape, archaeological, and natural features of the area), nor aboveground utility structure, nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished within such district until after an application for a Certificate of Appropriateness as to the exterior features has been submitted and approved by the Preservation Commission.
- 2) A Certificate of Appropriateness shall be issued by the Commission prior to the issuance of a building permit or other permit granted for the purposes of constructing, altering, moving, or demolishing structures. The Commission may impose thereon standards as may be set forth elsewhere in this chapter or adopted by the Commission. Any building permit or other such permit not issued in conformity with this chapter shall be invalid.
- 3) A Certificate of Appropriateness shall be required for all activities specified in this Section whether a building permit is otherwise required or not.
- 4) The discontinuance of work or the lack of progress toward achieving compliance with the Certificate of Appropriateness for a period of one (1) year shall render the certificate null and void and application shall be made for a new certificate. However, in the event the issuance of a

certificate is appealed, the one year period shall not commence until a final decision is reached regarding the matter.

- 5) [The Commission may, after adoption of architectural and historic standards,](#) allow the review and approval of a minor work by the Enforcement Officer provided, however, that no application for a Certificate of Appropriateness may be denied without formal action by the Commission.
- 6) Guilford County and all public utilities, except as provided under this Section, shall be required to obtain a Certificate of Appropriateness prior to initiating a historic district any changes in the character of street paving, utility installations, lighting, street trees, walls, fences, or exterior of buildings or structures on property or streets in which they have a fee or other interest.

(E) Application Procedures

- 1) Application for a Certificate of Appropriateness shall be to the Department of Planning and Development on forms provided. Each application shall be accompanied by sketches, drawings, photographs, specifications, descriptions, and/or other information of sufficient detail to clearly show the proposed move, exterior alterations, additions, changes, and/or new construction.
- 2) The Department of Planning and Development staff shall make a reasonable attempt to identify and notify the owners of surrounding property likely to be affected by the application for a Certificate of Appropriateness. The Planning and Community Development Department shall transmit the application for a Certificate of Appropriateness, together with the supporting information and material to the Commission for consideration. The Commission shall act upon the application within sixty (60) days after the filing thereof, otherwise failure to act upon the application shall be deemed to constitute approval and a Certificate of Appropriateness shall be issued. Nothing herein shall prohibit an extension of time where mutual agreement has been reached between the Commission and the applicant. [The Commission shall follow standard quasi-judicial procedures when considering Certificates of Appropriateness.](#)
- 3) Prior to issuance or denial of a Certificate of Appropriateness, the Commission shall give the applicant and other property owners likely to be affected by the application an opportunity to be heard. In cases where

the Commission deems necessary, it may hold a public hearing concerning the application, and seek the advice of the North Carolina Department of Cultural Resources, or other expert advice.

- 4) The Commission shall not refuse to issue a Certificate of Appropriateness except for the purpose of preventing the construction, reconstruction, alteration, restoration, or moving of buildings, structures, appurtenant features, or signs in the historic district which would be incompatible with the architectural and historic guidelines.
- 5) An appeal of the Commission's action in granting or denying any certificate shall be taken to the Board of Adjustment:
 - a) May be taken by any aggrieved party.
 - b) Shall be taken within thirty (30) days from written receipt of the Commission's decision, allowing 3 additional days if the written decision is mailed.-
 - c) Shall be in the nature of certiorari.
- 6) Any appeal taken from the Board of Adjustment's decision in any such case shall be heard by the Superior Court of the county.

(F) Review Criteria

- 1) In granting a Certificate of Appropriateness, the Commission shall take into account the historic or architectural significance of the property under consideration and the exterior form and appearance of any proposed additions or modifications to a structure.
- 2) The Commission shall not consider interior arrangement.
- 3) The provisions of this Section shall not become effective for a Commission has adopted detailed architectural and historic guidelines applicable to proposals within a designated historic district. These criteria shall take into account the historic architectural and visual elements which are unique to the district and shall be updated a minimum of every five (5) years. At a minimum, the criteria shall contain guidelines addressing the following factors:
 - a) Historic Significance or Quality: The quality or significance in history, architecture, archeology or culture present in districts, sites, structures, buildings, or objects that possess integrity of location, design, setting materials, workmanship, feeling and association, and that are associated with events that have made a significant contribution to the broad patterns of local, state or national history; or that are associated with the lives of persons significant in the past;

or that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or that have yielded, or may be likely to yield, information important in prehistory or local, state or national history; and

b) Exterior Form and Appearance: Exterior features include the architectural form and style, general design and general arrangement of a building or other structure including the type and texture of the building material and, the pattern and style of all windows, doors, light fixtures, signs and other appurtenant features. In considering exterior form and appearance, the Commission may take into account, but is not limited to, the following elements to ensure that they are consistent with the historic or visual character or characteristics of the district:

- i. Height of the building or structure.
- ii. Setback and placement on lot of the building or structure, including area coverage and orientation.
- iii. Exterior construction materials, including textures and patterns and may include color.
- iv. Architectural detailing, such as lintels, cornices, brick bond, foundation materials, and decorative wooden features.
- v. Roof shapes, forms and materials.
- vi. Proportions shapes positioning and locations, patterns and sizes of any elements of fenestration.
- vii. General form and proportions of buildings structures.
- viii. Appurtenant fixtures and other features such as lighting.
- ix. Structural condition and soundness.
- x. Use of local or regional architectural traditions.
- xi. Effect of trees and other landscape elements.

(G) Delay in Demolition of Landmarks and Buildings

- 1) An application for a Certificate of Appropriateness authorizing the demolition or destruction of a designated landmark or a building, structure, or site within the district may not be denied except as provided in this section. However, the effective date of such a certificate may be delayed for a period of up to one hundred-eighty (180) days from the date of approval. The

maximum period of delay authorized by this section shall be reduced by the commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period, the Commission shall negotiate with the owner and with any other parties in an effort to find a means of preserving the building or site. If the Commission finds that a building or site within a district has no special significance or value toward maintaining the character of the district, it shall waive all or part of such period and authorize earlier demolition or removal.

- 2) If the Commission has voted to recommend designation of a property as a landmark or designation of an area as a district, and final designation has not been made by the Local Governing Body, the demolition or destruction of any building, site, or structure located on the property of the proposed landmark or in the proposed district may be delayed by the Commission for a period of up to one hundred-eighty (180) days or until the Governing Body takes final action on the designation, whichever comes first.
- 3) The Governing Body may enact an ordinance to prevent the demolition by neglect of any designated landmark or any building or structure within an established historic district. Such ordinance shall provide appropriate safeguards to protect property owners from undue economic hardship.
- 4) An application for a Certificate of Appropriateness authorizing the demolition or destruction of a building, site, or structure determined by the State Historic Preservation Officer as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied except where the Commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

4-7.2 Scenic Corridor Overlay District

(A) Overlay District Based on Corridor Plan: Before a Scenic Corridor Overlay District is established for any particular road, a Corridor Plan shall be prepared. The plan shall, at a minimum, address the following issues:

- 1) The arrangement of land uses along the corridor which create a visually pleasing impression;
- 2) The unique qualities of the corridor, such as landmarks, buildings, views and vistas, and natural features which lend themselves to special consideration.

- 3) The value of the corridor as an entryway to Guilford County which can influence the perception of individuals or firms considering investment in the community.
 - 4) The location, size, shape, illumination, spacing, and number of signs.
 - 5) Transportation, including vehicular access, dedication of right-of-way, driveway limitations, and traffic impact.
- (B) Establishment of Scenic Corridor Overlay Zones: Scenic Corridor Overlay Zones may be adopted, amended or repealed through the following procedures:
- 1) A corridor plan shall be prepared by the Planning Department describing the conditions, boundaries, and requirements for each proposed Scenic Corridor Overlay Zone. The Plan shall be forwarded, with the recommendation of the Planning Board, to the Governing Body for approval.
 - 2) The boundaries and requirements of each corridor plan shall be adopted as a separate and district Scenic Corridor Overlay zoning district. Adoption, amendment or repeal of the boundaries or requirements of the Overlay district shall be in conformance with the procedures and standards established for conventional zoning districts.
- (C) General Requirements:
- The following general requirements will apply to the Scenic Corridor Overlay Districts:
- 1) Permitted Uses: All uses permitted in the underlying zoning districts are permitted except freestanding signs (including billboards) and manufactured dwellings except those meeting the criteria of Class AA manufactured dwellings.
 - 2) ~~Conditional~~ Special Uses: Uses which display one or more of the following characteristics may be permitted provided that they are completely screened from view of motorists on the scenic corridor highway.
 - a) Uses with outside storage of building materials, scrap, pipe, vehicles or equipment.
 - b) Uses with outside processing or assembly operations.
 - c) Uses with truck parking areas.
- (D) Scenic Corridor Overlay District Plan:
- 1) Introduction
Pursuant to Section 4-7.2 of the Town of Gibsonville Development Ordinance, this plan adopts as its purpose the establishment and designation of certain roadways lying within the corporate and extraterritorial limits of the Town of Gibsonville as Scenic Corridor Overlay Districts.

The roadways that are hereby recognized under this plan as scenic corridors have been selected on the basis of several criteria, as set forth under Section 4-7.2(A) of the Development Ordinance. These criteria recognize certain unique qualities inherent to each of these corridors that make it desirable for the community to maintain and protect them from both unwanted development as well as unlimited access from residential and business properties abutting the corridor right-of-way.

2) Scenic Corridor Overlay District To Be Established

a) NC 100 Gibsonville By-Pass

This roadway is projected for construction under the 1992 NC DOT Transportation Improvement Plan, although no date for beginning roadway construction has been set as of the date of adoption of this document. A map showing the proposed thoroughfare right-of-way has been placed on file with the Planning Departments of the Town of Gibsonville and Alamance County.

The By-Pass route will connect with NC 100 at a point Northwest of the Town of Elon College, and is intended to circumvent the Town of Gibsonville on its Northeast, Northwest, and Southwest sides to rejoin with NC 100 at a point approximately one mile Southwest of the Town of Gibsonville corporate limits.

It is anticipated that this outer loop around the Town of Gibsonville will help to alleviate congestion in the downtown area caused by traffic attempting to traverse NC Highway 100 through the center of town.

- i. Land Uses Along Corridor: Currently, most of the properties through which the By-Pass is projected to travel are zoned Agricultural (AG), although a smaller number of RS-12 and RS-20 zoned properties are also included within the proposed right-of-way. There are no substantial housing or commercial developments lying within the proposed right-of-way. For this reason, the scenic value of the roadway, as well as its utility as a thoroughfare and entranceway to community, can best be protected by designating the NC 100 By-Pass route a scenic corridor and limiting both residential and commercial vehicular access as well as requiring all development to meet the requirements of Section 4-7.2 (C) of the Development Ordinance.
- ii. Limits of District: Extending for a distance of two hundred (200) feet on either side of the centerline of the By-Pass roadway, beginning at

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NC 100 (Whitsett Street), and extending to the Guilford/Alamance County line.

- iii. Applicable Requirements: General requirements 1), 2), & 3) of Section 4-7.2(C) of the Gibsonville Development Ordinance shall apply to the NC 100 Gibsonville By-Pass Scenic Corridor.

b) US 70 (Burlington Road)

US 70 is one of two major highways (the other being I-85) that serve the residents and businesses of Gibsonville with access to several large metropolitan areas located in the North central portion of the state. In 1990, US 70 had a recorded annual average daily traffic count of between 6,200- 6,800 vehicles. US 70 is scheduled under the 1992 NC DOT Transportation Improvement Program to be expanded from two to four lanes.

- i. Land Uses Along Corridor: With the exception of several properties lying at the intersection of US 70 & NC 61, and the intersection of US 70 & Springwood Church Road (which contains several businesses and a small mobile home park), the vast majority of property lying within this proposed scenic corridor is zoned Agricultural (AG). Additionally, US 70 borders the Whitsett community, an area lying to the South of US 70 and along both sides of NC 61. The Whitsett community contains many old historic homes, and residents of the community are very desirous of maintaining the rural character of their community.
- ii. Limits of District: Extending for a distance of two hundred (200) feet on either side of the centerline of US 70, beginning at the Guilford/ Alamance County Line, and extending West to the town's extraterritorial limits.
- iii. Applicable Requirements: General requirements 1), 2), & 3) of Section 4-7.2 (C) of the Gibsonville Development Ordinance shall apply to the US 70 Scenic Corridor.

c) Interstate 85

I-85 is the major highway linking the metropolitan areas of the Triad (Greensboro, High Point, and Winston-Salem) with those of the Triangle (Durham, Chapel Hill, and Raleigh). Besides acting as a major corridor for traffic traveling between these communities, I-85 also serves as a major connector to a rapidly growing urban area lying to the North of the

highway, comprising the communities of Gibsonville, Elon, Graham, Burlington, Haw River, and Mebane.

- i. Land Uses Along Corridor: Land usage along I-85 is a mixture of open land, agriculture, commercial, and industrial. Commercial development is concentrated primarily at the I-85 & NC 61 interchange. Industrial development is zoned primarily within the Rock Creek Corporate Park located near the I-85 & Rock Creek Dairy Road interchange (located approximately two miles Southwest of the Town of Gibsonville). Lying just to the South of I-85 and Gibsonville between both interchanges is the Konica manufacturing plant. Located to the North of I-85 & NC 61 interchange, and bordering both sides of NC 61 from the interstate to US 70, is the Whitsett community, a residential area containing many older homes set in a rural environment.
- ii. Limits of District: Extending for a distance of fifteen hundred (1,500) feet on either side of the centerline of I-85, beginning at the Guilford/Alamance County line, and extending West to the town's extraterritorial limits.
- iii. Applicable Requirements: General requirements 1), 2), & 3) of Section 4-7.2 (C) of the Gibsonville Development Ordinance shall apply to the I-85 Scenic Corridor.

d) Minneola Street (also known as Carmon Road)

This roadway forms one of two access routes leading directly into Gibsonville from Eastern Guilford County (the other being Bethel Church Road). In 1990, Minneola Street had a recorded annual average daily traffic count of 900 vehicles.

- i. Land Uses Along Corridor: Traveling West from the corporate limits into Eastern Guilford County takes the traveler through a mixture of open land, agricultural, rural, and low density residential areas. This corridor provides a very positive image as an entranceway into Gibsonville.
- ii. Limits of District: Extending for a distance of two hundred (200) feet on either side of the centerline of Minneola Street, beginning at a point seven hundred seventy five (175) feet West from the midpoint of the intersection of Minneola Street and SR 2763 (Powerline Road), and extending West to the town's extraterritorial limits.

- iii. Applicable Requirements: General requirements 1), 2), & 3) of Section 4-7.2 (C) of the Gibsonville Development Ordinance shall apply to the Minneola Street Scenic Corridor.
- e) Bethel Church Road
- This roadway forms one of two access routes leading directly into Gibsonville from Eastern Guilford County (the other being Minneola Street). In 1990, Bethel Church road had a recorded annual average daily traffic count of 1,100 vehicles.
- i. Land Uses Along Corridor: Traveling West from the corporate limits into Eastern Guilford County takes the traveler through a mixture of open land, rural, and low density residential areas. This corridor provides a very positive image as an entranceway into Gibsonville.
 - ii. Limits of District: Extending for a distance of two hundred (200) feet on either side of the centerline of Bethel Church Road, beginning at a point eighteen hundred and fifty (1,850) feet East from the midpoint of the intersection of Bethel Church Road and SR 2762 (Frank Road), and extending West to the town's extraterritorial limits.
 - iii. Applicable Requirements: General requirements 1), 2), & 3) of Section 4-7.2 (C) of the Gibsonville Development shall apply to the Bethel Church Road Scenic Corridor.
- f) Springwood Church Road
- This roadway acts as one of the major connectors between the Town of Gibsonville and I-85 & US 70. It provides access to these highways for both residents and businesses located in the Southern part of the community. Springwood Church Road is designated in Section E of the Gibsonville Transportation Study and Thoroughfare Plan as a Major Thoroughfare. In 1990, Springwood Church Road had a recorded annual average daily traffic count of 1,400 vehicles between US 70 and the town's corporate limits, and 500 vehicles between US 70 and I-85.
- i. Land Uses Along Corridor: The property on both sides of Springwood Church Road from US 70 South to I-85 is a mixture of open land, agricultural, rural, and very low density residential areas. Springwood Church Road is the Eastern border of the Whitsett community, an area containing many

older historic homes whose residents prefer to maintain a rural atmosphere throughout their community.

- ii. Limits of District: Extending for a distance of two hundred (200) feet on either side of the centerline of Springwood Church Road, beginning at the midpoint of the intersection of Springwood Church Road & US 70, and extending South to the town's extraterritorial limits.
- iii. Applicable Requirements: General requirements 1), 2), & 3) of Section 4-7.2 (C) of the Gibsonville Development shall apply to the Springwood Church Road Scenic Corridor.

g) NC Highway 61

NC 61 serves the Town of Gibsonville as a major thoroughfare connecting the community to US 70 (Burlington Road) and I-85. It offers residents and businesses in the community access to large metropolitan areas located in the North central portion of the state.

An additional factor contributing to the importance of NC 61 to the community is its impact on the perceptions of people traveling to the area to visit or conduct business. The I-85 & NC 61 interchange is designated by signs along I-85 as the major exit for traffic traveling to Gibsonville. This makes NC 61 a major gateway into the community. As such, the visual presentation that it gives to people and businesses looking to relocate to the area could have a significant impact on their perception of Gibsonville as a desirable place to live and work.

Finally, NC 61 traverses the middle of the Whitsett community, an area lying between the town's extraterritorial limits and I-85. This community has many older historic homes, and its residents prefer the area to maintain a rural character with little or no commercial development.

- i. Land Uses Along Corridor: With the exception of commercial property abutting the I-85 & NC 61 interchange, the vast majority of property lying along NC 61 is a mixture of open land, agricultural, rural, and low density residential uses. There are many older historic homes in the portion of the Whitsett community through which the highway passes.
- ii. Limits of District: Extending for a distance of two hundred (200) feet on either side of the centerline of NC 61, beginning

at the midpoint of the intersection of NC 61 and NC 100, and extending South to the town's extraterritorial limits.

- iii. Applicable Requirements: General requirements 1), 2), & 3) of Section 4-7.2 (C) of the Gibsonville Development shall apply to the NC 61 Scenic Corridor.

h) NC 100 (Whitsett Street)

NC 100 is the most significant thoroughfare serving the Town of Gibsonville at the present time. It provides direct success for residents and businesses to US 70 (Burlington Road), and serves as a major connector between Gibsonville and the communities of Elon College and Burlington. NC 100 also serves the community as a connector to I-85, via its junction with NC 61 at point approximately one mile Southwest of the town's corporate limits. As such, it acts as a major gateway for traffic entering the community. In 1990, NC 100 had a recorded annual average daily traffic count of 3,300 vehicles between NC 61 and the town's corporate limits.

- i. Land Uses Along Corridor: That portion of NC 100 (Whitsett Street) which is to be designated as a scenic corridor for purposes of this document is bordered by property zoned primarily either RS-20 or AG. The closest major subdivision to the corridor is Hidden Acres, which lies just inside the corporate limits of the Town of Gibsonville, and to the East of the highway. It is not anticipated that the scenic corridor restriction would have any significant impact on the Hidden Acres neighborhood.
- ii. Limits of District: Extending for a distance of two hundred (200) feet on either side of the centerline of NC 100, beginning at the midpoint of the intersection of NC 100 and Dew Sharpe Road, and extending South to the midpoint of the intersection of NC 100 and US 70.
- iii. Applicable Requirements: General requirements 1), 2), & 3) of Section 4-7.2 (C) of the Gibsonville Development shall apply to the NC 100 Scenic Corridor.

4-7.3 Manufactured Housing Overlay District

Manufactured housing may be permitted on single-family lots in residential zones provided that overlay district zoning is approved by the [Town of Gibsonville](#) and the following criteria are met for minimum development size:

1. Ten (10) existing contiguous lots covering at least one hundred twenty thousand (120,000) square feet, excluding public street right-of-way; or
2. One hundred twenty thousand (120,000) square feet of unsubdivided land, excluding public street right-of-way.

4-7.4 Appearance Overlay Districts

[Reserved for Appearance District Regulations]

ARTICLE V - SUBDIVISIONS: PROCEDURES AND STANDARDS

5-1 EXCLUSION DETERMINATION PROCEDURE

If a proposed division of land meets one or more of the exclusions and exemptions below, under the definition of "Subdivisions" in Article II (Definitions), the owner may submit to the Planning Department maps, deeds, or other materials in sufficient detail to permit a conclusive determination of exemption and for filing the plat with the Register of Deeds.

The following divisions of land are exempted from subdivision approval regulations in this Ordinance:

1. The combination or recombination of portion of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance;
2. The division of land into parcels greater than ten (10) acres if no street right-of-way dedication is involved;
3. The public acquisition by purchase of strips of land for widening or opening streets; and
4. The division of a tract in single ownership the entire area of which is not greater than two (2) acres into not more than three (3) lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of this Ordinance.
5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

5-2 COORDINATION WITH OTHER PROCEDURES

To lessen the time required to attain all necessary approvals and to facilitate the processing of applications, an applicant may start the subdivision approval process simultaneously with application for grading permits or other applications for approvals required for the particular project.

5-3 SUBMISSION OF PLANS

Applications for subdivision approval, including Group Development approval, shall be submitted to the Planning Department. Subdivisions requiring Technical Review Committee approval shall be presented to the Planning Department at least seven (7) days prior to the next scheduled meeting of the Technical Review Committee.

5-4 APPROVAL REQUIRED

5-4.1 Date of Compliance

After the effective date of this Ordinance, no plat for the subdivision of land within Gibsonville jurisdiction shall be filed, accepted for recording, or recorded, nor shall the Clerk of the Superior Court order the recording of a plat until it has been submitted to and approved by the Jurisdiction. (See definition of "Subdivision" in Article II for exclusions.)

5-4.2 No Conveyance Without Approval

No real property, including property declared under the N.C. Condominium Act NCGS 47C-1 et. seq., lying within the Jurisdiction as no or hereafter fixed shall be subdivided except in conformance with all applicable provisions of this Article. Violation of this Section shall be a misdemeanor.

5-4.3 Dedication and Acceptance

- (A) Rights-of Way and Easements: The approval of a plat constitutes dedication and acceptance by the Jurisdiction and the public of the right-of-way of each public street, alley, or utility or drainage easement show on such plat. The approval of a plat does not constitute acceptance for maintenance of other purposes of improvements in such right-of-way, such as utility lines, street paving, drainage facilities or sidewalk surfaces. Such improvement may be accepted by the body or administrative officer of the Jurisdiction authorized to inspect and, where appropriate, accept the dedication of such improvement.
- (B) Open Space: Land designated as public open space on a plat shall be considered to be offered for dedication until the Governing Body of the Jurisdiction has by express action accepted such dedication. Until such dedication has been accepted, land so offered may be used for open space purposes by its owner or by an association representing owner of other lots within the plat. Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use without the express approval of the body with plat approval authority for the Jurisdiction.

5-5 PRE-APPLICATION PROCESURES

5-5.1 Conference

For the purpose of clarification and assistance in the preparation and submission of plats for approval, and in the interest of efficiency and economy, every subdivision applicant is strongly encouraged to schedule a Preapplication Conference with the Planning Staff prior to the submission of a Preliminary Plat.

5-5.2 Sketch Plan

- (A) Required for Staff Review: A sketch plan is required for staff review whenever adjoining land is owned by the subdivider seeking approval of a major subdivision.
- (B) Required for Technical Review Committee Approval: A Sketch Plan is required for Technical Review Committee approval for any subdivision of property that involves more than fifty (50) lots. Procedures for approval shall correspond to the procedures found in Section 5-6 (Preliminary Plat).
- (C) Preparation: The Sketch Plan shall be prepared in accordance with Appendix 2 (Map Standards) and submitted to the Planning Department.

5-6 MINOR SUBDIVISIONS FOR EXPEDITED REVIEW

The Town may provide for expedited review of minor subdivisions.

(a) The Town may require only a plat for recordation for the division of a tract or parcel of land in single ownership if all of the following criteria are met:

- (1) The tract or parcel to be divided is not already exempted.
- (2) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
- (3) The entire area of the tract or parcel to be divided is greater than five acres.
- (4) After division, no more than four lots result from the division.
- (5) After division, all resultant lots comply with all of the following:
 - a. Any lot dimension size requirements of the applicable land-use regulations, if any.
 - b. The use of the lots is in conformity with the applicable zoning requirements, if any.
 - c. A permanent means of ingress and egress is recorded for each lot.

5-7 PRELIMINARY PLAT

5-7.1 Required

A preliminary Plat shall be required for all subdivisions, including Group Developments.

5-7.2 Preparation

The Preliminary Plat shall be prepared by a registered land surveyor, registered landscape architect, or licensed engineer, and shall be prepared in accordance with Appendix 2 (Map Standards).

5-7.3 Preliminary Plat Approvals

- (A) Planning Division Approvals: Plats meeting all requirements of a Minor Subdivision may receive preliminary approval ~~for~~ from the Planning Department. Major Subdivisions shall require preliminary approval of the Technical Review Committee. Any decision by the Planning Department may be appealed by the applicant to the Technical Review Committee within thirty (30) days of the decision.
- (B) Environmental Health Division: Once a subdivision plat, that does not have public sewer available, receives preliminary approval from the Planning Department or Technical Review Committee approval shall be required for the Environmental Health Division before Final Plat approval. (Refer to Section 5-13.6(B) Subdivision Improvements – Utilities- Water and Sewer Connections)

5-7.4 Submission

The Planning Department shall present Major Subdivisions or appealed cases to the Technical Review Committee at its next meeting. The Technical Review Committee shall review the Preliminary Plat for compliance with existing regulations. This review shall be made by the members of the Technical Review Committee and by any other agencies or officials by referral or as required by NCGS 160D-~~604A-373~~.

5-7.5 Action By Technical Review Committee

- (A) Timing: The Technical Review Committee shall take action within thirty (30) days of reviewing the Preliminary Plat.
- (B) Approval: if the Preliminary Plat is approved, the applicant may proceed toward Final Plat approval.
- (C) Conditional Approval: If the Preliminary Plat is granted conditional approval, the applicant shall cause the plat to be revised, based upon the conditions of the approval and resubmitted. The Planning Department shall review the revised plat and, if it meets all the approval conditions and is otherwise substantially unaltered, shall signify on the plat the change conditional approve to approval. If the plat is not revised within sixty (60) days to meet the approval conditions or the applicant notifies the Planning Department that he is unwilling to review the plat, it shall be deemed denied.

(D) Denials: If the Preliminary Plat is denied the reasons shall be stated in writing. The applicant may revise and resubmit a plat which has been denied. Decisions of the Technical Review Committee may be appealed to the Planning Board within thirty (30) days of the Technical Review Committee decision.

5-7.6 Action By Planning Board

If a Preliminary Plat is appealed to the Planning Board it shall be reviewed at the next regularly scheduled meeting. The Planning Board may approve, grant conditional approval, or deny the plat in accordance with the procedures found in 5-6.5 (Action by Technical Review Committee).

5-7.7 Appeals

If the plat is denied, or granted conditional approval, or if no action is taken within thirty (30) days by the Technical Review Committee the applicant may appeal the plat to the Planning Board within fifteen (15) days after denial, conditional approval, or lack of action by the Technical Review Committee. If the plat is denied, or granted conditional approval, or if no action is taken by the Planning Board the applicant may appeal the plat to the Governing Body within fifteen (15) day after the Planning Board meeting. The Governing Body shall approve, grant conditional approval, or deny the plat.

5-7.8 Fees

All fees shall be due and payable when the Preliminary Plat is submitted according to the Schedule of Fees.

5-8 STREET AND UTILITY CONSTRUCTION

5-8.1 Plans

Street and utility construction plans for all street, water, sanitary sewer, and storm sewer facilities shall be submitted to the Jurisdiction shortly prior to or following Preliminary Plat approval. For each subdivision section, the street and utility construction plans shall include all improvements lying within or adjacent to that section as well as all water and sanitary sewer lines lying outside that section and being required to serve that section.

5-8.2 No Construction Without Plan Approval

None of the improvements listed above shall be constructed until the street and utility construction plans for such improvements have been reviewed and approved by the Jurisdiction.

5-8.3 Inspection

Work performed pursuant to approved street and utility construction plans shall be inspected and approved by the Jurisdiction. Final inspections shall be made by the Town Engineer and paid for by the developer.

5-8.4 Watershed Control Ponds and Soil and Erosion Control Devices and Installation

Any approved watershed control pond(s) and soil and erosion control device(s) may be installed prior to approval of street and utility construction.

5-9 OWNER'S ASSOCIATIONS

5-9.1 Establishment of Owner's Association

- (A) Creation: An Owner's Association shall be established to accept conveyance and maintenance of all common areas and facilities within a development containing common areas.
- (B) Conveyance: Where developments have common areas or facilities for maintenance serving more than one (1) dwelling unit, these areas are to be conveyed to the Owner's Association in which all owners or lots in the development are members. All areas other than public street rights-of-way, areas dedicated to the Jurisdiction, and lots shall be shown and designated as common areas. The fee-simple title of the common area shall be conveyed by the subdivider of developer to the Owner's Association.
- (C) Subdivision or Conveyance of Common Area: Common areas shall not be subsequently subdivided or conveyed by the Owner's Association.
- (D) Owner's Association Not Required: Developments involving only two units attached by a common wall shall not be required to have common areas or an Owner's Association. Developments with only two units attached and not having an Owner's Association shall have an agreement between owners concerning maintenance of common walls.

5-9.2 Submission of Owner's Association Declaration

Prior to or concurrently with the submission of the Final Plat for review and approval, the subdivider shall submit a copy of the proposed Bylaws of the Owner's Association containing covenants and restraints governing the Association, plats, and common areas. The restrictions shall include, (but not limited to), provisions for the following:

- (A) Existence Before Any Conveyance: The Owner's Association declaration shall be organized and in legal existence prior to the conveyance, lease-option or other long term transfer of control of any unit or lot in the development.

- (B) Membership: Membership in the Owner's Association shall be mandatory for each original purchaser and each successive purchaser of a lot or unit. Provisions shall be made for the assimilation of owners in subsequent Owner's Association.
- (C) Owner's Association Declaration: The Owner's Association declaration shall contain the following terms:
- 1) Responsibilities of Owner's Association: The Owner's Association declaration shall state that association is responsible for:
 - a. The payment of premiums for liability insurance and local taxes;
 - b. Maintenance of recreational and/or other facilities located on the common areas; and
 - c. Payment of assessments for public and private improvements made to or
 - 2) Default of Owner's Association: Upon default by the Owner's Association in the payment to the Jurisdiction entitled thereto of any assessments or ad valorem taxes levied against the common areas, which default shall continue for a period of six months, each owner of a lot in the development shall become personally obligated to pay to the taxing or assessing Jurisdiction a portion of the taxes or assessments in an amount determined by dividing the total taxes and/or assessment due to the Jurisdiction by the total number of lots in the development. If the sum is not paid by the owner within thirty (30) days following receipt of notice of the amount due; the sum shall become a continuing lien on the property of the owner, his heirs, devisees, personal representatives and assigns. The taxing or assessing Jurisdiction may either bring an action at law against the owner personally obligated to pay the same, or may elect to foreclose the lien against the property of the owner.
 - 3) Powers of the Association: The Owner's Association is empowered to levy assessments against the owners of lots within the development. Such assessments shall be for the payment of expenditures made by the Owner's Association for the items set forth in the Section and any assessments not paid by the owner against who such are assessed shall constitute a lien on the lot of the owner.
 - 4) Easements: Easements over the common areas for access, ingress and egress from and to public streets and walkways and easements for enjoyment of the common areas, as well as for parking, shall be granted to each lot owner.
 - 5) Maintenance and Restoration: Provisions for common area maintenance of and restoration in the event of destruction or damage shall be established.
- (D) Nonresidential Condominiums: If the condominium is a nonresidential condominium, the declaration shall contain the following provision:
- "Parking spaces shall be allocated among the individual units in such a manner that each unit is entitled to a sufficient number of parking spaces to comply to this Ordinance for the use intended to be therein. The Owner's Association shall maintain at all times a register listing the total number of parking spaces in the

development and the number of parking space allocated to each unit in the development. A copy of this register shall be available to the Enforcement Officer at his request. The Owner's Association shall not reduce the number of parking space allocated to an individual unit without the express written consent of the owner thereof, and in on case shall the number of parking spaces allocated to an individual unit be reduced to a number below that required by this Ordinance."

5-9.3 Default on Maintenance Responsibilities

If the organization responsible for maintenance of common areas and facilities does not satisfactorily carry out the agreed responsibilities, the Jurisdiction shall have the right to enter upon the common areas or facility and perform the required maintenance. The Jurisdiction shall assess the costs of that maintenance against the responsible organization and/or the lot owners in the development. These costs shall inure as a tax lien against the properties of the owners, and shall be recorded as such in the office of the Register of Deeds.

5-10 FINAL PLAT

5-10.1 Submission

Upon approval of the Preliminary Plat and other required plans the applicant shall be eligible to submit a Final Plat for approval. Approval of the Preliminary Plat shall constitute tentative approval of the Final Plat if the Final Plat is substantially unchanged from the approved Preliminary Plat. Substantial changes from the Preliminary Plat will require an additional review by the Technical Review Committee to insure compliance with existing regulations.

5-10.2 Preparation

The Final Plat shall be prepared by a Registered Land Surveyor in accordance with Appendix 2 (Map Standards).

5-10.3 Required Improvements

No Final Plat shall be approved until all required improvements have been installed and approved or appropriate surety is provided as set forth in Section 3-10 (Sureties or Improvements Guarantees).

5-10.4 Assurance of Completion of Improvements

Where the improvements required by this Ordinance have not been completed prior to the submission of the plat for final approval, such improvements shall be assured by the owner's filing of an approved surety bond, certified check, or irrevocable

letter of credit in an amount to be determined by the Jurisdiction and for an approved period not to exceed eighteen (18) months.

5-10.5 Certification of Final Plat

When the Planning Department has approved a Final Plat, a signed written statement to this effect shall be entered on the face of the plat. The statement can be found in Appendix 2 (Map Standards).

5-10.6 Permits

Unless otherwise provided in this Ordinance, upon recordation of the Final Plat the subdivider shall be eligible to apply for building and any other permits required by this Ordinance or other laws.

5-10.7 Fees

All fees and assessments shall be due and payable when the Final Plat is submitted for approval.

5-11 RECORDATION OF FINAL PLATS

After approval, a Final Plat must be recorded in the office of the Register of Deeds within sixty (60) days. It is the responsibility of the developer to record the Final Plat. No plat shall be regarded as finally approved until such plat shall be recorded. IF the Final Plat of all or part of the area shown on the approved Preliminary Plat is not recorded in the Office of the Register of Deeds within eighteen (18) months of approval of the Preliminary Plat, or if there is a lapse of more than eighteen (18) months between the recordings of sections, the Preliminary Plat must be resubmitted to the Technical Review Committee. Such resubmittal shall be in accordance with the requirements of the Ordinance.

5-12 WAIVERS

5-12.1 Approval Authority

The Technical Review Committee or, on appeal, the Planning Board or Governing Body may approve waivers to standards in this Article.

5-12.2 Grounds for Waivers

The plan approval agency may waive standards in the Article under one of the following circumstances:

- (A) Physical Hardship: Where because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Article would cause unusual and unnecessary hardship on the subdivider.

- (B) Equal or Better Performance: Where in its opinion a waiver will result in equal or better performance in furtherance of the purposes of this ordinance.
- (C) Unintentional Error: Where through an unintentional error by the applicant, his agent, or the reviewing staff, there is a minor violation of a standard in this Article, where such violation is not prejudicial to the value or development potential of the subdivision or adjoining properties.

5-12.3 Conditions

In granting waivers, the approval authority may require such conditions as will secure, insofar as practicable, the purposes of the standards or requirements waived.

5-13 SUBDIVISION STANDARDS

5-13.1 General

All proposed subdivisions, including group developments, shall comply with this Article and shall be so planned as to facilitate the most advantageous development of the entire community and shall bear a sensible relationship to the approved plans of the Jurisdiction. Whenever a tract to be subdivided includes or adjoins any part of a thoroughfare or collector street as designated by the Thoroughfare Place or Collector Street Plan, that part of such proposed public right-of-way shall be dedication to the public right-of-way with the subdivision plat in the location and to the width recommended by the plans or this Article.

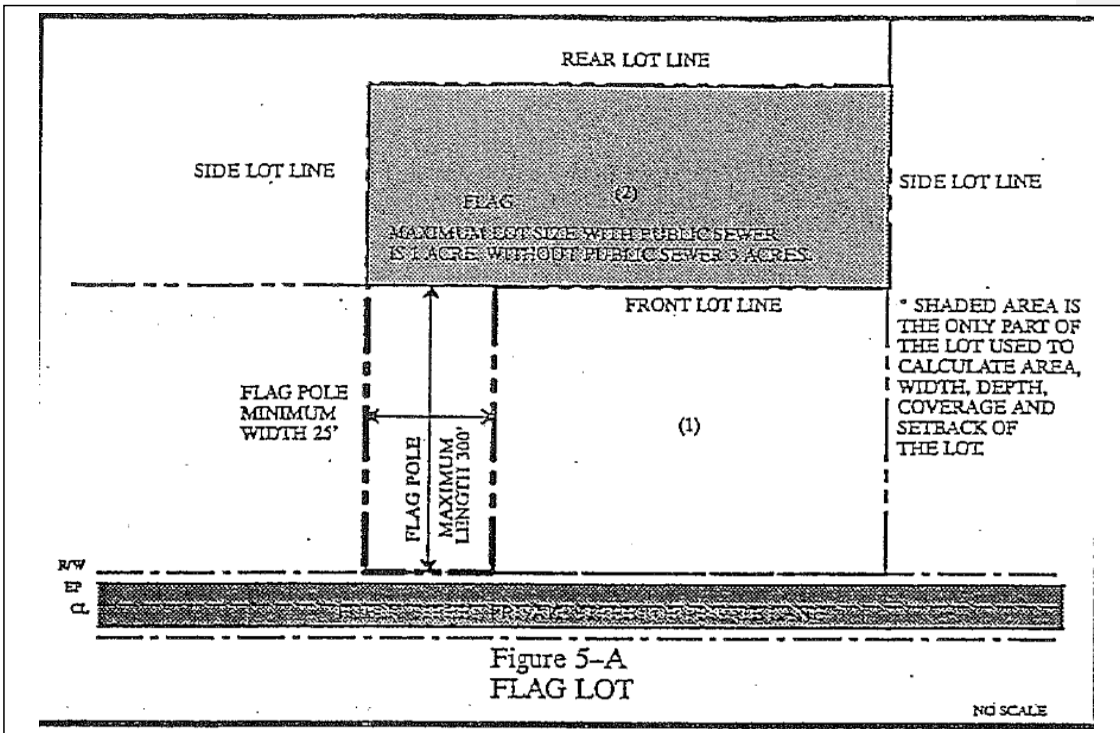
5-13.2 Lot Dimensions and Standards

The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated and shall conform to the following:

- (A) Conformance to Other Regulations: Every lot shall have sufficient area, dimensions, and street access to permit a principal building to be erected thereon in compliance with all zoning and other requirements of this Ordinance;
- (B) Minimum Building Area: Every lot shall have at least forty (40) percent of its total area, or three thousand (3000) square feet, whichever is less, of contiguous buildable area of a shape sufficient to hold a principal building. Said area shall lie at or be filled to an elevation at least one (1) foot above the one-hundred-year high water elevation. (Caution: Article VII or Federal Wetlands regulations will prohibit or restrict fill placement in certain locations.)
- (C) Lot Depth to Width Ratio: No lot shall have a depth greater than four (4) times the width at the minimum building line.
- (D) Side Lot Line Configuration: Side lines of lots should be at or near right angles or radial to street lines.

- (E) Lot Line and Drainage: Lot boundaries shall be made to coincide with natural and pre-existing man-made drainageways to the extent practicable to avoid the creation of lots that can be built upon only by altering such drainageways.
- (F) Lots on Thoroughfares: Major subdivisions shall not be approved which permit individual residential lots to access major thoroughfares.
- (G) Access Requirements: All lots must have public street access and frontage meeting the requirements set forth in Article IV (Zoning). The following exceptions may be approved:
 - 1. Flag Lots (See Figure 5-A) approved by the Technical Review Committee meeting the following requirements:
 - a. A Flag Lot shall serve only one single-family dwelling and its uninhabited accessory structures;
 - b. The maximum flagpole length shall be three hundred (300) feet;
 - c. The minimum flagpole length shall be twenty-five (25) feet;
 - d. The maximum lot size in areas with public sewer shall be one (1) acre;
 - e. The maximum lot size without public sewer shall be three (3) acres. For lots located in the Watershed Critical Area Tier 2 without public sewer, the minimum lot size shall be five (5) acres and the maximum shall be ten (10) acres. Note: Flagpole portion of lot is not used to calculate area, width, depth, coverage, and setbacks of the lot or to provide off-street parking.
 - f. Where public water is available, any building on the flag lot must be within five hundred (500) feet of a hydrant. This distance shall be measured along the street, then along the flagpole, then in a straight line to the building location.
 - g. Where public sewer is available, occupied buildings on the flag lot shall be have a gravity service line, or the sewer pump requirement shall be noted on the plat; and

- h. Use of a single driveway to serve a flag lot and an adjoining lot is permitted and encouraged; the preferred location for the driveway is on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole.



2) Lots served by Exclusive Access Easements meeting the following criteria:

- a) An Exclusive Access Easement shall serve only one single-family dwelling and its uninhabited accessory structures.
- b) Lots to be served by an Exclusive Access Easement shall not be created in an area served by public water or sewer or within the extraterritorial jurisdiction of a municipality.
- c) Minimum lot size is three (3) acres.
- d) Minimum easement width shall be twenty-five (25) feet.
- e) Minimum easement length shall be three hundred (300) feet.

f) Minimum separation between easement and any other platted access or right-of-way shall be one-hundred and fifty (150) feet.

g) The location of the easement must be recorded on a plat.

h) The Exclusive Access Easement shall permit ingress, egress, and regress and necessary utilities required to serve the lot.

3) Lots and units located in developments with Owner's Association or group developments in which permanent access is guaranteed by means of approved private street and/or drive.

5-13.3 Streets

- (A) Conformance with Thoroughfare and Collector Street Plans: The location and design of streets shall be in conformance with applicable thoroughfare and collector street plans. Where conditions warrant, right-of-way widths and pavement widths in excess of the minimum street standards may be required.
- (B) Conformance with Adjoining Street Systems: The planned street layout of a proposed subdivision shall be compatible with existing or proposed streets and their classifications on adjoining or nearby tracts.
- (C) Access to Adjoining Property: Where in the opinion of the Technical Review Committee, it is desirable to provide for street access to adjoining property, proposed streets shall be extended to the boundary of such property.
- (D) Reserve Strips: Reserve strips adjoining street rights-of-way for the purposes of preventing access to adjacent property shall not be permitted under any condition.
- (E) Street Classifications: The final determination of the classification of streets in a proposed subdivision shall be made by the Jurisdiction. Streets are defined in Article II (Definitions).
- (F) Public Street Design Criteria: The minimum street design standards for the street classifications attached herewith as Table 5-13-1 and 5-13-2. Right-of-way dedication and paving of streets in and adjacent to the subdivision shall be in conformance with the right-of-way and pavement width requirements of Table 5-13-1 and Table 5-13-2; and the streets shall be designed in accordance with the Jurisdiction's Street Design Manual, or the NCDOT Subdivision Roads: Minimum Construction Standards whichever is applicable.
- (G) Private Street Design Criteria
 - 1) Where Permitted: Private streets shall be permitted in developments with Owner's Associations and group developments.
 - 2) Minimum Design and Construction: The minimum design standards are found in Table 5-13-3. The pavement design for all private streets will be equivalent to the minimum design for local residential streets of the Jurisdiction or NCDOT whichever is applicable, unless the developer

supplies an alternate pavement design supported by an engineering study. The developer must furnish proof (engineer's seal as well as certification) that the private streets have been tested and certified for the subgrade, base, and asphalt. All private streets will have a standard, thirty (30) inch curb and gutter section, unless the street is located in the Watershed Critical Area (WCA). Streets located in the WCA may be twenty-two (22) feet of asphalt construction with shoulders and a ditch section. Common area may need to be widened to keep the ditch section within the common area. All cul-de-sacs will have a minimum forty-five (45) foot pavement radius.

- 3) Owner's Association Required: A Owner's Association is required to own and maintain all private streets allowed under this Ordinance. All private streets will be indicated on the plat.
- 4) Through Streets: No through street in a residential area connecting two public street can be designated as a private street.
- 5) Connections to Public Streets: All private streets, connecting with public streets, require an approved driveway application from the Jurisdiction or NCDOT whichever is applicable. Where street returns are permitted, the developer will have constructed a concrete band running parallel with the public street. The width of this band shall commence at the gutter line and extend to the right-of-way for the public street. In the event sidewalks are constructed, the minimum width shall be four (4) feet.

(H) The Town will determine and approve all private streets.

(I) Intersecting Street Angle

- 1) All streets shall intersect each other at or as near to ninety (90) degrees as possible within topographic limits.
- 2) All streets crossing natural areas, wetlands, or stream buffers must cross at or as near to ninety (90) degrees as possible within topographic limits.

(J) Cul-de-sac Minimum Length: The maximum distance from an intersecting through street to the end of a cul-de-sac shall be eight hundred (800) feet, except that a distance up to one thousand six hundred (1600) feet may be approved in the Watershed Critical Area.

(K) Minimum Street Offset: Where streets are offset, the centerlines of shall be offset no less than one hundred and twenty-five (125) feet.

(L) Curb and Gutter: Curb and gutter shall be required in all urban subdivisions except in the Watershed Critical Area as defined by Article VII (Environmental) unless the continuity of previous street work necessitates curb and gutter. Curb and gutter should be constructed in conformance with the design criteria of the

Jurisdiction. Curb and gutter in rural subdivisions is not required unless public water and/or sewer is provided or required.

(M) Temporary Turnarounds: Stub-outs shall be required to have a temporary turnaround at the stub-out which will be sufficient to permit sanitation vehicles to turn around.

Table 5-13-1
MINIMUM PUBLIC STREET DESIGN STANDARDS – URBAN AREA

Classification	Min 50W ^a (ft.)	Min Pvm't Width ^{a,b} (ft.)	Stopping Sight Distance (ft.)	Centerline Radius (Min 4% Buffer (ft.))
Major Thoroughfare	90-100	64-68	650	1530
Minor Thoroughfare				
Five Lane	80	60	550	1240
Four Lane	68	48	475	955
Collector	60	40	400	765
Subcollector	56	36	250	440
Local Residential				
w/ribbon ^c	50	22	200	300
w/curb and gutter	50	31 ^d	200	300
Local Industrial	60	40	325	575
Industrial Cul-De-Sac	60	40	325	575

Recommended design standards – exceptions may be approved due to special physical constraints on an individual basis by designated local staff.

^a Unless additional width required under Section 5-13.3 (A).

^b Dimension in this column are from face of curb to face of curb, except ribbon pavement.

^c Watershed Critical Area (WCA) only.

^d With twenty (20) dwelling units or less, 26 ft. Back of curb to back of curb.

NOTE: All Public Streets must be built to the Town Engineers satisfaction.

**Table 5-13-2
MINIMUM PUBLIC LOCAL STREET DESIGN STANDARDS – RURAL AREA**

Classification	Min. Row (ft.)	Min Pvm't Width (ft.)	Sight Distance (ft.)	Center Radius (ft.)
Collector/Subcollector (NCDOT)	50	20	200	230
Local/Cul-de-Sac (NCDOT)	50	20	150	150

**Table 5-13-3
MINIMUM PRIVATE STREET DESIGN STANDARDS – URBAN AREA**

Minimum Common Area of Obstructions (ft.)	Minimum Pavement Width (face to face) (ft.)	Stopping Sight Distance (ft.)	Centerline Radius Minimum (ft.)
34 ^a	25 ^b	150	215

^a Common area may need to be wider when using ribbon pavement in the WCA.

^b Ribbon pavement width in WCA is 22 feet.

**Table 5-13-4
Minimum Private Street Design Standards for
Manufactured Dwelling and Recreational Vehicle Parks**

Minimum Common Area Free of Obstructions (ft.)	Minimum Pavement Width (ft.)	Stopping Sight Distance (ft.)	Centerline Radius Minimum (ft.)
30	20	150	150

(N) Grades at Intersection: The grade on stop streets approaching an intersection shall not exceed five (5%) percent for a distance of not less than one hundred (100) feet from the centerline of the intersection.

(O) Street Names: Streets which are obviously in alignment with existing streets shall generally bear the name of the existing street. Street names shall not duplicate or closely approximate phonetically the names of existing streets in Guilford County. Street suffixes and addresses shall conform to the standard set forth in Appendix 1 (Street Names and Address Standards).

(P) Private Street, Lane or Drive Signs

1) Street Signs: AT each intersection of a named private street, drive, or land with a public street, the Jurisdiction shall erect a street name sign. The developer shall pay a fee to the Jurisdiction for each such sign required. In addition, the developer shall be required to erect and maintain reflectorized signs, with green lettering on a white background, at all intersections between private streets, drives, or lanes.

2) Traffic Control Signs: The developer shall be required to provide to provide traffic control signs in locations designated by the Jurisdiction.

3) Maintenance: Maintenance of signs on private streets, drives or lanes shall be the responsibility of the owner or owner's association, as appropriate.

5-13.4 Block Length

Blocks shall not exceed a perimeter length of six thousand (6,000) feet, except that a perimeter length of up to twelve thousand (12,000) feet may be approved in the Watershed Critical Area. Perimeter length is the shortest perimeter measurement along the abutting street right-of-way lines. There shall be a four hundred (400) foot minimum distance between intersections on collector or higher classification streets.

5-13.5 Sidewalks and Street Lights

(A) Sidewalks shall be required in all new commercial, industrial, and residential zone developments, including all thoroughfare streets and side streets. All sidewalks shall be installed within the right-of-way with a two (2) foot grass planting between the street curb and the sidewalk. All sidewalks shall be installed in conformance with the current standards as specified in the municipal street standards on file in the Planning Office. All sidewalks at cross streets shall have an ADA-compliant ramp.

- 1.) In all residential zones, all sidewalks shall be located on one side of the street, including the circumference of each cul-de-sac. All residential zone sidewalks shall be a minimum width of four (4) feet.
 - 2.) In all commercial and all industrial zones, all sidewalks shall be located on both sides of the street. All commercial and industrial sidewalks shall be a minimum width of five (5) feet.
- (B) Street lights shall be installed in all new developments in accordance with the municipal street lighting plan on file in the Planning Office.

5-13.6 Utilities

- (A) Public water and sewer construction requirements: Water and sewer lines, services, connections, valves, and related equipment shall be constructed in conformance with state and applicable local regulations. Specifications are referenced in the Town Street Standards on file in the Planning Office.
Note: All utilities in private streets will be maintained by private owner(s) or home owner's association.
- (B) Water and Sewer Connections: Connection of each lot to public water and sewer utilities shall be required if the propose subdivision is within three hundred (300) feet of the nearest adequate line from a public system, and provided that no geographic or topographic factors would make such connection infeasible. Where public sewer is not available, lots shall meet applicable Guilford County Environmental Health Division regulations. Approval of the Environmental Health Division shall be obtained after Preliminary Plat approval. The Final Plat shall show the certificate of Approval from the Environmental Health Division as shown in Appendix 2 (Map Standards).
- (C) Underground Utilities: Electrical, television, cable, and telephone utility lines which are installed to provide service within major subdivisions shall be underground unless the Technical Review Committee determines said underground installation is inappropriate.
- (D) Utility Easements
- 1) Major Subdivisions: To provide for electric service, telephone service, gas service, community antenna television systems, and conduits, sewer or water lines within the subdivision an appropriate utility easement not to exceed thirty (30) feet in width shall be provided. The location of such easements shall be reviewed and approved by the Jurisdiction, with advice from utility providers, before Final Plat approval.
 - 2) Minor Subdivisions: Lots fronting on public streets with access to existing utilities are not required to have utility easements. All other lots shall show a twenty (20) foot utility easement to the front, side, or rear of each lot unless easement releases are obtained from all utility companies, in which case no utility easement will be required.

5-13.7 Drainage

The design of storm drainage systems and plans, including calculations, shall clearly indicate the easements and dedicated areas required for the construction and maintenance of the drainage system.

(A) General Drainage Requirement

- 1) All watercourses which would carry a flow of five (5) cubic feet per second or more during a ten(10)-year storm, as calculated in accordance with the city/county's Storm Sewer Design Manual, are treated in one or more of the three ways listed in Section 5-13.7 (B), (C), or (D) which follow. Except where Section 5-13.7(A)2) below leaves the determination to the developer, the Technical Review Committee shall determine the treatment(s) to be used, based upon the pipe size necessary to handle drainage and the adopted open space plan. Open drainage channel requirements shall be based upon a one-hundred (100) year storm and enclosed systems shall be designed based upon a ten (10) –year storm. If the area identified on the open space plan map or requires a pipe of sixty-six (66) inch diameter or greater size, the determination of drainage treatment shall be made by the Technical Review Committee. In making this determination, the Technical Review Committee shall consider the following factors:
 - a) The type of development;
 - b) The treatment employed by other developments nearby;
 - c) The probability of the creation of a lengthy greenway or drainageway and open space;
 - d) The probability of the creation of future maintenance problems;
 - e) The probability of erosion or flooding problems; and
 - f) The adopted open space plan.
- 2) If the area is not identified on the open space plan and required less than a sixty-six (66) inch diameter pipe, the determination of drainage treatment shall be made by the property owner in a manner consistent with this section.

(B) Enclosed Subsurface Drains

- 1) This Section applies to enclosed subsurface drains. Profiles and enclosure standards shall be in accordance with the Jurisdiction Storm Sewer Design Manual.
- 2) A utility easement shall be placed on a recorded plat which shall state the right of the Jurisdiction to enter the utility easement for enclosure maintenance purposes when determined necessary by the Jurisdiction. The required utility easement shall be centered on the enclosure when partial, but in no case shall the outside wall of the enclosure be located closer than five (5) feet to the utility easement line. The utility easement shall be of a width determined necessary for maintenance purpose by the Jurisdiction

based upon enclosure depth, topography and location of existing and proposed improvements, but no less than fifteen (15) feet.

- 3) The utility easement shall be kept free and clear of any buildings or other improvements which would interfere with the proper maintenance of the underground enclosures. The Jurisdiction shall not be liable for damages to any improvement located within the utility easement area caused by maintenance of utilities located therein. Furthermore, utility easements may be used for future installations of any underground utility, provided that:
 - a) Any underground utility to be installed by any utility provider other than the Jurisdiction shall be subject to approval by the appropriate department.
 - b) Any government agency or private company installing additional underground lines after development has been completed by the owner of the property shall be responsible for the replacement of all fencing, pavement, and grassed area disturbed by such installation.
 - c) The Jurisdiction shall not be responsible for damages caused by installation of additional lines by any private utility company.

(C) Open Channel in Dedicated Drainageway and Open Space Area

- 1) This section applies to an open channel in a dedicated drainageway and open space area. The drainageway and open space area shall be dedicated by a recorded plat and shall be labeled "Dedicated to the Town of Gibsonville and the public for Drainageway and Open Space". If a portion of the drainageway and open space lies within a proposed thoroughfare shown on the thoroughfare plan, it shall be labeled "Dedicated to the Town of Gibsonville and the public for Drainageway and Open Space or Thoroughfare".
- 2) The dedicated drainageway and open space area shall include the required drainage channel as determined by the Jurisdiction. The area to be dedicated may be reduced to a minimum total average width of two hundred (200) feet by filling that area between the one-hundred-year flood contour and the minimum width or designated floodway whichever is greater, provided that no slopes are created greater than three (3) to one (1). (Caution: Article VII or Federal wetlands regulations will prohibit or restrict fill placement in certain locations.)
- 3) In case of severe topography, additional width may be required to assure reasonable ease of maintenance.
- 4) The dedicated drainageway and open space area shall abut public street right-of-way on at least thirty (30%) percent of its perimeter except when the Technical Review Committee determines that adequate access is otherwise provided. The minimum length of street frontage at each location where drainageway and open space abuts public street right-of-way shall be sixty (60) feet. The maximum distance, measured by straight lines on either side of the drainageway and open space, between points at which the drainageway and open space abuts street right-of-way shall be on thousand (1,000) feet.

- 5) Adjoining development shall be designed to provide for economical maintenance of the drainage channel and surrounding open area. The centerline of the required drainage channel shall be located no less than fifty (50) feet from any street or pretty line provided that the dimensions of the drainageway and open space are conform to all other requirements of this Section.
- 6) The open space to be dedicated as drainageway and open space shall be left in its natural condition or graded to a section approved by the Jurisdiction which will allow economical and efficient maintenance and shall be stabilized with permanent vegetative cover.
- 7) Lots abutting public open space may be reduced in size in accordance with the provisions in Section 4-4.1 (D) (Lots Adjoining Public Open Space). IF lot sizes have been reduce with the provisions of the Ordinance, the following note shall appear of the plat:

“The required area of Lots ____ through ____ has been reduced in accordance with Section 4-4.1(D) of this Ordinance. All other dimensional requirements of this Ordinance shall apply.”

(D) Open Channel on Private Property Within Drainage Maintenance and Utility Easement

- 1) This section applies to open channels on private property within a drainage maintenance and utility easement. This method shall not be utilized in any subdivision of individual lots intended for single-family detached dwellings unless the Technical Review Committee, upon advice of the appropriate departments, determines that an open channel would not become a missing segment in a system of stormwater piping and that the open channel is well removed from all anticipated building locations.
- 2) The drainage maintenance and utility easement shall include the required drainage channel and the land between the channel and the natural on-hundred-year flood contour as determines by FEMA or by calculations approved by the US Army Corps of Engineers; or, in some cases, it may be reduced by modifying the drainage maintenance and utility easement topography to a typical required drainage channel section as provided for in the Section. However, the minimum total width of a drainage maintenance and utility easement shall be no less than specified below:

Cubic Feet per second in 100-year storm	Drainage maintenance and utility easement width (ft.)
5-17	30' centered

17-70	60' centered
>70	100' plus width of channel

The drainage maintenance and utility easement width shall be centered on the typical required drainage channel section, unless the Jurisdiction approves other drainage maintenance and utility easement alignments because of topographic conditions.

- 3) In case of severe topography, additional width may be required to assure reasonable ease of maintenance.
- 4) The drainage maintenance and utility easement topography may be modified if permitted under Section 7-4 (Soil Erosion and Sedimentation Control). In such cases, the approved typical required drainage channel section shall include the necessary channel to accommodate the one-hundred (100) year flood. The area outside of the required drainage channel may be filled; but any resulting slope shall be no steeper than two (2) to one (1), unless the slope is protected by masonry paving, rip-rap, or other material which meet the Jurisdiction specifications.
- 5) Where, in the opinion of the Enforcement Officer, suitable access to the drainage maintenance and utility easement is not otherwise provided, access shall be guaranteed by a suitable located access easement which shall be no less than twenty (20) feet in width.
- 6) It shall be the responsibility of the owner to provide maintenance to all stream located on the property. However, in the event the Governing Body determines that it is in the public interest to alter the typical required channel section and/or profile of the stream in order to improve flow, the Jurisdiction may enter upon the property within the indicated access or drainage maintenance and utility easement and carry out the necessary work without any liability for any damage to the property, or improvement thereon, located within the indicated access and/or drainage maintenance and utility easement.
- 7) Drainage maintenance and utility easement may be utilized for any underground utility provided that:
 - a) Underground utility lines to be installed by any utility provider other than the Jurisdiction shall be subject to approval by the Jurisdiction.
 - b) The government agency or private company installing underground lines after development has been completed by the owner of the property shall be responsible for the replacement of all fencing, pavement and grassed areas disturbed by such installation.

- c) The Jurisdiction shall not be responsible for damage caused by the installation of additional lines by any private utility company,
 - d) The Jurisdiction shall not be liable for damages to any improvements located within the drainage maintenance and utility easement are caused by maintenance of utilities located therein.
 - 8) No buildings shall be placed or constructed within the access or drainage maintenance and utility easement. All drives, parking areas, or other improvements, except for water-related improvements such as boat docks, shall be constructed no closer than two (2) feet horizontally from the top of any back slope along any open watercourse.
- (E) Flood Standards:
- 1) All subdivision proposals shall be consistent with the need to minimize flood damage;
 - 2) All subdivision proposals shall have the public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
 - 3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
 - 4) Base flood elevation data shall be provided for subdivision proposals and other proposed development whenever the one hundred (100) year storm flow is five hundred (500) cubic feet per second or greater.
- (F) Sites For Public Uses: In subdividing property, due consideration shall be given by the subdivider to the reservation of suitable sites for school and other public uses in accordance with NCGS 160 A-372 and NCGS 153 A-331.
- (G) Placement of Monuments: Unless otherwise specific by the Ordinance, the *Standards of Practice for Land Surveying in North Carolina*, as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, shall apply when conducting surveys.

ARTICLE VI - DEVELOPMENT STANDARDS

6-1 SIGN REGULATIONS

6-1.1 General

All signs located in the Jurisdiction, with the exception of those erected by State or Federal government, are subject to the provisions of this Ordinance. Signs under this Ordinance are treated three ways: (1) some types of signs are specifically prohibited everywhere; (2) certain signs are allowed by right and do not require permits prior to installation; and (3) a third group of signs are considered to be accessory uses and may be installed provided that they meet the provisions of this Section and a permit is obtained.

6-1.2 Prohibited Signs

The following signs are prohibited in all zoning districts:

- (A) Banners, pennants, streamers, balloons, and other gas-filled figures, except as temporary advertising for an event (Event permit required).
- (B) Animated signs: Signs which flash, revolve, rotate or swing by mechanical means.
- (C) Portable signs which are not permanently attached to the ground or a structure or are equipped with wheels.
- (D) Signs which project more than 18 inches from the structure to which they are affixed.
- (E) Signs on vehicles that are parked in a location which is visible to the public and for a period of time which indicates that the principal use of the vehicle is for advertising rather than transport.
- (F) Signs which are affixed to trees, rocks or other natural features.
- (G) Signs of any type which imitate traffic control devices.
- (H) Signs which are affixed to the roof of any structure or which project above the parapet of any wall facing a public street.
- (I) All freestanding signs including billboards.

6-1.3 Signs That Do Not Require a Permit

The following signs are permitted in all zoning districts and may be installed without obtaining a permit, provided that:

- 1) They conform to the specifications shown on Table 6-1-1;
 - 2) They are not illuminated. (Illuminated signs require an electrical permit.)
- (A) Signs affixed to vehicles and trailers used in the normal transport of goods or persons where the sign is incidental and accessory to the primary use of the vehicle or trailer.

- (B) Directional, Instructional, or Warning signs provided that such signs contain no advertising for any type. Examples include signs identifying restrooms, public walkways, and parking areas or signs warning of high voltage danger.
- (C) Flags, emblems or insignia of political, professional, religious, or educational organizations. Flags of the United States, North Carolina, local government jurisdiction, foreign nations having diplomatic relations with the United States, and any other flags adopted or sanctioned by the local governing body, are subject to U.S. Congressional protocol.
- (D) Traffic-control and other signs installed by government agencies to protect public health, safety, and welfare.
- (E) Hand-carried signs.
- (F) Signs located on the interior of building, courts, lobbies, stadiums, or other structures, and are not intended to be seen from the exterior of said building or structure.
- (G) Certain temporary signs conforming to the provisions of Table 6-1-1. Other types of temporary signs may be allowed by permit based on the provisions of Table 6-1-2 and 6-1-3. Allowed without a permit are:
 - 1) Temporary holiday decorations
 - 2) Temporary real estate, event and construction signs which are removed within seven (7) days of the end of the event, completion of construction, or sale of property.
 - 3) Temporary yard sale signs which are posted for no longer than three (3) days per sale.
 - 4) Temporary political signs located on private property which are removed within seven (7) days after the election.
- (H) Memorial plaques, tablets or markers.
- (I) Identification signs including:
 - 1) Name and address plates, including those identifying home occupations and rural family occupations.
 - 2) Directory signs in developments with multiple occupants.
 - 3) Building Name and Address signs for buildings with multiple occupants.
 - 4) Building Markers (cornerstones or plaques).
 - 5) Signs painted or attached to vending machines, gas pumps, ice machines or similar devices which indicated the contents of the machine, the price or operating instructions.
 - 6) Information Board signs, in non-residential districts and for institutional uses (e.g. churches, schools or cemeteries) permitted in residential zones that list activities or events which will take place on the premises where the sign is located, provided that no advertising of any type is displayed.
 - 7) Window signs painted on or attached to a window.

**TABLE 6-1-1
SPECIFICATIONS FOR SIGNS NOT REQUIRING A PERMIT**

Type	# Permitted	Area (sq ft)	Setback (feet)	Height (feet)	Illum. ^b
Directional, Warning Signs/All Districts	NA	6	NA	8	direct
Flags, Emblems, Insignia/All Districts	NA	60	R/W ^a	40	indirect
Temp. Real Estate, Yard Sale and Construc. Signs/AG &RS Districts	1/frontage	6	R/W ^a	40	none
Temp. Political Signs/All Districts	NA	6	R/W ^a	6	none
Temp. Political Signs/All Districts	NA	6	R/W ^a	6	none
Identification Signs All Districts	1/building	4/unit	R/W ^a	6	indirect
Vending Machine Signs All Districts	NA	18	NA	6	direct
Information Boards All Districts	1/building	50	15	8	indirect

^a Signs must be located outside public street R/W and outside and sight distance area.

^b Electrical permit required is sign is illuminated.

6-1.4 Signs Requiring a Permit

All signs except those listed in 6-1.3 above, shall not be installed until a permit has been obtained. The size, height and number of signs permitted is specified in Table 6-1-2.

6-1.5 Auxiliary Specifications

All signs permitted by this Section shall be constructed in accordance with the following provisions.

- (A) Obstruction: No sign shall be erected so as to obstruct any fire escape, required exit, window, door opening, or wall opening intended as a means of ingress or egress.
- (B) Ventilation Interference: No signs shall be erected so as to interfere with any opening required for ventilation.
- (C) Above Ground Clearance: All signs shall be located in such a way that they maintain horizontal and vertical clearance from all electrical power lines and communication lines in accordance with the applicable provisions of the N.C. Life Safety Code.
- (D) Ground Clearance: All signs and their supporting structure shall maintain clearance from surface and underground utilities, conduits or easements for water, sewage, gas, electricity or communication equipment. IN addition, the placement of signs and their supporting structures shall not interfere with natural or artificial drainageways.
- (E) Interference to Warning or Instructional Sign: No sign shall be erected so as to interfere with any existing warning or instructional sign.
- (F) Minimum Wind Loads: All signs, except those attached flat against the wall of a building, shall be constructed to withstand minimum wind loads as specified by the NC State Building Code.

6-1.6 Computation of Sign Area

- (A) Area: The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof which will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the back drop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall.
- (B) Area for Multi-faced Signs: For multi-faced signs, the sign area shall be computed by including all sign faces visible from any one point. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.

- (C) Height: Sign height shall be computed as the distance from the base of the sign at the normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the existing grade prior to construction or the newly established grade after construction exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
- (D) Lots with Multi-frontage: Lots with frontage on two or more streets are allowed the permitted sign area for each street frontage. The total sign area that is oriented toward a particular street, however, may not exceed the portion of the lot's total sign area that is derived from that street frontage or building frontage.

6-1.7 Design, Construction, and Maintenance

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

- (A) Other Codes: All signs shall comply with applicable provisions of the Building Code and the Electrical Code.
- (B) Permanence: Except for banners, flags, temporary signs and window signs conforming with the requirements of this Ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure.
- (C) Maintenance: All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Ordinance at all times.

6-1.8 Master or Common Signage Plan

After the effective date of this Ordinance no permit shall be issued for an individual sign requiring a permit unless and until a Master Signage Plan for the lot on which the sign will be erected has been approved. A Master Signage Plan shall be prepared for developments containing a single principal building on a single lot, while a Common Signage Plan shall be prepared for developments containing more than one principal building or more than one lot.

- (A) Information Required for a Master Signage Plan:
 - 1) A site layout Plan in accordance with Appendix 2 (Map Standards).
 - 2) Specification for each sign in sufficient detail to determine that the height and area requirements of this Ordinance have been met.
 - 3) Accurate location(s) on the Site Layout Plan for each existing and proposed sign.
- (B) Common Sign Plan Information: A Common Signage Plan shall contain all of the information required above plus the following additional material:
 - 1) Color scheme
 - 2) Lettering or graphic style
 - 3) Lighting scheme

4) Provisions for shared usage of freestanding sign(s)

(C) Other Provisions

- 1) A Master or Common Signage Plan shall be a part of any development plan, site plan, planned unit development or other plan required for development and may be processed simultaneously with such plan(s).
- 2) A Master or Common Signage Plan may be amended by filing a new plan which conforms with all requirements of this Ordinance.
- 3) If any new or amended Common Signage Plan is filed for a property on which existing nonconforming signs are located, it shall include a schedule for bringing said nonconforming signs into compliance with this Ordinance.
- 4) After approval of a Master or Common Signage Plan, no sign shall be erected, placed, painted or maintained except in conformance with such plan and such plan may be enforced in the same way as any other provision of this Ordinance. In case of any conflict between the provisions of such a plan and any other provision of this Ordinance, the Ordinance shall control.

**TABLE 6-1-2
SPECIFICATIONS FOR SIGNS REQUIRING A PERMIT**

	Number ^c	Area Max/Min ^a (sq ft.)	Height (feet)	Illumin.	Area Computation
Ground Signs					
All Non-Res Districts	1/bldg.	24/-	4	Direct	-
Wall Signs					
PI,LO,NB	1/bldg./street frontage	100/12	Top of wall	Direct	.5 sq ft/lin ft of bldg. frontage
GB,HB,CB, LI,HI,SC <75,000 sf	1/bldg./street frontage	250/24	Top of wall	Direct	1.5 sq ft/lin ft of bldg. frontage
SC >75,000sf	NA	300/24	Top of wall	Direct	2.0 sq ft/lin ft of bldg. frontage
CB ^d	1/bldg./side	100/-	Top of Wall	Direct	1.5 sq ft/lin ft of bldg. frontage
Awning, Canopy, Marquee Signs					
All Non-Res Districts	1/face	50 total – all faces	Top of canopy ^b	Direct	25% of the canopy, awning, or marque
Suspended Signs					
All Non-Res Districts	1/entrance	6	^b	Direct	NA
Freestanding Signs	See Table 6-1-3				

^a "minimum" sign size refers to the minimum area allowed by right, regardless of the size which would be allowed by the computation.

^b Nine (9) foot height to clear pedestrian walkways of fifteen (15) feet to clear vehicular drives.

^c In multi-tenant buildings calculations may be based on each tenant per store front.

^d Two story buildings that are adjoined to one story buildings.

Table 6-1-3
Specifications for Accessory Freestanding Signs
Requiring a Permit

Zoning District	Number	AR EA		Setback (feet)	Height (feet)	Area Computation
		Max (sq ft)	Min (sq ft)			
PI,LO,NB	1/lot frontage	100	25	R/W ^b	6	.25 sq ft/linear ft lot frontage
CP,LB	1/lot frontage	200	50	R/W ^b	15	.50 sq/ft/linear ft lot frontage
HB,LI,III	1/lot frontage	200 ^d	75	R/W ^b	30 ^e	1.0 sq ft/linear ft lot frontage
CB,GB, GO-M, GO-H	1/lot frontage	100	50	R/W ^b	6 ^f	1.0 sq ft/linear ft lot frontage
SC						
Development Identification	1/st frontage	300 ^g	200	10	30 ^{e,g}	# of businesses: 4-15 =200 sq ft 16+ = 300 sq ft
Outparcel	1/parcel	50	NA	R/W ^b	6	NA
Playbill	1/theater complex	200	NA	10	30	NA
Development Entrance (All Districts)	1 pair/entrance	50/sign		R/W ^b	6	NA
Banners ⁱ (RM & Non-Res Districts)	1/500 ft frontage	20	12	R/W ^b	20	0-100 ft = 12 sq ft 101-200 sq ft = 16 sq ft >200 sq ft = 20 sq ft

Notes:

- 1) Freestanding signs shall be allowed only as accessory structures to a principal user.
- 2) All signs may be directly or indirectly illuminated. In NB districts, direct illumination is limited to cut-out lighting.
- 3) Any sign >6 feet in height shall not be located within 100 feet of any residential district.

Footnotes:

^a "Minimum" area refers to the minimum sign size allowed by right, regardless of the size which would be allowed by computation.

^b Signs must be located outside public street right-of-way and outside any sight distance area. However, development entrance signs may be erected in the public right-of-way provided that such signs have been permitted by an encroachment agreement in accordance with subsection 30-5-5.12.

^c One (1) additional freestanding sign may be allowed provided: 1) the lot frontage exceeds 250 linear feet; 2) the minimum area referred to in footnote (a) does not apply to the additional sign; 3) the sign location may be apportioned between the two signs, but in no case shall the maximum area for either sign exceed 200 square feet; 4) the additional signs shall not be located closer than 100 feet to any other freestanding sign on the same zone lot; and 5) the additional sign shall not be located closer than 100 feet to any freestanding sign on an adjoining zone lot that contains more than one freestanding sign. See appendix.

^d The maximum size of a sign may be increased by 75 feet if the sign is within 400 feet of the right-of-way of an Interstate Highway.

^e The height of a sign may be increased to 50 feet if the sign is within 400 feet of the right-of-way of an Interstate Highway.

^f Height may be increased to 15 feet if the sign is a monument sign.

^g Height may be increased by 5 feet and maximum size may be increased by 50 square feet if a permitted freestanding playbill is not separately installed, but is combined with the shopping center identification sign.

^h Permitted only in (1) major subdivision, (2) developments of over fifteen thousand (15,000) square feet of gross floor area, (3) multifamily development with more than eight (8) dwelling units in a single building, or (4) developments with more than forty thousand (40,000) square feet is open air uses of land.

ⁱ For banners, as temporary signs, see Section 30-5-5.16 (Temporary Signs).

6-1.9 Permits To Construct Or Modify Signs

Signs shown as requiring a permit on Table 6-1-2 and 6-1-3 above and billboards, shall be erected, installed or created only in accordance with a duly-issued and valid sign permit. Such permits shall be issued in accordance with the requirements and procedures of Article 3 (Permits and Procedures).

6-1.10 Sign Certificates

The owner of a lot containing signs requiring a permit under this Ordinance shall maintain a Certificate of Occupancy for such sign(s). Sign Certificates shall be issued for individual lots, notwithstanding the fact that a particular lot may be included with other lots in a Common Signage Plan.

(A) Signs Existing on Effective Date: For any sign existing on the effective date of this Ordinance, an application for a sign Certificate must be submitted within one hundred eighty (180) days after the effective date of this Ordinance. Signs which

are the subject of permit application received after this one hundred eighty (180) day grace period shall be subject to all terms and conditions of this Ordinance and shall not be entitled to protection as nonconforming signs unless the sign has a Sign Certificate.

- (B) Sign Erected after Effective Date: For sign erected after the effective date of this Ordinance, a Certificate shall be issued subsequent to approval of all inspections.
- (C) Lapse of Sign Certificate: A Sign Certificate shall lapse automatically if the business license for the premises lapses, is revoked, or is not renewed. A Sign Certificate shall also lapse if the business activity on the premises is discontinued for a period of one hundred eighth (180) days or more.
- (D) Assignment of Sign Certificate: A current and valid Sign Certificate shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject only to filing such application as the Enforcement Officer may require. The assignment shall be accomplished by filing and shall not require approval.

6-1-11 Nonconforming Signs

- (A) Compliance: Except as otherwise provided herein, the owner of any lot or other premises on which exists a sign which is prohibited by or does not conform with the requirements of this Ordinance, or for which there is no current and valid Sign Certificate, shall be obligated to remove such sign or to bring it into conformity with the requirements of this Ordinance.
- (B) Registration of Nonconforming Signs: A sign which would be permitted under this Ordinance but which by reason of its size, height, location, design or construction is not in conformance with the requirements of this Ordinance, shall be issued a Sign Certificate as a nonconforming sign if an application in accordance with 6-1-10 is timely filed. Such certificate shall allow the sign(s) which were made nonconforming by the adoption of this Ordinance to remain in place and be maintained provided that no action is taken which increases the degree or extent of the nonconformity. A change in the information on the face of an existing nonconforming sign is allowed.

6-2 OFF-STREET PARKING, STACKING, AND LOADING AREAS

6-2.1 General Requirements

- (A) Parking, Stacking, and Loading Space Required: When any building or structure is erected, modified, enlarged or increased in capacity, or any open use is established, modified or enlarged, the requirements of this Section shall be met. For enlargements, modifications, or increase in capacity, the requirements of this Section shall apply only to such enlargements, modifications or increases in capacity.
- (B) Required Number: the minimum number of required off-street parking, stacking and loading spaces is indicated in Table 6-2-1 and Section 6-2.7 (Loading Areas).

In cases of mixed occupancy, the minimum number of off-street parking, stacking and loading spaces shall be the cumulative total of individual use requirements unless otherwise specified.

- (C) Handicapped Spaces: Spaces for the physically handicapped shall be provided as required by the Building Code.
- (D) Minimum Required: In all instances where off-street parking is required, except for residential uses, a minimum of (5) parking space shall be provided.
- (E) Reduction of Minimum Requirements: Unless there is a change in use requiring a lesser number of space, the number of spaces shall not be reduce below the minimum requirements of this Ordinance except as provided for in Section 6-3.1 (C) (Reduction in Parking Requirements for Pre-Existing Developments).
- (F) Maintenance: All parking, stacking and loading facilities shall be permanently maintained by the owners or occupants as long as the use they serve exists.
- (G) Access: All parking, stacking and loading facilities shall have vehicular access to a public street.
- (H) Use for No Other Purposes: Land used to provide required parking, stacking and loading shall not be used for any other purposes, except for temporary events. If such land is devoted to any other purpose, the Certificate of Occupancy of the affected principal use shall immediately become void.
- (I) Exemption for CB District: The minimum off-street parking requirements of Table 6-2-1 shall not apply to properties within or surrounded by the Central Business District.

6-2.2 Unlisted Uses

For any use not specifically listed in this Section, the parking, stacking and loading requirements shall be those of the most similar use.

6-2.3 Parking Requirements for Change in Use

If a change in use causes an increase in the required number of off-street parking, stacking or loading spaces, such additional spaces shall be provided in accordance with the requirements of this Ordinance; except that if the change in use would require an increase of less than five percent (5%) in the required number of parking spaces of fewer than five (5) spaces, no additional off-street parking shall be required.

**TABLE 6-2-1
OFF-STREET PARKING REQUIREMENTS**

USE	SPACES REQUIRED
Residential Uses	
1) Boarding and rooming house; bed & breakfast; fraternity or sorority; private dormitory	1/bedroom plus 2/3 employees on largest shift
2) Congregate care, family care, or group care facilities	1/ 4 beds plus 1/employee and visiting specialist plus 1/vehicle used in operation
3) Multi-family dwellings (including condominiums)	
0-1 bedroom units	1.50/unit
2 bedroom units	1.74/unit
3+ bedroom units	2.00/unit
4) Single family detached, duplex and twin home dwellings	2/dwelling units on the same lot
5) Townhouse dwellings	2/dwelling unit, excluding garages and carports
Accessory Uses	
1) Accessory dwelling units	1/attached unit, 2/detached unit, located on the same zone lot
2) Home occupations	Minimum 1 space, maximum 3 spaces in addition to required residential spaces
3) Migrant labor housing	1/ 4 workers
Recreation	
1) Amusement parks, fairgrounds, skating rinks	1/200 sq ft of activity area
2) Athletic Fields	25/field
3) Batting cages, driving ranges; miniature golf; shooting ranges	1/cage, tee, or firing point
4) Billiard parlors; tennis courts	3/table or court
5) Bowling centers	4/lane
6) Clubs or lodges, coin-operated amusement, physical fitness centers and similar indoor recreation	1/200 sq ft of gross floor space
7) Go-cart raceways	1/go-cart plus 1/employee on largest shift
8) Golf Courses	4/tee
9) Recreation facilities exclusively for residents of a development (pools, tennis, courts, clubhouses)	1/25 dwelling units
10) Equestrian facilities	1/ 2 stalls
11) Swimming Pools	1/100 sq ft of water and deck space

Educational and Institutional Uses	
1) Ambulance services; fire stations; police stations	1/employee on largest shift
2) Auditorium; assembly halls; coliseums; convention centers; stadiums	1/5 persons based on designed capacity of building(s)
3) Churches	1/ 4 seats in main chapel
4) Colleges and Universities	1/classroom plus 1/ 4 beds in main campus dorm plus 1/250 sq ft of office space plus 1/5 fixed seats in assembly halls and stadium
5) Correctional institutions	1/10 inmates plus 2/3 employees on largest shift plus 1/vehicle use in the operation
6) Day care, child or adult	1/employee plus 1/10 children with parking located on site
7) Elementary and middle schools; kindergartens	3/room used for offices plus 3/classroom
8) Government offices; post offices	1/150 sq ft of public service area plus 2/3 employees on largest shift
9) Hospitals	¼ in-patient our out-patient beds plus 2/3 employees on largest shift plus 1/staff doctor
10) Libraries, museums and art galleries	1/450 sq ft gross floor area for public use plus 2/3 employees on largest shift
11) Nursing and convalescent homes	1/ 4 beds plus 1/employee and visiting specialist plus 1/vehicle used in operation
12) Senior High Schools	3/room used for offices plus 7/classroom
13) Offices (Not otherwise classified)	1/250 sq ft gross floor area
Business, Professional, and Personal Services	
1) Automobile repair or services	3/service bay plus 1/wrecker or service vehicle plus 2/3 employees on largest shift
2) Banks and financial institution	*1/200 sq ft gross floor area plus stacking for 4 vehicles at each drive-through window or automatic teller machine
3) Barber and beauty shops	3/operator
4) Car Washes	
a) Full-service	*Stacking for 30 vehicles or 10/approach lane, whichever is greater plus 3 spaces in the manual drying area plus 2/3 employees on largest shift
b) Self-service	*3 stacking spaces/approach lane plus 2 drying spaces/stall
5) Delivery Services	2/3 employees on largest shift plus 1/vehicle used in operation

6) Equipment rental and leasing	1/200 sq ft gross floor space
7) Funeral homes or crematoria	1/ 4 seats in main chapel plus 2/3 employees on the largest shift plus 1/vehicle used in operation
8) Hotels and motels containing...	
a) 5,000 sq. ft. or less ancillary space, i.e. restaurant, meeting rooms, lounge and lobby or a restaurant/lounge containing over 3,000 sq. ft.	1.1/1 rental unit
b) More than 5,000 sq. ft. of ancillary space, i.e. restaurant, meeting rooms, lounge and lobby, or a restaurant/lounge containing more than 3,000 sq. ft.	1.25/1 rental unit
9) Kennels or pet grooming	1/300 sq ft of sales, grooming or customer waiting area plus 2/3 employees on largest shift
10) Laundromats, (coin operated)	1/ 4 pieces of rental equipment
11) Laundry and dry cleaning plants or substation	*2/3 employees on largest shift plus 1/vehicle used in operation plus stacking for 4 vehicles/pickup station
12) Laboratories	*2/3 employees on largest shift plus 1/250 sq ft of office space
13) Medical, dental, or related offices	3/examining room plus 1/employee including doctors
14) Motion picture production	1/1000 sq ft gross floor area
15) Recreational vehicle park or campsite	Refer to development standards recreational vehicle parks (Section 6-4.43)
16) Repair of bulky items (appliances, furniture, boats, etc.)	2/3 employees on largest shift plus 1/vehicle used in operation
17) Theaters (Indoor)	1/ 4 seats
18) Truck wash	*3 stacking spaces/stall
19) Veterinary services (other)	4/doctor plus 1/employee including doctors
20) Vocational, business, or secretarial schools	1/100 sq ft of classroom space plus 1/250 sq ft of office space
21) Services and repairs (not otherwise classified)	1/250 sq ft gross floor area plus 1/vehicle used in operation
Drive-Thru (Not otherwise classified)	*Stacking for 4 vehicles at each bay, window, lane, ordering station or machine in addition to use requirement
Retail Trades	

1) Bars, dance halls	1/3 persons in designed capacity of building plus 2/3 employees on largest shift, located on same zone lot
2) Convenience store	*1/200 sq ft gross floor area plus 4 stacking spaces at pump islands
3) Department stores; food stores	1/200 sq ft gross floor area
4) Flea markets; salvage yards and other open air markets	1/acre of site area plus 2/3 employees on largest shift
5) Fuel oil sales	2/3 employees on largest shift plus 1/vehicle used in operation
6) Furniture; floor covering sales	1/1,000 sq ft gross floor space
7) Motor vehicle, motorcycle, or recreational vehicle sales or rental; manufactured home sales	5 spaces plus 1/10,000 sq ft of display area plus 2/3 employees on largest shift
8) Restaurants	*1/4 seats plus 2/3 employees on largest shift & 11 total stacking spaces with minimum 5 spaces at or before ordering station
9) Retail sales not otherwise classified	1/200 sq ft gross floor area
10) Retail sales of bulky items (appliances, building materials, etc.)	1/500 sq ft gross floor area
11) Service stations, gasoline	*3/service bay plus 1/wrecker or service vehicle plus 2/3 employees on largest shift plus 4 stacking spaces at pump islands
12) Shopping Centers	
a) <250,000 sq ft	1/200 sq ft gross floor area in main building(s) (excluding theaters) plus parking as required for outparcels or theaters
b) >250,000 sq ft gross floor area	1,250 spaces plus 1/225 sq ft gross floor area above 250,000 sq ft
Wholesale Trade	
1) Market showroom	1/1,000 sq ft gross floor area
2) Wholesale uses	2/3 employees on largest shift plus 1/200 sq ft of retail sales or customer service area plus 1/vehicle used in operation
Transportation, Warehousing and Utilities	
1) Airport, bus and train	1/4 seats plus 2/3 employees on largest shift
2) Communications towers; demolition debris landfills; heliports; utility lines or substations	No required parking
3) Self-storage warehouse	5 spaces

4) Transportation, warehousing and utility uses (not otherwise classified)	2/3 employees on largest shift plus 1/200 sq ft of retail sales or customer service area plus 1/vehicle used in operation
Manufacturing and Industrial Uses	2/3 employees on largest shift plus 1/200 sq ft of retail sales or customer service area plus 1/vehicle used in operation

*NCDOT may require additional stacking spaces on state or federal highway

/ = per

6-2.4 Design Standards for Parking, Stacking and Loading

- (A) Design: Parking facilities shall be designed and constructed to:
- 1) Allow unobstructed movement into and out of each parking space without interfering with fixed objects or vehicles.
 - 2) Minimize delay and interference with traffic on public streets and access drives.
 - 3) Maximize sight distances from parking lot exits and access drives.
 - 4) All off-street parking spaces in parking lots shall have access from parking lot driveways and not directly from streets.
- (B) Dimensional Requirements: Parking facilities shall be designed and constructed to meet minimum, parking space dimensions, aisle dimensions and other standards found in Table 6-2-2.
- (C) Improvements
- 1) Paving
 - a) Required parking spaces, access drives, and loading areas shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights.
 - b) Access drives shall be paved and maintained from the curblineline to a point at least ten (10) feet beyond the public right-of-way line for all parking and loading facilities, whether paved or unpaved.
 - c) Paving shall not be required for:
 - i) Parking facilities used on an irregular basis for churches, private clubs or other similar nonprofit organizations.
 - ii) Parking facilities for residential uses where six (6) or fewer spaces are required.
 - iii) Parking areas for agricultural uses in the Agricultural (AG) District.
 - iv) Parking areas in the Heavy Industrial (HI) District, provided they are constructed with an all-weather surface.
 - v) Parking areas for tracked heavy construction equipment, skid-mounted equipment and similar equipment, provided they are constructed with an all-weather surface.

- 2) Where parking facilities are paved, curb and gutter or an equivalent drainage system shall be provided along the periphery of the parking lot, except where it is determined by the Enforcement Officer that such system is not practical for storm drainage.
- 3) All facilities shall be graded, properly drained, stabilized and maintained to minimize dust and erosion.
- 4) All parking spaces and stacking lanes shall be clearly identified with paint lines, bumper guards, curbs, or similar marking.
- 5) All parking spaces shall be provided with wheel guards or curbs located so that no part of the parked vehicle will extend beyond the property lines or encroach more than two (2) feet into a required planting area.
- 6) Concrete pads for stationary refuse containers shall be provided beneath and in the approach to each container.
- 7) Parking lots shall be designed and constructed such that walkways shall maintain a minimum unobstructed width of four (4) feet. (Vehicle encroachment is calculated as two (2) feet beyond curb.)

TABLE 6-2-2
GEOMETRIC DESIGN STANDARDS
PARKING

a	b	c	d	e	f1	f2
Parking Angle (Degrees)	Stall Width (*)	Stall to Curb (ft.)	Aisle Width (ft.)	Curb Length (ft.)	Center-to-Center width of Two Row Bin With Access Road Between (ft.)	
					Curb to Curb	Overlap C-C
0	7'-6"	7.5	12.0	23.0	27.0	-
	8'-6"	8.5	12.0	23.0	29.0	-
	9'-0"	9.0	12.0	23.0	30.0	-
	9'-6"	9.5	12.0	23.0	31.0	-
	10'-0"	10.0	12.0	23.0	32.0	-
30	7'-6"	16.5	11.0	17.5	44.0	41.0
	8'-6"	16.9	11.0	17.0	44.8	37.4
	9'-0"	17.3	11.0	18.0	45.6	37.8
	9'-6"	17.8	11.0	19.0	46.6	38.4
	10'-0"	18.2	11.0	20.0	47.4	38.7
45	7'-6"	17.0	11.0	10.5	43.0	48.1
	8'-6"	19.4	13.5	12.0	52.3	46.3
	9'-0"	19.8	13.0	12.7	52.6	46.2
	9'-6"	20.1	13.0	13.4	53.2	46.5
	10'-0"	20.5	13.0	14.1	54.0	46.9
60	7'-6"	17.7	14.0	8.7	47.4	44.0
	8'-6"	20.7	18.5	9.8	59.9	55.6
	9'-0"	21.0	18.0	10.4	60.0	55.5
	9'-6"	21.2	18.0	11.0	60.4	55.6
	10'-0"	21.2	18.0	11.5	61.0	56.0
90	7'-6"	17.0	20.0	7.5	54.0	-
	8'-6"	19.0	25.0	8.5	63.0	-
	9'-0"	19.0	24.0	9.0	62.0	-
	9'-6"	19.0	24.0	9.5	62.0	-
	10'-0"	19.0	24.0	10.0	62.0	-

(*) 9'-0" recommended (*) 8'-6" minimum

(*) 7'-6" Compact Cars only, for non-required spaces

Stacking- Stacking spaces shall be twelve (12) feet by twenty (20) feet.

6-2.5 Location

- (A) Off-site Parking Lots: When required off-street parking is permitted to be located off-site, it shall begin with four hundred (400) feet of the zone lot containing the principal use. Required off-street parking shall not be located across an intervening major or minor thoroughfare.

- (B) Parking in Nonresidential District: Automobile parking for any use may be provided in any nonresidential district.
- (C) Parking in Residential Districts: Surface parking in a residential district for any use not permitted in that district is allowed under the following conditions:
 - 1) Property on which the parking is located must abut the lot containing the use which the parking serves. The property must be under the same ownership or subject to a parking encumbrance agreement approved by the Enforcement Officer;
 - 2) All access to such parking shall be through nonresidentially zones property;
 - 3) Parking shall be used only during daylight hours except by Special Use Permit;
 - 4) Parking shall be used by customers, patrons, employees, guests, or residents of the use which the parking serves;
 - 5) No parking shall be located more than one hundred twenty (120) feet into the residential zoning district. Parking may be allowed to extend up to four hundred (400) feet into the residential zoning district with approval of a Special Use Permit;
 - 6) No parking shall be permitted close than one hundred fifty (150) ft to any public street right-of-way upon which the principal use would not be permitted driveway access; and
 - 7) Long-term or dead storage, loading, sales, repair work or servicing of vehicles is prohibited.

6-2.6 Combined Parking

- (A) Separate Uses: The required parking for separate or mixed uses may be combined in one facility.
- (B) Shared Parking: A maximum of fifty percent (50%) of the parking spaces required for a church, theater, auditorium or assembly hall or other similar use may also serve as required spaces for another use located on the same zone lot. Shared space may also be located off-site as allowed in Section 6-2.5 (Off-site Parking Lots). In either case the Enforcement Officer must determine that the various activities will have peak parking demands at different periods of the day or week. Otherwise, not off-street parking required for one (1) building or use shall be applied toward the requirements of any other building or use.
- (C) Reassignment: Required off-street parking spaces shall not be leased or otherwise assigned to another use except as provided in Section 6-2.6 (Shared Parking) below.

6-2.7 Loading Zones

(A) Location: Off-street loading areas shall be located on the same zone lot as the use they serve.

(B) Design Standards

1) Minimum Number of Loading Spaces Required:

a) Retail operations, including restaurant and dining facilities within hotels and office buildings:

Gross Floor Area (ft. ²)	Number of Spaces
0-20,000	0
20,001-40,000	1
40,001-75,000	2
75,001-150,000	3
150,001-250,000	4
For each additional 250,000 sq ft of fraction thereof	1

b) Office buildings and hotels:

Gross Floor Area (ft. ²)	Number of Spaces
0-100,000	0
For each additional 100,000 sq ft or fraction thereof	1

c) Industrial and wholesale operations:

Gross Floor Area (ft. ²)	Number of Spaces
0-10,000	0
10,001-40,000	1
40,001-100,000	2
100,001-160,000	3
160,001-240,000	4
240,001-320,000	5
320,001-400,00	6
For each additional 90,000 sq ft or fraction thereof	1

2) Each loading area shall be at least twelve (12) feet wide, sixty-five (65) feet long and fourteen (14) feet in clearance.

3) All off-street loading areas shall be arranged and marked to provide for orderly and safe unloading and loading, and shall not hinder the free movement of vehicles and pedestrians. All loading and unloading maneuvers shall take place on private property. No backing in from street or maneuvering on right-of-way shall be permitted.

6-3 LANDSCAPING REQUIREMENTS

6-3.1 Applicability

The landscaping requirements of this Ordinance shall apply to all public and private land located within the zoning jurisdiction of the Governing Body. Unless otherwise provided by this Ordinance, no final Certificate of Occupancy shall be issued for any use until the landscaping requirements have been met.

- (A) Exemptions: These requirements shall not apply to:
- 1) Single family detached dwellings or two-family dwellings on own lots;
 - 2) Multi-family developments containing eight (8) or fewer dwelling units in a single zone (building) lot;
 - 3) Properties within or surrounded by the Central Business (CB) zoning district;
 - 4) Property lines abutting railroad rights-of-way and utility easement in excess of sixty (60) feet in width; and
 - 5) Property lines abutting dedicated street right-of-way which has remained unopened for a period of at least fifteen (15) years.
- (B) Application: These requirements shall apply to the following:
- 1) New Principal Building or Use: Principal buildings or open uses of land constructed or established after the adoption of this Ordinance.
 - 2) Changes in Use: Changes in use which result in an increase of two (2) or more in the Land Use Classification number. The requirements of this Section shall be applicable to the zone lot.
 - 3) In abutting residential districts separated by a change of two or more zones.
 - 4) Expansions or Reconstruction: Expansions which will result in parking or building square footage increases of more than three thousand (3,000) square feet for developments existing on the effective date of this Ordinance. In such cases the landscaping requirements shall apply only to the expansion.
- (C) Reduction or Reconstruction: Expansions for Pre-Existing Developments allow compliance with the landscaping regulations, the number of required off-street parking spaces may be reduced by the Enforcement Officer up to ten (10%).

6-3.2 Planting Yards

- (A) Required Planting Areas: The following areas are required to be landscaped:
- 1) Street planting yards;
 - 2) Parking lots (excluding vehicle loading, storage, and ~~drive~~ areas); and
 - 3) Planting yards.
- (B) Planting Area Descriptions:
- 1) Street Planting Yard: A planting area parallel to xxx street designed to provide continuity of vegetation along right-of-way and a pleasing view from the road. No more fifteen (15%) percent of the street planting yard may be

Commented [JD6]: Recommend removing

for walkways or signs. Parking, merchandise display and off-street loading are prohibited in the street planting yard.

- 2) **Parking Lot Plantings:** Planting areas within an adjacent parking areas designed to shade and improve the attractiveness of large areas or pavement.
- 3) **Type A Planting Yard:** A high density screen intended to substantially visual contact between adjacent uses and create spatial separation. A Type A Planting Yard reduce lighting and noise which would otherwise intrude upon adjacent uses.
- 4) **Type B Planting Yard:** A medium density screen intended to partially block visual contact between uses and create spatial separation.
- 5) **Type C Planting Yard:** A low density screen intended to partially block visual contact between uses and create spatial separation.
- 6) **Type D Planting Yard:** A peripheral planting strip intended to separate uses, provide vegetation in densely-developed areas, and enhance the appearance of individual properties.

6-3.3 Planting Yard Determination

To determine the planting yards required by the Ordinance the following steps shall be taken:

- (A) Identify the classification of the proposed or expanded land use and of any existing or proposed adjacent land use(s) by using the Permitted Use Schedule, Table 4-3-1 in Section 4-3 (Permitted Use Schedule). A land use becomes existing on an adjacent property when a building permit is issued. If a zone lot contains uses with different land use classifications, select the higher numbered classification.
- (B) Use the Planting Yard Chart, Table 6-3-1, to determine the appropriate letter designation for each planting yard.
- (C) Match the letter designation obtained from the Planting Yard Chart with the Planting Rate Chard, Table 6-3-2, to determine the types and numbers of shrubs and trees required.

6-3.4 Landscaping Design and Maintenance Standards

- (A) **Calculation of Street Planting Yards:** Street planting yard rate and width calculations shall exclude access drives.
- (B) **Plant Species:** Species used in required street planting yards, parking lots, and planting yards shall be of a locally adopted nature. Refer to the recommended plant species list in Appendix 6 (Landscaping). Other species may be approved by the Enforcement Officer.
- (C) **Dimension of Planting Area:** Each planting area containing trees, including those located in parking lots, shall have a minimum inside dimension of seven (7) feet and be at least two hundred (200) square feet in area.

- (D) Grouping: For the Type B, C, and D planting yards, shrubs and trees may be grouped or clustered; however, not more than fifty (50%) percent of each required plant material may be grouped or clustered. The remainder of the materials shall be distributed throughout the planting yard. There shall be at least one row of evergreen shrubs or evergreen understory trees in all Type A planting yards.
- (E) Parking Lot Spacing: Required canopy tree areas in parking lots shall be distributed throughout out parking lots and shall be located within or adjacent to parking lots as tree island, at the end of parking bay, medians, or between rows of parking spaces.
- (F) Canopy Tree Size: Canopy trees must be a minimum of eight (8) feet high and two (2) inches in caliper, measured six (6) inches above grade, when planted. When mature, a canopy tree should be at least forty (40) feet high and have a crown width of thirty (30) feet or greater.
- (G) Understory Tree Size: Understory trees must be a minimum of four (4) feet high and one (1) inch in caliper, measured six (6) inches above grade, when planted.
- (H) Shrub Size: All shrubs shall be expected to reach a minimum height of thirty-six (36) inches, and a minimum spread of thirty (30) inches within three (3) years of planting.

TABLE 6-3-1
PLANTING YARD CHART
EXISTING ADJACENT USE(S)

	Land Use Classification	1	2	3	4	5	Undeveloped
Proposed Use	1	*	*	*	*	*	*
	2	C	D	D	D	D	D
	3	B	B	D	D	D	D
	4	A	A	C	D	D	D
	5	A	A	B	C	D	D

*No Planting Yard Required

*For required buffers in residential zones (see Application (B),3), a minimum 12 foot buffer is required and must meet the planting yard requirement for Type A planting Yard see Table 6-3-2-, page 6-23.

TABLE 6-3-2
PLANTING YARD RATE CHART

Yard Type	Min Width (ft.)	Min Avg Width (ft.)	Max Width (Ft.)	Planting Yard Rates		
				Canopy Tree Rate	Understory Tree Rate	Shrub Rate
Street Yard	7	15	20	2/100 lf ^b	NA ^c	17/100 lf
Type A Yard	40	50	75	4/100lf/oc	10/100 lf/oc	33/100 lf/oc
Type B Yard	25 ^a	30 ^a	50	3/100 lf	5/100 lf	25/100 lf
Type C Yard	15 ^a	20 ^a	40	2/100 lf ^b	3/100 lf	17/100lf
Type D Yard	10	10	10	1.5/100 lf ^b	2/100 lf	17/100 lf
Parking Lot	NA	NA	NA	1/8spaces _b	NA ^c	NA

lf = linear feet oc=on center

^a Walls constructed of masonry, stone or pressure treated lumber may be used to reduce these widths to twenty (20) feet for a Type B planting yard or ten (10) feet for a Type C planting yard. The minimum height of the wall shall be five (5) feet.

^b In street yards, Type C and Type D plating yards, and parking lots understory trees may be substituted for canopy trees at the rate of two (2) understory trees for each required canopy tree.

^c One understory tree may be substituted for each required canopy tree if the Technical Review Committed determines that there would be a major conflict with overhead utility lines.

- (l) **Berm Size:** Any berm shall have a minimum height of three (3) feet, a minimum crown width of three (3) feet and a side slope no greater than 3:1.

- (J) Encroachments Permitted in Required Planting Yards: The following are permitted in required planting yards provided there is no interference with any sight area:
- 1) Landscaping features, including but not limited to ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths.
 - 2) Pet shelters, at-grade patios, play equipment, outdoor furniture, ornamental entry columns and gates, flag poles, lamp posts, address posts, HVAC equipment, mailboxes, outdoor fire places, public utility wires and poles, pumps, wells fences, retaining wall, or similar structures.
 - 3) Cornices, steps, canopies overhanging eaves and gutters, window sills, by windows or similar architectural features, chimneys and fire places, fire escapes, fire balconies, and fire towers may project not more than two and one-half (1 ½) feet into any required setback, but in no case shall be closer than three (3) feet to any property line.
- (K) Setback Less the Planting Yard: If the required building setback is less than the required planting yard, the building setback shall control, reducing the required planting yard width only alongside the building. The planting rate of the required planting yard shall still apply.
- (L) Location of Planting Material Outside Shade of Building: Where a building is located less than ten (10) feet from a property line, and the planting yard would be heavily shaded by buildings on both sides of the property line, the required trees and shrubs may be planted outside the shaded area to improve survivability.
- (M) Obstructions: Landscaping shall not obstruct the view of motorists using any street, driveway, or parking aisle.
- (N) Location: Required trees and shrubs shall not be installed in street right-of-way. Required trees and shrubs may be placed in water quality conservation easements. Required trees and shrubs may be planted in electric utility easements below overhead lines and in drainage maintenance and utility easements by approval of the Technical Review Committee.
- (O) Plant Protection: Whenever planting areas are adjacent to parking lots or drives, the planting area shall be protected from damage by vehicles, lubricants or fuels.
- (P) Maintenance: The owner is responsible for maintaining all required plant materials and planting areas in good health and appearance. Any dead, unhealthy or missing plants must be replaced within one-hundred eighty (180) days with vegetation which conforms to the initial planting rates and standards. When plant material is severely damaged due to unusual weather conditions or other acts of God, the owner shall have two (2) years to replant.

6-3.5 Procedures

- (A) Landscaping Plan Required: Prior to obtaining a building permit, an applicant must receive approval of a landscaping plan from the Enforcement Officer, expect that site plans submitted in accordance with Section 3-11.4(B)2) may

include a conceptual landscaping plan and delay submission of the landscaping plan for up to ninety (90) days after issuance of the building permit.

(B) Installation of Plant Materials

- 1) Installation of plant material shall occur prior to the issuance of a Certificate of Occupancy.
- 2) If at the time of a request for a Certificate of Occupancy, the required planting areas are not complete and it can be determined that:
 - a) Plant materials are unavailable,
 - b) Completion of the planting areas would jeopardize the health of the plant materials, or
 - c) Weather conditions prohibit completion of the planting areas,

then the installation of plant materials may be deferred by the Enforcement Officer.

The developer shall submit a copy of a signed contract for installation of the required planting areas and post a surety equal to the amount of the contract. In no instance shall the surety be for a period greater than one-hundred and eighty (180) days. The Enforcement Officer may issue a Temporary Certificate of Occupancy until the planting areas have been completed and approved.

6-3.6 Alternate Methods of Compliance

(A) General Provisions:

- 1) Alternate landscaping plans, plant materials or planting methods may be used where unreasonable or impractical situations would result from application or landscaping requirements. Such situations may result from utility easements, streams, natural rock formations, topography, lot configuration, or where other physical conditions exist, or where other site conditions exist such as unified development design.
- 2) The Enforcement Officer may approve an alternate plan which proposes different plant materials, planting yard widths, for methods provided that quality, effectiveness, durability and performance are equivalent to that required by the Ordinance.
- 3) The performance of alternate Landscaping plans must be reviewed by the Enforcement Officer to determine if the alternate plant meets the intent and purpose of this Ordinance. This determination shall take into account the land use classification of adjacent property, number of planting, species, arrangement and coverage, location of plantings on the lot, and the level of screenings, height, spread, and canopy of the planting at maturity.
- 4) Decisions of the Enforcement Officer regarding alternate methods of compliance may be appealed to the Technical Review Committee.

(B) Lot of Record Provisions: For zone lots less than one hundred (100) feet in width the following provisions may be applies:

- 1) For zone lots less than one hundred (100) feet and greater than eighty (80) in width where Type D Planting Yards are required, one (1) Type D planting yards may be eliminated for the landscaping plan if the Enforcement Officer finds that strict application of the requirements of this Section prevents reasonable use of the property. However, then plantings required for this yard shall be installed in remaining planting yards.
- 2) For zone lots less than eighty (80) feet in width where Type D planting yards are required, two (2) Type D planting yards may be eliminated from the landscaping plan if the Enforcement Officer finds that strict application of the requirements of this Section prevents reasonable use of the property. All required plants for these yards shall be installed in remaining plant yards.

6-3.7 Provisions for Preservation of Existing Trees

- (A) General: Any existing tree or group of trees which stands within or near a required planting area and meets or exceeds the standards of the Ordinance may be used to satisfy the tree requirements of the planting area. The protection of tree stands, rather than individual trees, is strongly encouraged.
- (B) Protection of Existing Trees: To receive credit, trees must be protected from direct and indirect root damage and trunk and crown disturbance. The following standards shall apply:
 - 1) The protected area around trees shall include all land within the canopy drip line.
 - 2) Construction site activities such as parking, material storage and concrete washout shall not be permitted within tree protection areas.
 - 3) Protective fencing shall be installed around tree protection areas prior to any land disturbance. Such fences shall be at least four (4) feet high and may consist of snow fence or polyethylene safety fencing. Fencing shall remain in place until construction is complete and other landscaping has been installed.
- (C) Dead or unhealthy trees: No credit will be allowed for any dead tree, tree in poor health or any tree subjected to grade alteration. The death of any preserved tree used for credit shall require the owner to plant new trees equal to the number of credited trees.
- (D) Rate of Credit: Credits shall be allowed at the rate of one (1) canopy tree for every three (3) inches of circumference measured at four and one-half (4.5) feet above grade. Credits shall be subtracted from the total number of canopy and understory trees required in the planting yards. In every case, however, there shall be at least one canopy tree for every fifty linear feet of street planning yard, existing or planted.

6-4 DEVELOPMENT STANDARDS FOR INDIVIDUAL USES

6-4 Application of Development Standards

The development standards listed herein are additional to the requirements listed elsewhere in this Ordinance. The development standards listed below are use specific and apply only to those uses designated with a "D" in the Permitted Use Schedule. In addition, use requiring a Special Use Permit shall meet these standards as minimum permit conditions.

6-4.1 Accessory Dwelling Units (on Single Family Lots) See figure below.

- (A) Where required: AG, all residential, LO, GO-M, GO-H districts, NB and CB districts.
- (B) General Requirements
 - 1) The accessory dwelling unit and principal dwelling unit shall have the same address.
 - 2) No more than one accessory dwelling unit is permitted on the same lot with a principal dwelling unit.
 - 3) *No accessory dwelling unit shall be permitted on the same zone lot with a two-family or multi-family dwelling or family care home.*
- (C) Accessory Dwelling Unit Within a Principal Single-Family Dwelling
 - 1) The principal building shall not be altered in any way so as to appear from a public or private street to be multi-family housing. Prohibited alterations include, but are not limited to, multiple entranceways, ~~or multiple mailboxes~~. Wherever feasible, consistent with the Building Code, access to the accessory dwelling unit shall be by means of an existing side or rear door, except where a new entrance is required by the NC Building Code. No new doorways or stairways to upper floors are permitted if they are attached to the side of a building facing a public street.
 - 2) An accessory dwelling unit shall occupy no more than twenty-five (25%) percent of the heated floor area of the principal building. The sum of all accessory uses (including home occupations) in a principal building shall not exceed twenty-five (25%) of the total floor area.
 - 3) The minimum size of an accessory dwelling unit shall be two hundred and fifty (250) square feet.
 - 4) *The accessory dwelling unit shall have water, sanitary sewer, and electrical utilities as part of the principal building.*
- (D) Detached Accessory Dwelling Units
 - 1) A detached accessory dwelling unit may be:
 - a) A manufactured dwelling in zones which permit this use;
 - b) A dwelling unit which is part of an accessory detached garage; or
 - c) A freestanding dwelling unit meeting the NC Building Code.
 - 2) The lot containing both the principle and accessory dwelling units shall have one and one-half (1.5) times the minimum lot area required for the district.

- 3) The detached accessory dwelling shall:
 - a) Have an approved sewage disposal connection or system;
 - b) Meet all setbacks applicable to the principal building;
 - c) Be erected behind and at least ten (10) feet from the principal building;
and
 - d) Not exceed the maximum lot coverage when added to the square footage of all accessory buildings on the lot.

6-4.2 Adult Oriented Establishment

Defined including adult arcades, adult bookstores or adult video stores, adult cabaret, adult massage parlors, adult motels, adult motion picture theaters, adult theaters, escort agencies, nude model studios, sexual encounter centers, or any combination of these uses.

Where Required: GB, HB, and LI district

General Requirements: The following requirements apply to the adult establishments:

- 1) No adult oriented establishment shall locate within one thousand (1000) feet of a church, public or private elementary or secondary school, child day care center or nursery school, Public Park, residentially zoned property, establishments with on and off premise ABC license. The 10000 foot distance shall be measured from a straight line from property line to property line without regard for intervening structures, roads or land forms. IN additions, no adult oriented business may be within 1,200 feet of another AOB.
- 2) Prohibition of Sleeping Quarters: Except for an adult motel, no adult oriented establishment may have sleeping quarters.
- 3) Restriction of Uses on the Same Property or in the Same Building: There shall not be more than one (1) adult oriented establishment in the same building, structure, or portion thereof. No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any adult oriented establishment.
- 4) Signs: Except for business signs permitted by Section 6-1 (Sign Regulations) of this Ordinance, promotional materials shall not be visible to the public from sidewalks, walkways, or streets. No flashing lights or fluttering devices which are designed and use to advertise or promote adult establishments are allowed.
- 5) No amplification of sound shall be permitted to be directed outside of the building used by adult establishment.

6-4.3 Advertising Service, Outdoor

- 1) Where Required: GB and HB districts
- 2) Outdoor Storage: No outdoor storage of any materials related to outdoor advertising shall be permitted.

6-4.4 Airports

- 1) Where Required: AG district
- 2) Minimum Area: Fifty (50) acres for Basic Utility Stage 1 airport with two thousand (2,000) foot runway. More area is required for larger airports. Airport size and layout shall conform to current FAA standards.
- 3) Use Separation: There shall be a minimum three hundred (300) foot distance between airport property and the nearest residence.
- 4) Fencing: Security fencing shall be provided sufficient to control access to runways and taxiways. The fencing shall be a minimum of six (6) feet in height.

6-4.5 Ammunition, Small Arms

- 1) Where Required: HI district.
- 2) Use Separation: No such facility shall locate within a five hundred (500) foot radius of any residential or public-institutional zoning district.
- 3) Security Fencing: Security fencing shall be provided along the entire boundary of such a facility.
- 4) Operation: The facility and its operation shall observe all Fire Preventions and protection requirements.

6-4.6 Amusement Park

- 1) Where required: AG, HB, LI Districts
- 2) Minimum Area; Minimum lot size shall be five (5) acres.
- 3) Use Separation: No buildings or structure, temporary or otherwise, shall be located within fifty (50) feet of any property line.
- 4) Security Fencing: Security fencing, a minimum six (6) feet in height, shall be provided along the entire boundary of the park activities.
- 5) Use Separation: No amusement equipment, machinery or mechanical device of any kind may be operated within two hundred (200) feet of any developed residentially or public-institutionally zoned property.

6-4.7 Animal Feeder/Breeder

- 1) Where Required: AG District
- 2) Setback: All structures, buildings or enclosed areas, used for housing of poultry, hogs, cattle or other livestock or animals being bred shall be a minimum of one hundred (100) feet from all property lines.
- 3) Operation: Any violation of County Health Department regulations concerning the operation of the feeder/breeder shall be considered a violation of this Ordinance.
- 4) Noise: Mechanical equipment producing noise or sound in excess of seventy (70) decibels shall be located no closer than one hundred (100) feet to the nearest residence.

6-4.8 Animal Service (other), Kennels, and Pet Grooming

- 1) Where Required: GO-M, GO-H, LB, GB, HB, SC, and CP districts.
- 2) Outside Storage: Pens and runs located outdoors are prohibited.

6-4.9 Asphalt Plant

- 1) Where Required: AG and HI Districts.
- 2) Use Separation: Any asphalt plant, or other industrial operations shall be located at least fifty (50) feet from any property line.
- 3) Security fencing: The asphalt operation shall be enclosed by a nonclimbable fence of at least six (6) feet in height.
- 4) Rehabilitation
- 5) Within one (1) year after the cessation of production, all equipment and stock piles, incidental to such operation, shall be dismantled and removed by and at the expense of the owner.
- 6) The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public drainageways, nor to appreciable increase the turbidity of any natural water course, or to occlude any existing drainage course.
- 7) Dust: All unpaved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.
- 8) Access
 - a) Access roads leading to any part of the operation shall be constructed with a gravel or asphalt stone surface and maintained in a dust-free manner.
 - b) No part of such roads shall be located closer than fifteen (15) feet to an external property line other than a limited access highway or railway right-of-way line.
 - c) A truck route plan shall be submitted showing routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools or other uses which will be negatively affected by truck traffic.

6-4.10 Athletic Fields

- 1) Where Required: AG, all residential, LO and NB districts
- 2) Access: All athletic fields shall have access to collector or thoroughfare street only.
- 3) *Lighting: All lighting shall be designed and installed to minimize glare and disturbance with surrounding residential areas.*

6-4.11 Automotive Towing and Storage Service

- 1) Where Required: GB, HB, LI, and HI districts.
- 2) Maximum Automotive Storage:
 - a) In the GB and HB districts no more than twenty (20) motor vehicles shall be stored on the premises at any one time.

- b) In the LI district no more than one-hundred (100) motor vehicles shall be stored on the premise at any one time.
- c) In the HI district there is no maximum number.
- 3) Screening: The automotive storage area must be screened with a six (6) foot high opaque fence in addition to the required planting yard.
- 4) Operation: No outdoor disassembly or salvaging shall be permitted.

6-4.12 Banks, Savings and Loan, or Credit Unions

- 1) Where Required: GO-M, GO-H, LB, LI, and CP districts.
- 2) Maximum Area: The total direct customer service floor space shall not exceed four thousand (4,000) square feet.
- 3) Drive-Thru Teller Services: The point of service for window tellers, remote tellers, or automated teller machines (ATM's) shall be located no closer than seventy-five (75) feet to residentially-zones property.

6-4.13 Bars

- 1) Where Required: GB, HB, CB, and SC districts.
- 2) Property Separation: No such establishment shall be located within two-hundred (200) feet of a church, elementary or secondary school, public park or residentially-zoned property.
- 3) Frontage: The main entrance of the building shall be toward a street zoned predominantly for non-residential uses.
- 4) Screening: A minimum of six (6) foot high opaque fence shall be erected adjacent to the property line of abutting residences.
- 5) Parking: Parking areas related to the establishment shall be located no closer than thirty (30) feet to the property line of abutting residences.

6-4.14 Barber Shop, Beauty Shop

- 1) Where Required: CP district
- 2) Operation: Operated as an accessory use to a motel or hotel of fifty (50) or more units, an office building containing more than twenty thousand (20,000) gross square feet, or a high-rise apartment building and limited to two (2) operators per establishment.
- 3) Access: Every entrance to such business shall be from the lobby, hallway or other interior portion of the building.
- 4) Signs: No sign, show window or other matter advertising such business shall be visible from outside the building.

6-4.15 Batting Cages

- 1) Where Required: HB, LI, and HI districts
- 2) Security Fencing: Fencing, netting or other control measures shall be provided around the perimeter of the batting area to prevent balls from leaving the designated area.

6-4.16 Billboards

Commented [JD7]: Check for consistency with State regulations

- 1) Where Required: HB, LI and HI district
- 2) Spacing: No billboard shall be erected within one thousand (1000) linear feet along the same street frontage of another billboard as measured from the billboard pole(s). No Billboard is permitted within a 750' radius of the intersecting centerline of an interchange.
- 3) Height: No billboard shall exceed thirty (30) feet in height; however, the height may be increased to fifty (50) feet if the billboard is within four hundred (400) feet of an Interstate Highway.
- 4) Size: The sign area of any billboard pursuant to Section 6-1.6 (computations of Sign Area) shall not exceed one hundred fifty (150) square feet.
- 5) Adjacent Residential: NO billboard shall be erected closer than three hundred (300) feet to any residentially zoned property.
- 6) Setback: The support post(s) of any billboard shall meet the minimum setbacks of the district in which it is located. No sign portion of a billboard shall project closer than fifteen (15) feet to a street right-of-way or closer than five (5) feet to any other property line, measured horizontally.
- 7) Auxiliary Specifications: All billboards shall meet the minimum requirements of Section 6.1.7 (Location, Construction, and Maintenance Specifications).
- 8) Permits: A permit to erect or install a billboard shall be required in accordance with the requirements and procedures of Article III (Permits and Procedures).
- 9) Nonconforming: Nonconforming billboards may be continued in accordance with the provisions of Section 3-14 (Nonconforming Lots, Uses, and Structures); provided that a Nonconforming Sign Certificate in accordance with Section 6-1.10 (Sign Certificates) is obtained.
- 10) No sign will be permitted to flash, revolve, rotate, or swing by mechanical means.

6-4.17 Building Supply Sales (with storage yard)

- 1) Where Required: GB, HB, and SC districts.
- 2) Screening: All outside storage shall be completely screened from view from all streets and adjacent residentially zoned property.
- 3) Security Fencing: Security fencing, a minimum of six (6) feet in height, shall be provided around all outside storage areas.
- 4) Dust: All storage areas shall be maintained in a manner so as to limit dust from drifting onto adjoining properties.

6-4.18 Caretaker Dwelling

- 1) Where Required: AG and all nonresidential districts.
- 2) Operation: A building permit for the principal building must be obtained or principal use in engaged, prior to occupancy.
- 3) Number: No more than one (1) caretaker dwelling unit shall be permitted per lot.

6-4.19 Car Wash

- 1) Where required: GB, HB, CB, and SC districts.
- 2) Use Separation: Building(s) shall not be less than seventy-five (75) feet from any interior side of rear property line which adjoins residentially or public-institutionally zoned property.
- 3) Screening: A minimum six (6) foot high opaque fence shall be provided adjacent to all residentially-zoned property.
- 4) Operation
 - a) All washing operations shall be contained in a building.
 - b) Specific areas shall be provided for the manual drying, waxing, polishing and vacuuming of automobiles and other motor vehicles when these services are offered on site. These areas shall not conflict with on-site circulation patterns.
 - c) Hours of operation shall be between 7:00 a.m. and 10:00 p.m. when adjoining developed residentially zoned property.
 - d) Adequate provision shall be made for the safe and efficient disposal of waste products.

6-4.20 Cemetery/Mausoleum

- 1) Where required: All districts.
- 2) Minimum Area: A minimum of three (3) contiguous acres shall be required to establish a cemetery or mausoleum ~~not located on the same tract of land as a church.~~
- 3) Location: Principal access must be from a collector street or highway capacity street.

6-4.21 Church

- 1) Where Required: All residential districts.
- 2) Location: Within urban areas, church facilities located on sites of three (3) acres or more shall have direct access to a collector or higher capacity street.

6-4.22 Club or Lounge

- 1) Where Required: AG, all residential, and NB districts.
- 2) Location: Except in AG district, clubs and lodges shall have direct access to a collector or higher capacity street.
- 3) Operations: Clubs or lodges shall not be open after ~~12:00 midnight~~ 2:00 a.m. when located adjacent to residentially-zoned establishments.

6-4.23 Computer Sales

- 1) Where Required: CP district

- 2) Maximum Area: A maximum of three thousand (3000) square feet of gross floor area shall be permitted per establishment.
- 3) Outside Storage: No outside storage of materials shall be permitted.

6-4.24 Congregate Care Facility

- 1) Where Required: RM-8
- 2) Operation
 - a) The facility shall provide centrally located shared food preparation, service and major dining areas.
 - b) Common recreation, social and service facilities shall be provided at a minimum rate of thirty (30) square feet per dwelling unit.
 - c) All facilities shall be solely for the use of residents and their guests.
 - d) Facilities for administrative services and limited medical services for the exclusive use of the residents shall be located on the site.

6-4.25 Convenience Store (with gasoline pumps)

- 1) Where Required: CP district
- 2) Maximum Area: A minimum of three thousand (3000) square feet of gross floor area shall be permitted per establishment.
- 3) Outside Storage: No outside storage of materials shall be permitted.
- 4) Gasoline Service Islands/Pumps: There shall be no more than one (1) gasoline service island containing no more than four (4) gasoline pumps.

6-4.26 Convenience Store (without gasoline pumps)

- 1) Where Required: CB Districts.
- 2) Maximum Area: A maximum of three thousand (3000) square feet of gross floor area shall be permitted per establishment.
- 3) Outside Storage: No outside storage of materials shall be permitted.

6-4.27 Country Club with Golf Course, Swim and Tennis Club

- 1) Where Required: AG, all residential, GO-M, GO-H, HB, CP, LI, and PI districts.
- 2) Minimum Area: The minimum area shall be two (2) acres in addition to the golf course(s). The minimum shall be one (1) acre if located on common area within a development.
- 3) Use Separation: Fifty (50) foot minimum distance between clubhouse, swimming pool, lighted tennis court, or athletic field and any adjacent residentially-zoned property.
- 4) Security Fencing: Outdoor swimming pools shall be protected by a fence, or equal enclosure, a minimum of four (4) feet in height and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking.

6-4.28 Day Care Center, Child or Adult As a Home Occupation

Where Required: All districts.

- 1) Child Day Care Program: A child day care with a maximum of five (5) or fewer pre-school aged children and/or a maximum of three (3) or fewer school aged children for a maximum of eight (8) children may be operated as a Home Occupation, subject to the development standards for a Home Occupation.
- 2) After-School Program: A maximum of fifteen (15) school aged children during a twenty-four (24) hour period may be kept for a maximum of four (4) hours or less as a Home Occupation subject meeting NC Building Code and Environmental Health requirements.
- 3) An Adult Day Care with a maximum of eight (8) attendees may be operated as a Home Occupation, subject to the development standards for a Home Occupation.
- 4) Minimum Area: An indoor activity area shall be provided equivalent to at least twenty-five (25) square feet per attendee.
- 5) Open Space and Recreation: An outdoor activity area shall be provided equivalent to at least seventy-five (75) square feet per attendee and located outside of the street setback.
- 6) Security Fencing: Outdoor activity areas(s) for children shall be enclosed by a security fence at least four (4) feet in height and located outside the street setback.
- 7) No more than one (1) program may be operated at the same location during a twenty-four (24) hour period.

As a Principal Use: An adult or child day care center not operated as a Home Occupation or as an accessory use shall be operated as a principal use and is subject to the following development standards.

Where Required: AG, RM-8, RM-12, RM-18, RM-26, and all nonresidential districts, except HI.

- 8) Minimum Area: An indoor activity area shall be provided equivalent to at least twenty-five (25) square feet per attendee.
- 9) Open Space and Recreation: An outdoor activity area shall be provided equivalent to at least seventy-five (75) square feet per attendee and located outside of the street setback.
- 10) Security Fencing: Outdoor activity area(s) for children shall be enclosed by a security fence at least four (4) feet in height and located outside the street setback.
- 11) Location: Centers on a site greater than three (3) acres shall have frontage on a collector or thoroughfare street.

- 12) Signs: An entrance sign shall be posted and maintained which lists the name and phone number of the current operator, ~~the types of materials accepted, the hours of operation, tipping charges, and any other pertinent information.~~

6-4.29 Construction or Demolition Debris Landfill (C-D)

Where Required: All districts.

- 1) Area, Siting and Location Requirements:
 - a) Waste disposal area cannot exceed one (1) acre and must be at least four (4) feet above the seasonal high groundwater table.
 - b) The landfill must be located at least one-quarter mile from any other landfill of any type.
 - c) The perimeter of the landfill must be at least fifty (50) feet from the boundary of the property and five hundred (500) feet from the nearest existing drinking water well at time of approval.
- 2) Closure and Post Closure:
 - a) Within thirty (30) days of the completion or termination of demolition.
 - b) The site must be covered with at least two (2) feet of compacted earth, graded to minimize erosion, and planted with suitable vegetation.
 - c) No building may be built or located immediately above any part of the landfill and no construction on any part of the site may be initiated before the landfill is closed.
- 3) Land Clearing and Inert Debris (LCID) Landfill

6-4.30 Land Clearing and Inert Debris Landfill (Minor)

Where Required: All Districts

- 4) Maximum Area: Two (2) acres.
- 5) Maximum Duration: Landfills are limited to a maximum period of operation of three (3) years from the date of issuance of the Certificate of Occupancy by Guilford County, provided that the Planning Board may upon request grant one or more three year renewals.
- 6) Use Separation: One hundred (100) feet minimum from any property line to the edge of the fill area and three hundred (300) feet minimum from any residence not on the same tract as the landfill.
- 7) Buffer: Where possible a minimum fifteen (15) foot tree buffer shall be retained around the exterior property line.
- 8) Access: Access to the landfill shall be from a state maintained paved road, provided that the Planning Board may grant a waiver to the paving requirement upon reasonable conditions, and shall be controlled with gates, chains, fences, ditches and/or trees to prevent unregulated dumping.
- 9) Dust: All unpaved areas shall be maintained in a manner which prevents dust from leaving the property.
- 10) Operation:

- a) No filling is permitted in the 100-year floodplain of any stream. Filling to the edge of the 100-year floodplain is permitted only if the back slope is stable and not steeper than 3:1;
 - b) No filling is permitted in minor drainageways unless the drainage has been piped or otherwise diverted in accordance with approved plans; and
 - c) No filling is permitted in utility easements, except electrical transmission easements for 44kv or greater lines.
- 11) Closure: Landfills shall be closed with a minimum of one (1) foot of clean soil, graded to a maximum slope of three to one (3:1), and stabilized with vegetation or by other approved means.

6-4.31 Land Clearing and Inert Debris Landfill (Major)

Where Required: AG and HI districts.

- 12) Use separation: One hundred (100) feet minimum from any property line to the edge of the fill area and three hundred (300) feet minimum from any residence not on the same tract as the landfill.
- 13) Buffer: Where possible a minimum fifteen (15) foot tree buffer shall be retained around the exterior property line.
- 14) Access: Access to the landfill and shall be controlled by gates, chains, fences, ditches and /or trees to prevent unregulated dumping.
- 15) Dust: All unpaved areas shall be maintained in a manner which prevents dust from leaving the property.
- 16) Operation:
- a) No filling is permitted in the 100-year floodplain of any stream. Filling to the edge of the 100-year floodplain is permitted only if the back slope is stable and not steeper than 3:1;
 - b) No filling is permitted in minor drainageways unless the drainage has been piped or otherwise diverted in accordance with approved plans; and
 - c) No filling is permitted in utility easements, except electrical transmission easements for 44kv or greater lines.
 - d) Closure: Landfills shall be closed with a minimum of one (1) foot of clean soil, graded to a maximum slope of three to one (3:1), and stabilized with vegetation or by other approved means.

6-4.32 Drugstore

Where Required: CP District

- 1) Maximum Area: A maximum of three thousand (3000) square feet of gross floor area shall be permitted per establishment.
- 2) Outside Storage: No outside storage of materials shall be permitted.

6-4.33 Elementary or Secondary School

Where Required: All residential lots and LO districts.

1) Access: All elementary or secondary schools shall have direct access to a collector street or higher capacity street.

2) Minimum Area: All elementary or secondary schools shall be located on a minimum of three (3) acres.

6-4.34 Equestrian Facility

Where Required: AG, RS-40, and PI districts.

- 1) Minimum Area: Minimum area required for an Equestrian Facility to be established in twenty-five (25) acres.
- 2) Use Separation: There shall be a minimum one hundred (100) foot distance between manure storage areas, barns or stables and any adjacent residentially zoned property.
- 3) Dust: All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjoining properties.

6-4.35 Equipment Repair, Light

Where Required: AG and HI districts.

- 1) Outside Storage: Outside Storage is prohibited.

6-4.36 Explosives

Where Required: AG and HI Districts.

- 1) Property Separation: No facility shall locate within five hundred (~~500~~ 1000) feet of any residentially or public institutionally zoned property.
- 2) Setbacks: Buildings, including any accessory buildings for storage of explosive raw materials and/or final products, shall be not less than one hundred fifty (150) feet from all property lines.
- 3) Security Fencing: Security fencing, a minimum of eight (8) feet in height, shall be provided along the entire boundary of the facility.
- 4) Operation: Building(s) shall meet the requirements for Hazardous Occupancy under the NC Building Code.

6-4.37 Garden Center or Retail Nursery

Where Required: SC District

- 1) Outside Storage: No outside storage of non-plant material shall be permitted.

6-4.38 Golf Course

Where Required: All residential, HB, CP, LI, and PI districts.

- 1) Use Separation: Fifty (50) foot minimum distance between clubhouse and other principal building(s) and any adjacent residentially-owned property.
- 2) Residential Districts: All golf courses located in a residential district must be part of an approved residential plan.

6-4.39 Golf Driving Range

Where Required: AG, HB, LI, and HI districts

- 1) Minimum Area: The minimum lot depth from the trees to the end of the driving area shall be one thousand (1000) feet or the end shall be controlled with netting and/or berms to prevent golf balls from leaving the property.
- 2) Security Fencing: Fencing, netting, trees, berms, or other control measures shall be provided around the perimeter of the driving area so as to prevent golf balls from leaving the driving area.
- 3) Residential Districts: All driving ranges located in a residential district must be part of an approved residential development plan.

6-4.40 Group Care Facility

Where Required: GoO-M, GO-H, and PI districts

- 1) Property Separation: No such facility shall be located within one-half (1/2) mile of an existing group care facility.
- 2) Operation: The facility shall be limited to not more than thirty (30) persons.

6-4.41 Home Occupations (Not including the rental of rooms)

Where Required: AG all residential, GO-M, GO-H, and NB districts

- 1) Maximum Area: Area set aside for Home Occupation shall occupy no more than twenty-five (25%) percent of the gross floor area of the dwelling unit.
- 2) Outside Storage: No outside storage or display of items associated with the Home Occupation is permitted.
- 3) Operation
- 4) The Home Occupation must be conducted entirely within a dwelling unit. It must be a use which is clearly incidental and secondary to the use of the residence. Home Occupations are not permitted in a detached garage or other accessory structure, except for accessory dwelling units.
- 5) Permitted home occupations include, but not limited to: typing services, telephone sales, barber/beauty services, doctor/dentist office, architects, accountants, day care or after school care, food catering, and handicrafting, etc.
- 6) No display, stock-in-trade, nor commodity sold not made on the premises shall be permitted.
- 7) Only one (1) person may be employed who is not an occupant of the residence.

- 8) Activities shall not generate traffic, parking noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the District in which it is located.
- 9) Instruction in music, dancing, art, or similar subjects shall be limited to no more than five (5) students at a time.

6-4.42 Junked Motor Vehicle (as an accessory use)

Where Required: All districts.

Screening:

- 1) AG district: Up to two (2) vehicles meeting the definition of “motor vehicle, junked” are allowed, but must be located behind the rear building line of the principal building. All vehicles in excess of two (2) vehicles meeting the definition shall be enclosed within a building which meets the dimensional requirements of the district.
- 2) Residential Districts: Any vehicle meeting the definition of “motor vehicle, junked” shall be enclosed within a building which meets the dimensional requirements of the district in which it is located. Or located in the rear yard completely covered by a tarp as per the Town Code.
- 3) Nonresidential Districts: Any vehicle meeting the definition of “motor vehicle, junked” shall be stored, parked or placed on the property in such a manner so as to be totally screened from view from any street and/or from any adjacent residentially or public institutionally zoned property. Total screening shall be effected by placement of the vehicle(s) either within or behind a building and/or by plant materials, fences, berms, or a combination thereof with a minimum height of (6) feet.

6-4.43 Laundry or Dry Cleaning Plant

Where Required: LB and SC districts.

- 1) Maximum Area: A maximum of five thousand (5000) square feet of gross floor area shall be permitted per establishment.
- 2) Outside Storage: No outside storage of materials shall be permitted.

6-4.44 Manufactured Dwelling Park, Recreational Vehicle Park

Where Required: Manufactured Dwelling Park: RM-5, RM-8, AG districts.

Recreational Vehicle Park: AG and HB districts.

- 1) General Requirements: The following requirements apply to both Manufactured Dwelling Parks and Recreational Vehicle Parks.
 - a) It shall be unlawful for any person to construct a new park or to make an addition or alteration to an existing park, unless a Site Plan for the park has been approved by the Technical Review Committee.

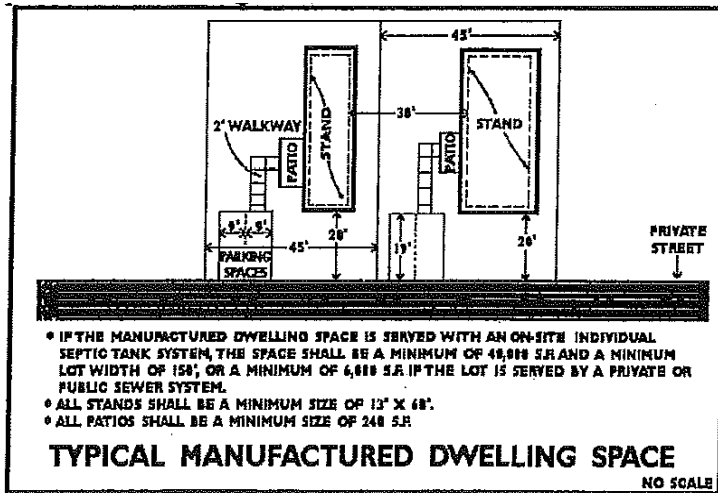
- b) Compliance with Article V (Subdivision: Procedures and Standards): A manufactured dwelling park (but not a recreational vehicle park) shall be considered a group development and be subject to all procedures and standards of Article V (Subdivision: Procedures and Standards).
 - c) Minimum Tract Area: Five (5) acres.
 - d) Minimum and Maximum Number of Spaces: At least fifteen (15) spaces but not more than three hundred (300) spaces.
 - e) Setback: All spaces shall be located a minimum of one hundred (100) feet from all public rights-of-ways and property lines.
 - f) Number of Homes and Vehicles in Each Space: No more than one (1) manufactured home or recreational vehicle may be parked or set-up on any one space.
- 2) Access:
- a) No space shall have direct vehicular access to a public street.
 - b) All spaces shall directly abut a private street contained within the park.
 - c) Adequate access shall be provided to each space, with a minimum access width of twenty (20) feet unless more is deemed necessary because of topographical conditions or street curvature.
- 3) Recreational Areas and Facilities: Recreational areas and facilities to serve the needs of the anticipated population within the manufactured home or recreational vehicle park shall be provided and shall consist of at least the following:
- a) A play lot for pre-school children containing a minimum size of one thousand two hundred (1,200) square feet provided within five hundred (500) feet of every space.
 - b) One or more playgrounds for school-age children and adults, containing a minimum size of one (1) acre per one hundred (100) spaces.
 - c) These recreation areas shall not be in an area utilized for septic tank fields.
- 4) Manufactured Dwelling and Recreational Vehicle Sales: The sales of manufactured dwellings or recreational vehicles in the parks on a commercial basis shall not be permitted.
- 5) Drainage and Grading
- a) The spaces shall be located on ground with an elevation that is not susceptible to flooding and which is graded to prevent any water from ponding or accumulating on or around the manufactured home park. Where storm drainage pipes are located in adjacent streets, underground drainage facilities with connections to the storm drainage system shall be provided for the manufactured home park.
 - b) Each space shall be graded and grassed to prevent erosion and provide adequate storm drainage away from the manufactured home or recreational vehicle park.
 - c) The slope of the surface of the stand or pad shall not exceed three (3%) percent.

- d) No banks, except along drainage ditches, in the park shall have a slope steeper than three (3) feet to one (1).
- 6) Garbage and Refuse Disposal
 - a) Containers: All refuse shall be stored in conveniently located, and a leak-proof containers with tight-fitting lids. Containers shall be provided in sufficient number and capacity for proper storage of all refuse.
 - b) Storage Racks or Platforms: Racks or concrete platforms shall be provided on which to store containers for refuse. Dumpsters shall be required in lieu of individual containers in areas where municipal water or sewer are available. Such containers racks or platforms shall be so designed as to prevent tipping, to minimize spillage and container deterioration, and to facilitate cleaning.
 - c) Collection: All refuse shall be collected at least twice weekly, or more often if the need is indicated.
- 7) Registration: It shall be the duty of the operator to keep an accurate register containing a record of all occupants. The register shall contain the following information:
 - a) Name, address and space number of each occupant.
 - b) The date the manufactured dwelling or recreational vehicle entered the park.
 - c) The license number of each recreational vehicle and/or car, truck, etc. with state of issuance, make and type of vehicle.
 - d) The operator shall keep the register available at all times for inspections by the Enforcement Officer, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register.
 - e) Park Manager Residence: A single-family detached dwelling may be constructed for the manager of the park.
 - f) Pre-existing Dwellings: Pre-existing dwellings on the site may remain provided they occupy approved spaces.

Manufactured Park Requirements: The following design requirements apply only to Manufactured Dwelling Parks.

- 1) Minimum Manufactured Dwelling Space Size: A manufactured dwelling space shall consist of a minimum of six thousand (6,000) square feet and shall have a width of at least forty-five (45) feet at the location of the manufactured dwelling stand. Exception: A manufactured dwelling space not served by public sewer shall consist of a minimum of forty-thousand (40,000) square feet and shall have a width of at least one hundred fifth (150) feet at the location of the manufactured dwelling stand. Every manufactured dwelling space shall be clearly established on the ground by permanent monument or markers.
- 2) Each Manufactured dwelling space shall contain:
 - a) A manufactured dwelling stand consisting of a properly graded and compacted surface no less than thirteen (13) feet by sixty (60) feet.
 - b) A patio space constructed of concrete, brick, flagstone or other hard surface material a minimum of two hundred and forty (240) square feet in area.

- c) A hard surface walkway a minimum of two (2) feet wide leading from the patio to the parking space or road. See figure below.



- 3) Manufactured Dwelling Additions: Prefabricated structures specifically designed by the manufacturer for manufactured dwelling extensions and any other addition meeting the NC Building Code may be added to any manufactured dwelling provided that setback within the space can be met and a building permit is obtained from the Jurisdiction.
- 4) Construction and Design of Private Streets
 - a) Private entrance, collector, and interior streets with no parking or minor or cul-de-sac streets with no parking shall meet the minimum design standards of Article V (Subdivision: Procedures and Standards).
 - b) One-way minor streets with no parking (acceptable only if less than five hundred (500) feet total length and serving less than fifteen (15) manufactured dwelling stands) shall have a twenty (20) foot minimum common area with twelve (12) foot minimum paved surface.
 - c) The private streets shall be lighted at night with no less than two (2) foot-candles of light measured at a height of five (5) feet from the ground along the entire length of the street or drive center line.
- 5) Park Access: If a manufactured dwelling park has more than one (1) direct access to a public street, such access points shall be no less than two hundred (200) feet apart and no closer than three hundred (300) feet to a public street intersection.
- 6) Parking
 - a) Two parking spaces, nine (9) feet by nineteen (19) feet shall be provided within each manufactured dwelling space.
 - b) All parking spaces shall be paved or covered with four (4) inches of crushed stone.

- c) No parking will be allowed on private entrance and collector streets.
- 7) Landscaping: Landscaping shall be provided throughout the park with ample trees and shrubs to provide shade and break up open areas. All banks and open areas shall be grassed.
- 8) Removal of Rubbish: All cut or fallen tree, stumps, or rubbish shall be completely burned or removed from the mobile home park.
- 9) Utilities Installation: Each manufactured dwelling located within a park shall comply with the current North Carolina Regulations for manufactured dwelling in both manufacture and installation and must be inspected to assure compliance prior to occupancy.
 - a) All utilities shall be installed underground except where extreme conditions of topography make this requirement unreasonable.
 - b) Placement of utilities serving the mobile home stand shall comply with the NC Building Code for Plumbing.
 - c) Minimum electrical service of two hundred (200) ampere, one hundred twenty (120) –two hundred and forth (240) volt single phase shall be provided to each manufactured dwelling stand. The service panel and location as well as all wiring shall be in accordance with the National Electrical Code.
 - d) Each manufactured dwelling shall be required to connect to the utilities provided at each manufactured dwelling space.
 - e) Each manufactured dwelling park shall obtain water from a public water supply when available, and when unavailable, from a source approved by the Guilford County Health Department. The water supply and pressure shall be adequate for the park requirements. Water for drinking, cooking, laundry, and general sanitary uses for each individual manufactured dwelling shall be obtained only from faucets or other plumbing connections located within each manufactured dwelling.
 - f) Each manufactured dwelling park shall be provided with an adequate sewage disposal system, either by connection to a public sewer or a septic tank constructed in compliance with the regulations of the Guilford County Board of Health. All sewage wastes from toilets, showers, bathtubs, lavatories, wash basins, refrigerator drains, sinks, faucets, and water-using appliances not herein mentioned shall be piped into the manufactured dwelling park sewage disposal system.
- 10) Fuel Oil Drum: Each manufactured dwelling that requires the use of fuel oil shall be furnished with an oil drum having a minimum capacity of one hundred fifty (150) gallons, set upon a painted, prefabricated metal stand.

Recreational Vehicle Park (RVP) Regulations: The following design requirements apply only to Recreation Vehicle Parks.

- 1) Minimum space requirements
 - a) Each recreational vehicle space shall consist of a minimum of two thousand (2000) square feet.

- b) Each recreational vehicle space shall be designated on the ground by permanent markers or monuments.
- 2) Setbacks: All structures, buildings, and sewage facilities shall meet the setbacks requirement for the district in which they are located.
- 3) Roads and Drives
 - a) The RVP shall have all-weather roads and driveways that directly abut all spaces.
 - b) Entrance and circulation drives must meet the minimum design standards of Article V (Subdivisions: Procedures and Standards).
- 4) Parking: Parking space sufficient to accommodate at least one (1) automobile and camping vehicle shall be constructed within each space and shall be paved.
- 5) Installation, Alteration, and Use of Utilities
 - a) The installation, alteration, or use of all utilities including, but not limited to, electrical service, plumbing fixtures, and sewage disposal systems shall conform with all applicable codes.
 - b) Water Supply
 - c) A safe, adequate, and conveniently located water supply must be provided for each park in compliance with applicable regulations.
 - d) Areas around faucets or drinking fountains shall be properly drained.
- 6) Sanitary Facilities
 - a) Each park shall have a central structure or structures that will provide separate toilet and bathing facilities for both sexes.
 - b) The minimum number of facilities per sex to be provided shall follow the schedule below:

Toilets	1 per 15 spaces
Urinals	1 per 30 space (male facilities only)
Lavatories	1 per 15 spaces
Showers	1 per 15 spaces

- c) All toilets, shower, lavatory, and laundry facilities shall be provided and maintained in a clean, sanitary condition and kept in good repair at all times. They shall be safely and adequately lighted. Facilities shall be easily accessible to all persons and conveniently located.
- d) Sewage Disposal: Each park shall provide a sewage dumping station. In accordance with Guilford County Health Department regulations, all sewage wastes from the park, including waste from toilets, showers, bathtubs, lavatories, wash basins, refrigerator drains, sinks, faucets, and water-using appliances not herein mentioned, shall be piped into the park's sewage disposal system approved by the Guilford County Health Department.

- 7) Insect and Rodent Control Measures: Insect and rodent control measures to safeguard the public health and comfort shall be practiced for all uses, structures, etc. used in the Park.
- 8) Retail Sales: The recreational vehicle park may contain a retail sales counter and/or coin operated machines for the park residents' use only, provided they are completely enclosed within a structure and there is no exterior advertising.
- 9) Permanent Sleeping Quarters: Permanent sleeping quarters shall not be permitted within the park for guests.
- 10) Manufactured Dwellings in Recreational Vehicle Parks: It shall be unlawful for a person to park or store a manufactured dwelling in a recreational vehicle park, except that one (1) manufactured dwelling may be located within the park for exclusive use as the dwelling quarters for the park manager or operator. Such a manufactured dwelling shall be located in an area designated on the site plan, and approved by the Technical Review Committee.

6-4.45 Market Showroom

Where Required: GB and HB districts.

- 1) Display Area: Display areas shall exist within permanent buildings only.

6-4.46 Migrant Labor Housing

Where Required: AG district.

- 1) Minimum Area: Each site shall contain not less than two (2) acres of land. An additional two thousand (2,000) square feet of land shall be required for each worker in excess of twenty (20) people.
- 2) Setback
 - a) Minimum required front yard shall be one hundred (100) feet.
 - b) Minimum required interior yard shall be fifty (50) feet.
- 3) Building Area: Rooms or compartments for sleeping shall contain not less than thirty-nine (39) square feet of floor space for each person.
- 4) Health and Safety
 - a) Not more than ten (10) people shall be housed in any one (1) room or compartment for sleeping purposes.
 - b) Separate toilet and shower facilities shall be provided for male and female workers. A minimum of one (1) toilet and one (1) shower shall be provided for each ten (10) workers.
 - c) A laundry room shall be required with one (1) wash sink of at least ten (10) gallons capacity for each ten (10) workers. Adequate clothes drying lines shall be provided.
 - d) Dining and food service facilities shall be provided and shall contain at least twelve (12) square feet of floor space per worker and shall be approved by the Guilford County Health Department.

- e) All water, sewer and sanitary facilities shall be approved by the Guilford County Health Department.
- f) All garbage and refuse shall be stored in water-tight and fly-tight receptacles and it shall be the responsibility of the owner of the property to insure that all garbage and refuse is regularly disposed of in a sanitary manner acceptable to the County Health Department.

6-4.47 Mining and Quarrying

Where Required: HI district.

- 1) Use separation
 - a) The edges of any pit where a mining operation is taking place and any equipment used in the processing of rock and gravel, any asphalt, or other industrial uses operated in conjunction with the mine or quarry shall be located at least fifty (50) feet from any property line.
 - b) Where the mining operation site is bounded by a railroad right-of-way currently being used for rail service to the mining operation, no setback shall be required between the railroad right-of-way and such operation.
- 2) Security Fencing
 - a) The mining operation shall be enclosed by a nonclimbable fence of at least six (6) feet in height.
 - b) Abandoned locations shall have a fence of at least six (6) feet in height around the perimeter of the site.
- 3) Rehabilitation
 - a) Within one (1) year after the cessation of production at all mining operations, all equipment and stock piles, incidental to such operation, shall be dismantled and removed by and at the expense of the owner.
 - b) Except in a case where redevelopment for another permitted use in progress on the site of an abandoned extractive operation, all excavations shall be graded to reduce the surface to gently rolling topography in substantial conformity to the land area immediately surrounding; and shall be planted with a cover of sod, trees, shrubs, legumes, or grasses, which will minimize erosion due to wind or rainfall.
 - c) The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designated and controlled so as not to cause erosion or silting of neighboring properties or public ways, not to appreciable increase the turbidity of any natural water course, or to occlude any existing drainage course.
- 4) Noise: All operations involving blasting discernible beyond the external property line on a quarry shall only be conducted between the hours of 7:00 A.M. to 6:00 P.M.
- 5) Dust: All non-paved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.
- 6) Access

- a) Access roads leading to any part of the operation shall be constructed with a gravel or crushed stone surface and maintained in a dust-free manner.
- b) No part of such roads shall be located closer than fifteen (15) feet to an external property line other than a limited access highway or railroad right-of-way line.
- c) A truck route plan shall be submitted showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools or other uses which will be negatively affected by truck traffic.

6-4.48 Mixed Development

Where Required: GB, HB, SC, and CP Districts.

- 1) Location of Residential Use: No residential use(s) shall be permitted on or below the ground floor.
- 2) Percentage of Mix: Where residential and non-residential uses are mixed in a principal building, at least twenty (20%) percent of the gross floor area shall be devoted to the permitted nonresidential office and/or commercial use(s).
- 3) Dimensional Requirements: Any building must conform to the nonresidential dimensional requirements of the district in which it is located.

6-4.49 Newsstand

Where Required: CP district

- 1) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.
- 2) Outside Storage: No outside storage of materials shall be permitted.

6-4.50 Optical Goods Sales

Where Required: GO-M, GO-H districts.

- 1) Maximum Area: A maximum of three thousand (3,000) square feet for gross floor area shall be permitted per establishment.

6-4.51 Petroleum and Petroleum Products

Where Required: HI district.

- 1) Use Separation
 - a) Storage tanks protected by either an attached extinguishing system approved by the Fire Marshall or an approved floating roof shall not be located closer to an exterior property line than a distance equal to the greatest dimension of either diameter or height of the tank, except that distance need not exceed one hundred twenty (120) feet.
 - b) Storage tanks not equipped as indicated in 1) above, shall not be located any closer to an exterior property line than a distance equal to one and one-half

- (1 ½) time the greater dimension of either the diameter or the height of the tank, except that such distance need not exceed one hundred and seventy five (175) feet.
- c) Storage tanks and loading facilities shall be located a minimum of five hundred (500) feet from any existing residence or residentially zoned property.
- 2) Access: Gravel or paved roadways shall be provided to all storage tanks.
 - 3) Security Fencing: Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of such facilities.
 - 4) Dikes
 - a) Tanks or group of tanks shall be diked to prevent the spread of liquid onto other property, waterways, or drainageways. The volumetric capacity of the diked area shall not be less than the capacity of the largest tank within the diked area.
 - b) Dikes or retaining walls shall be of earth, steel, concrete, or solid masonry designed and constructed to be liquid tight and to withstand a full hydraulic head. Earthen dikes three (3) feet or more in height shall have a flat section at the top not less than two (2) feet in width. The slope shall be consistent with the angle or repose of the material of which the dikes are constructed. Dikes shall be restricted to an average height of not more than six (6) feet above the exterior grade unless means are available for extinguishing a fire in any tank. Dikes enclosing such tanks shall be provided at the top with a flareback section designed to turn back a boil-over wave. A flareback section shall not be required for dikes and walls enclosing approved floating roof tanks. No loose combustible material, empty or full drums or barrels, shall be permitted within the diked area.
 - c) Where provision is made for draining rainwater from dikes areas, such drains shall normally be kept closed and shall be so designated that when in use they will not permit flammable liquids to enter natural watercourses, public sewers, or public drains. Where pumps control material, empty or full drums or barrels, shall be permitted within the diked area.
 - 5) Tank Maintenance
 - a) All storage tanks shall be maintained in lead-proof condition with an adequately painted, rust free exterior surface.
 - b) A firm substrate shall be constructed under each storage area to eliminate differential subsidence and to prevent the product from seeping.
 - 6) Operation: The product shall be sold in the same form as received and shall not be altered, except that two or more products may be blended. Any other alteration of the product shall be deemed a manufacturing use, requiring approval of a special use permit.
 - 7) Storage: All storage facilities shall comply with the latest edition of the "Flammable and Combustible Liquids Code, NFPA 30" of the National Fire Protection Association.

6-4.52 Private Dormitory

Where Required: GO-M, GO-H districts.

- 1) Use Separation: The property on which the use is located shall be within one-half (1/2) mile radius of property developed as the primary campus of a college, business college, trade school, or university.
- 2) ~~Maximum Density: For the purpose of calculating maximum density, two (2) bedrooms shall be equivalent to one dwelling unit.~~

Density Requirements:

- a) *Conversions of existing hotels or motels to a private dormitory shall be exempt from the density requirement of Section 4.*
- b) *After January 1, 1994, a newly constructed private dormitory in the GO-M or GO-H District shall be exempt from the density requirements of Section 4. The residential capacity of the facility shall be determined by provisions of the NC Building Code in conjunction with the applicable setbacks, planting yards, and minimum off-street parking requirements of this Ordinance.*

6-4.53 Public Park: Public Recreation Facility

Where Required: All residential districts, LO and NB districts.

- 1) Parking: Overflow parking (in addition to required parking) must be designated on the site plan and be kept available to handle all traffic from special events such as softball tournaments and outdoor concerts.
- 2) Access: *All parks greater than ten (10) acres shall have primary access to a collector or higher capacity street.*

6-4.54 Telecommunications Towers (principal)

Where Required: AG, GB, GO-M, GO-H, HB, CP, LI, HI, and PI districts.

- 1) Tower Classifications: See Section 2 for Definitions.
 - a) Free-Standing
 - b) Concealed/Camouflaged
 - c) Roof-Top Communications Tower
- 2) ZONING PER TOWER CLASSIFICATION
 - a) Free Standing
 - i) Permitted by Special Use Permit in the following zones: AG, GO-M, GO-H, HB, LI, HI, and PI.
 - ii) Prohibited in all residential zones, with the exception upon local, state, or federally-owned properties currently in public use.
 - b) Concealed/Camouflaged
 - i) Permitted by *SPECIAL USE PERMIT* in all zones including residential zones.
 - ii) Towers and appurtenant structures and equipment must be completely concealed within an architectural feature of a building or

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- other structure so as to be indiscernible as a separate entity. Plans for these towers must meet approval of Town Staff prior to construction.
- c) Roof Top Communications Tower
 - i) Permitted in zones: GB, GO-M, GO-H, HB, CP, LI, HI, and PI districts.
 - ii) Towers placed on the tops of buildings or other structures are prohibited within *Residential-Single Family* zones except when placed upon public utility structures, such as water tanks and public buildings.
 - iii) Such towers shall be no more than twenty-five (25%) percent of the building or structure height above the building or structure, or, thirty five (35) feet above the building or structure, whichever is less.
 - iv) Towers must meet all applicable building codes.
 - v) Tower must output and EMF emissions must be within applicable codes.
 - vi) The tower base and supporting structures must be contained within the perimeter of the same roof-top.
 - 3) APPROVAL: The Board of Alderman on a recommendation from the Planning Board.
 - 4) SETBACK: (applicable to free standing towers)
 - a) General- The minimum distance shall be equal to the height of the tower, measured from the tower's base to the nearest property line.
 - b) Self-Collapsing – In case of a self-collapsing design, the Board of Alderman shall have the option to waive the general provision upon the receipt of certified documentation supplied by the applicant that the tower is engineered to fall upon itself, and within the property boundaries in which it is located. This option may require the establishment of a setback equivalent to a fall zone easement certified by a Professional Engineer registered in North Carolina in which case, the minimum setback for this type of tower and all appurtenance structures shall be twenty-five (25) feet from the nearest property line.
 - c) Adjacent Residentially Zoned Property – The minimum setback from adjacent residentially-zoned property shall be twice the height of the tower. In the case on monopole towers, the minimum distance from the adjacent residentially zoned property shall be the height of the tower or seventy-five (75) feet whichever is greater.
 - d) All guy wires, anchors, and supporting cables shall be contained on the same lot.
 - 5) Appurtenant Structures: Structures constructed for the express purpose of housing equipment related to tower operation may accompany each tower. Such structures shall be unmanned and limited to four hundred (400) feet gross floor area. Setback for these structures shall be at a minimum of five (5) feet from any property line.
 - 6) POWER OUTPUT, EMF EMISSIONS: Power output and EMF emission shall not exceed federally-approved levels. The tower design engineer shall certify that

tower operations will not interfere with normal radio and television reception in the vicinity. Towers shall be provided with warning lights pursuant to FAA and FCC guidelines.

- 7) USE SEPERATION: Minimum distance between towers higher than seventy-five (75) feet shall be one thousand (1,000) feet.
- 8) Co-location: Co-location is required. Towers not exceeding one hundred-fifty (150) feet shall be adequately designed and of sufficient height to accommodate at least one additional user. Towers higher than one hundred-fifty (150) feet must be designed to accommodate multiple users. Where new tower sites are proposed, vendors shall provide that co-locating at existing sites will not meet their needs. Documentary evidence shall consist of but are not limited to site plan, and/or design engineer's statement, and/or statement form the owner of existing towers.
- 9) ALDERMEN TO IMPOSE ADDITIONAL RESTIRCTIONS AS REQUIRED: The Board of Alderman may impose such additional restrictions deemed necessary to protect surrounding property and carry out the purpose and intent of this ordinance.
- 10) LANDSCAPING: Landscaping shall be provided per section 6-3 of this Ordinance.

6-4.55 Refrigerator or Large Appliance Repair

Where Required: CB, GB, and HB districts.

- 1) Outdoor Storage: No outdoor storage of appliances, equipment or parts shall be permitted.

6-4.56 Restaurant (no drive thru)

Where Required: LB district.

- 1) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.
- 2) Outside Storage: No outside storage of materials shall be permitted.

6-4.57 Restaurant (serving mixed alcoholic drinks)

Where Required: LB district.

- 1) Maximum Area: A maximum of three thousand (3000) square feet of gross floor area shall be permitted per establishment.
- 2) Outside Storage: No outside storage of materials shall be permitted.
- 3) Screening: A minimum of six (6) foot high opaque fence shall be erected adjacent to the property line of abutting residences, churches, elementary or secondary schools, or public park.

6.4.58 Rural Family Occupation – See figure below.

Where Required: AG district.

- 1) Minimum Area: The Rural Family Occupation (RFO) must be located on a tract of two (2) acres or more. A portion of the tract measuring forty thousand (40,000) square feet with one hundred and fifty (150) feet of width must be designated and reserved as exclusively residential.
- 2) Maximum Area: The total floor area of all buildings occupied by the RFO shall not exceed five thousand (5,000) square feet. The total land area that may be used in conjunction with the Rural Family Occupation is fifteen thousand (15,000) square feet.
- 3) Use Separation: All operations of the RFO shall observe a one hundred (100) foot setback from all property lines.
- 4) Location: All operations of the RFO shall be located behind the rear line of the building occupied as the principal residence.
- 5) Landscaping: All operation of the RFO, including buildings, outside storage areas, and parking shall be treated as a separate use and subject to the landscaping provisions of this Ordinance.
- 6) Environmental Review: The appropriate County Environmental Health Division shall evaluate each RFO request to determine the occupation's impact on the surrounding area with respect to excessive noise, dust, air emissions, odors and surface or groundwater discharge. The RFO shall mitigate the impact of these and other environmental concerns. A written evaluation of these potential impacts is required by the Environmental Health Division prior to the consideration of any request for an RFO.
- 7) Operation
 - a) The RFO must be owned by the landowner who must reside on the property.
 - b) No more than five (5) persons shall be employed other than those residing on the property.
 - c) There shall be no more than two (2) commercial vehicles operating in and out of the property.
 - d) The RFO shall not be operated between the hours of 9:00 P.M. and 6:00 A.M.
- 8) Permitted uses shall be limited to those products assembled or manufactured on-site for resale elsewhere, services sold or provided on premises, or stick-in-trade clearly incidental to such services. Commercial retail or wholesale operations which bring to the site goods specifically for the purpose of resale shall be prohibited.

6-4.59 Shoe Repair or Shoeshine Shop

Where Required: LB district.

- 1) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.
- 2) Outside Storage: No outside storage of materials shall be permitted.

6-4.60 Salvage Yards, Auto Parts and Scrap Processing

Where Required: HI district,

- 1) Minimum Area: The minimum are required to establish a salvage yard shall be five (5) acres.
- 2) Outside Storage: An approved opaque fence or uniform construction not less than six (6) feet in height shall be required around the perimeter of the activity. Such fencing shall be located between the salvage yard and the required planting yards.
 - a) The facility operator(s) shall provide continuous on-site supervision by an employee(s) and/or volunteer(s) during hours of operation.
- 3) Use Separation: No salvage yard, scrap processor, or auto wrecking shall be located within three hundred (300) feet of any residence existing or under construction at the time of installation of such operation or business.

6-4.61 Satellite Dish/Communication Tower (accessory)

Where Required: All districts.

1) Location

- a) ~~All supporting cables and anchors shall be contained on the property.~~
- b) ~~In residential districts, structures shall not be located or placed in any street yard or side yard.~~
- c) ~~Attached and detached satellite dishes eighteen (18) inches in diameter or less shall be exempt from the requirements of subsection (B) (2) above. Detached satellite dishes eighteen inches in diameter or less shall not exceed six (6) feet in height and shall not be located within fifteen (15) feet of any public or private street right-of-way or private lane.~~

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6-4.61 Shelter for the Homeless

Where Required: GO-M, GO-H, GB, HB, LI, HI, and PI districts.

- 1) Property Separation: No such facility shall located within one-quarter (1/4) mile of an existing shelter for the homeless.
- 2) Minimum Floor Area: A minimum floor space of fifty (50) square feet shall be provided for each individual sheltered.
- 3) Operation:
 - a) The facility shall be contained within one building of an operated by a government agency or nonprofit organization.
 - b) The facility operator(s) shall provide continuous on-site supervision by an employee(s) and/or volunteer(s) during the hours of operation.

6-4.62 Shooting Range

Where Required: AG, GB, HB, LI, and HI districts.

- 1) Noise: The facility shall be designed to absorb sound to the maximum extent feasible.

6-4.63 Shooting Range (Outdoor)

Where Required: AG and PI districts.

- 1) Use Separation: Separation shall be a minimum three hundred (300) feet between range and closest exterior property line.
- 2) Access: Controlled to prevent unregulated entrance to firing area.
- 3) Security Fencing: Security fencing to prevent an individual from crossing the property downrange.
- 4) Dikes (berms): Dikes shall be of sufficient height and thickness to stop all rounds fired downrange. Elevation control is required along the shooting stands to prevent rounds from being fired over the berm.

6-4.64 Sports Instructional Schools

Where Required: SC district.

- 1) Location of Instruction: No outside instruction shall be allowed.

6-4.65 Swimming Pools

Where Required: All districts.

- 1) Use Separation:
 - a) Pools shall be located so as to comply with the minimum setback requirement for accessory structures for the district in which it is located.
 - b) Pools which are not an integral part of the principal building shall be located a minimum of ten (10) feet from the principal building.
- 2) Security Fencing: Swimming pools located outdoors shall be protected by a fence, or equal enclosure four (4) feet in height and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking.

6-4.66 Tourist Home (Bed and Breakfast)

Where Required: AG, all residential districts, NB, and LB districts.

- 1) Use Separation: No such facility shall locate within four hundred (400) feet of a rooming house, boarding house or another tourist home.
- 2) Operation
 - a) The tourist home must be owned by the landowner who also resided on the property.
 - b) The use shall be located in a structure which was originally constructed as a dwelling.
 - c) Meals served on the premise shall be for guests of the facility.
- 3) Signs: There shall be no exterior advertising except that which is permitted for a home occupation.

6-4.67 Turkey Shoots

Where Required: AG district.

- 1) Setbacks
 - a) No turkey shoot shall be allowed within a required setback.
 - b) All turkey shoots shall be established with the line of fire perpendicular to and away from a road right-of-way. The line of fire is a line which passes through the firing point and bisects the target. The back stop or target area shall be located not less than five hundred (500) feet from the road right-of-way.
 - c) Sites adjacent to more than one road right-of-way must designate the higher classified road as the front, and set the line of fire perpendicular thereto. Any resultant line of fire parallel to a road must be a minimum distance of two hundred (200) feet from and parallel to the road right-of-way.
- 2) Parking: An off-street parking area adequate in size to store two (2) cars for every back stop shall be provided.
- 3) Operation
 - a) Backstops shall be constructed of a material that will allow the shot to penetrate and not pass through. It shall be a minimum thickness of two (2) feet and maintained at a height of four (4) feet above the target.
 - b) The firearms used in turkey shoots shall be limited to shotguns firing shot no larger than number eight (#8). No firearms may be used which have been altered from manufacturer's specifications.
 - c) The operators of the turkey shoot shall be responsible for maintaining adequate fire protection by notifying the local fire department as to the dates and times of the turkey shoot.
 - d) Turkey shoots shall be limited to Thursdays, Fridays, and Saturdays and be in operation no later than 11:00 P.M.
 - e) Provisions for sanitation and refuse disposal must be made in accordance with health standards.
- 4) Event Permit: The Enforcement Officer shall issue an even permit not to exceed ninety (90) days in a given year for a qualifying turkey shoot.

6-4.68 Utility Substation including Transformer Stations, Telephone Exchanges, Repeater Stations, Pressure Regulator Stations, Pump & Lift Stations, & Similar Structures

Where Required: All districts.

- 1) Dimensional Requirements: All buildings shall be considered accessory buildings or structures.
- 2) Noise: Equipment producing noise or sound in excess of seventy (70) decibels shall be located no closer than one hundred (100) feet to the nearest residence.
- 3) Security Fencing: Security fencing, a minimum of six (6) feet in height, shall be provided around the entire facility.

- 4) Outside Storage: If the facility has no outside storage or placement of materials or equipment the Land Use Classification (LUC) shall be considered a one (1), otherwise the LUC shall be considered a four (4).

6-4.69 Veterinary Service (other)

Where Required: GO-M, GO-H, LB, GB, HB, SC, and CP districts.

- 1) Outside Storage: Pens and runs located outdoors are prohibited.

6-4.70 Warehouse (general storage/enclosed)

Where Required: GB and HB districts.

- 1) Maximum Area: A maximum of ten thousand (10,000) square feet of gross floor area shall be permitted for warehouse or wholesaling per establishment per lot.
- 2) Outdoor Storage: No outdoor storage of warehousing or wholesaling items is permitted.
- 3) Land Use Classification: Warehousing or wholesaling uses shall have a land use classification of three (3)

6-4.71 Warehouse (Self-Storage)

Where Required: GB and HB districts.

- 1) Minimum Size: Minimum lot size shall be two (2) acres.
- 2) Maximum Size: Maximum lot size shall be five (5) acres.
- 3) Lot Coverage: The total ground area covered by buildings shall not exceed fifty percent (50%) of the site.
- 4) Maximum Height: Maximum height of building(s) shall be twenty (20) feet.
- 5) Storage
 - a) No outside storage shall be permitted.
 - b) Storage of hazardous, toxic or explosive substance shall be prohibited.
- 6) Operation
 - a) No business activity other than the rental of storage units shall be conducted on the premises.
 - b) One residential dwelling unit shall be allowed on the same lot for use as a caretaker dwelling.

6-4.72 Watch or Jewelry Repair

Where Required: CP district.

- 1) Maximum Area: A maximum of three thousand (3000) square feet of gross floor area shall be permitted per establishment.
- 2) Outside Storage: No outside storage of materials shall be permitted.

6-4.73 Wholesale Trade of Agricultural Chemicals, Pesticides, and Fertilizers, Agricultural Products

Commented [JD11]: Remove, no guidance

6-5 FENCES

6-5.1 Applicability

This Section regulates all fences unless otherwise provided in this Ordinance. Fences are permitted in required setbacks according to Section 4-5.3 (Encroachments into Required Setbacks), provided the requirements of this Section are met.

6-5.2 Permitted Fence Types

The following fence types are permitted in all zoning districts:

- 1) Masonry or stone walls;
- 2) Ornamental iron;
- 3) Chain-link or woven wire; and
- 4) Wood or similar material.

6-5.3 Prohibited Fence Types

The following fence types are prohibited:

- 1) Fences constructed primarily of barbed wire, except for the purpose of enclosing livestock in agricultural zoning districts;
- 2) Fences carrying electrical current, except for the purpose of enclosing livestock in agricultural zoning districts;
- 3) Fences constructed in whole or in part of readily flammable material such as paper, cloth or canvas;
- 4) Fences topped with barbed wire or metal spikes in residential zoning districts, except those serving a public institution requiring a security fence for public safety purposes; and
- 5) Fences constructed of concertina wire.

6-5.4 Maintenance Required

Any fence which, through neglect, lack of repair, type or manner of construction, method of placement or otherwise, constitutes a hazard or endangers any person, animal or property is hereby deemed a nuisance. If such conditions exist, the Enforcement Officer shall require the owner or occupant of the property upon which the fence is located to repair, replace or demolish the fence causing the nuisance.

6-5.5 Height

- 1) Residential Uses
 - a) Before Front Setback: No fence shall exceed four (4) feet in height up to the front setback line.
 - b) Behind Front Setback: No fence shall exceed seven (7) feet in height behind the front setback line.
 - c) Exceptions:

- i) No fences shall exceed four (4) feet in height within fifteen (15) feet of any public or private street right-of-way line in a group housing development unless the sole purpose is to enclose a patio; a patio enclosure shall not exceed seven (7) feet in height.
 - ii) On through lots where a front setback abuts a major or minor thoroughfare and there is no driveway access or sight distance interference, a fence may be seven (7) feet in height.
- 2) Recreational Uses: No fence shall exceed twelve (12) feet in height if the fence is within the required setback. Otherwise, no fence shall exceed eight (8) feet in height.
- 3) Commercial, Industrial, Institutional, or Office Uses: No fence shall exceed eight (8) feet in height.
- 4) Measurement:
 - a) Fence height shall be measured in the same manner as buildings. However, where fences are located on retaining walls or man-made berms, the height of the retaining wall or berm shall be considered as part of the overall height of the fence.
 - b) Fence height limitations do not apply to fences built in conjunction with electric or gas substations, utility facilities, sewer plants or facilities, radio and television masts, towers and similar structures, municipal water storage facilities, public correctional and mental institutions, or military facilities, or hazardous or radioactive waste, storage, and disposal facilities.

6-5.6 Temporary Fences

Nothing in this Section shall preclude the installation of temporary fence around construction works, erected or maintained pursuant to the NC State Building Code or the Soil Erosion and Sedimentation Control regulations.

6-5.7 General Fence Requirements

- 1) Obstruction of View: No fence shall be placed or retained in such a manner as to obstruct vision at any intersection of public or private streets.
- 2) Obstruction of Drainageway: Fence construction shall not alter or impede the natural flow of water in any stream, creek, drainage swale or ditch.
- 3) Historic Districts: Fences in Historic Districts shall meet the guidelines for the particular Historic District in which it is located.
- 4) Obstruction of Access: No fence shall block access from doors or windows. Fences must have a clearance of at least two (2) feet from building walls, except where fences project from or to a building wall.
- 5) Orientation of Barbed Wire: On fences topped with barbed wire, the bottom strand must be at least six (6) feet above grade with vertical supports slanting inward away from the property line.
- 6) Location Within Required Planting Yards: The setback of fences within a required planting yard shall be subject to the approval of a landscaping plan.

ARTICLE VII - ENVIRONMENTAL REGULATIONS

7-1 WATERSHED DISTRICTS

7-1.1 Establishment of Watershed District

The Watershed Protection District is hereby established as an overlay district. The designated watersheds under this Ordinance are divided into two overlay sub-districts:

- (A) Watershed Area: The Watershed Area, hereafter referred to as "WA", consisting of the stream/river basin catchment draining into the municipal water supply reservoir; and
- (B) Watershed Critical Area: The Watershed Critical Area, hereafter referred to as "WCA", consisting of the direct drainage area around the reservoir.

Land use within the Watershed Protection District must comply with all the requirements of both the underlying zoning district and the applicable watershed overlay district.

7-1.2 Incorporation of Watershed Map

This Section incorporates by reference the Guilford County Watershed Map dated July 7, 1986, showing the following designated watersheds in the county and the municipalities: Reidsville, Greensboro, High Point, Randleman, Randleman Dam, and Burlington.

7-1.3 Approval of Plans

The Enforcement Officer is not authorized to approve any plans or issue any permits for any land in a watershed protection district unless a Watershed Control Plan is in compliance with the requirements of this Section. For the purpose of evaluating the design of all development within the designated municipal watersheds, site plans, plot plans, and subdivision plans shall be submitted in compliance with the requirements of this Article.

7-1.4 Applicability

This Section shall apply to Section 7-2 (Watershed Areas) and Section 7-3 (Watershed Critical Areas), and to all watershed areas within the county and the municipal jurisdictional areas, except as provided herein. These requirements shall not apply to a single family residence or residential accessory buildings on a lot of record. Also,

developments participating in a public regional lake program may be exempt from runoff control requirements but not other requirements of this Section.

7-2 WATERSHED AREAS

7-2.1 General Provisions

- (A) Watershed Area: These districts shall protect the entire area which drains into any designated municipal water supply reservoir from any activity which could degrade water quality in the reservoirs.
- (B) Stream Channelization: Channelization of streams in a WA district shall not occur except by the approval of the Planning Board.

7-2.2 Watershed Control Plan

- (A) Plan Required: A Watershed Control Plan shall be required for all development in a designated municipal watershed, and shall be submitted to the Enforcement Officer. The Watershed Control Plan shall include all applicable information listed in Appendix 2 (Map Standards) of this Ordinance.
- (B) Plan Approval: The Enforcement Officer may approve a Watershed Control Plan in accordance with the performance standards found in Table 7-2-1.

7-2.3 Improvements

- (A) Construction of Improvements: The construction of all improvements designed for watershed protection and shown on an approved watershed control plan shall be completed prior to the issuance of any building permit, plat recordation, or pavement installation.
- (B) Maintenance Required: When runoff control measures are part of a development, and such measures serve more than one lot, an owners association or binding maintenance contract for the purpose of ownership and maintenance shall be required.
- (C) Maintenance of Control Measures: maintenance of runoff control measures shall be performed at such time as the sediment storage volume of the retention/detention measure has been lost to sediment or a part of the installation is not functioning as originally designed. The Jurisdiction shall have the responsibility to inspect and notify the owner of the land on which the runoff control measure is located. All maintenance shall be performed within ninety (90) days of the date the Jurisdiction gives such notice. Failure by the property owner(s) to perform the required maintenance or repair within the stated period shall enable the Jurisdiction to

perform, and recover the cost of, such maintenance and repairs from the property owners.

(D) Recording of Permanent improvements: All permanent improvements including approved access/ maintenance easement(s) (specific or general at the owner's option) shall be recorded on a final plat, and a mechanism to insure the maintenance of the facilities shall be established concurrent with, or prior to, plat recordation. In the event a plat recordation is not required, any improvement, filtration/infiltration area, or owners association required by this Section shall be submitted for approval to the Enforcement Officer, and duly recorded after said approval.

WATERSHED PERFORMANCE STANDARDS

TABLE 7-2-1

Development Type

1) Residential Development with two and one-half (2.5) or fewer dwelling units per gross acre.

2) Institutional, Commercial, Recreational, and Industrial development with thirty (30%) percent or less impervious surface coverage:

or

Residential development with greater than two and one-half (2.5) dwelling units per gross acre and with thirty (30%) percent or less impervious surface coverage.

3) All development with more than thirty (30%) percent but less than fifty (50%) percent of impervious surface coverage.

4) All development with fifty (50%) percent or more impervious surface coverage.

Note: The owner, developer, or person submitting the Watershed Control Plan shall indicate which Performance Standard shall be used for review and approval.

Schedule

Residential Scoresheet (Table 7-2-2). A score of one hundred (100) or more is required for passing;

or

Engineering Certification by registered professional engineer, with seal (Table 7-4-4) certification of control of the first one-half (1/2) inch of runoff from impervious surface coverage.

Institutional, Commercial, Recreational, Industrial, and High Density Residential Scoresheet (Table 7-2-3). A score of 100 or more is required for passing;

or

Engineering Certification by registered professional engineer, with seal (Table 7-4-4) certification of control of the first one-half (1/2) inch of runoff from impervious surface coverage.

Engineering Certification by registered professional engineer, with seal (Table 7-4-4) certification of control of the first one-half (1/2) inch of runoff from impervious surface coverage.

Engineering Certification by registered professional engineer, with seal (Table 7-4-4) certification of control of the first one (1) inch of runoff from impervious surface coverage.

Table 7-2-2
RESIDENTIAL SCORESHEET

MAXIMUM POINTS	FACTOR		POINT VALUE	POINTS EARNED
20	1. Zone	AG OR RS-40	10	
		PUD-R (Single-Family Detached & Cluster)	15	
		PUD-R (Cluster Exclusively)	20	
25	2. Impervious Surface	0-3%	25	
		3-7%	20	
		7-10%	15	
		10-15%	10	
25	3. Proximity to Floodway as Defined By The Federal Insurance Administration	More than 2000 Feet	25	
		1000-2000 Feet	20	
		500-1000 Feet	15	
		100-500 Feet	10	
		50-100 Feet	5	
10	4. Soil Type As Defined on Pg. 29 and Table 7, Pg. 57 Guilford County Soil Survey	Slight	10	
		Moderate	5	
25	5. Drainage- Protect and Use Natural Drainageways	Piped or Improved Drainage With Rip-Rap	5	
		Dispersed Drainage Or Protected Drainageways	10	
		Dispersed Drainage and Protected Drainageways	20	
		Enhanced and Protected Natural Drainageways	25	
25	6. Slope- Low Percentage of Slope	0-6% Average Slope of Subdivision of Lot	25	
		6-10%	20	
		10-15%	5	
25	7. Land Cover- High Percentage of Natural and Stabilizing Vegetation	Natural or stabilizing vegetation alone drainage and on 25% of lot	25	
		Natural or stabilizing vegetation alone drainage and on 15-25% of lot.	20	
		Natural or stabilizing vegetation alone drainage and on 10-15% of lot.	15	
		Natural or stabilizing vegetation between units and water	10	
		Ornamental lawn on >5% of the lot	5	
		Vegetation on <5% of the lot	0	
25	8. Run-off Control Strategies	Maximum Runoff Retention	25	
		Moderate Runoff Retention	15	
		Runoff detention in excess of minimum requirements of Erosion Control Ordinance	10	
		Run-off detention equal to minimum requirements	5	
10	9. Sewage Disposal	Public Sewer System	10	
10	10. Road & Driveway Design	Impermeable Road Surface With Vegetated Ditches	10	
		Impermeable Roads With Piped Drainage and/or Curb and Gutter and Energy Dissipaters	5	
Total: 200			Total:	

- Notes:
- 1) All plans must have 100 or more points and meet all other requirements to be accepted.
 - 2) Do not use this table if gross density exceeds 2.5 dwellings units per acre.

SUBMISSION REQUIREMENTS

SINGLE FAMILY: Rate prior to approval of a Preliminary Plat. Individual homes on individual lots are not rated.

MULTI-FAMILY: Rated prior to approval of a site plan.

RATING SYSTEM DEFINITIONS

- ~~1.~~ Conditional use rezoning will be given the appropriate bonus points if the use and site plan conditions meet the requirements of the bonus zone, such as clustering development on the best soils and terrain of the site.
- ~~2-1.~~ A gravel parking area is not considered impervious surface.
- ~~3-2.~~ Proximity to floodway is determined by measuring or scaling the distance from the floodway to the closest boundary of the tract.
- ~~4-3.~~ Self explanatory.
- ~~5-4.~~ Protected Drainageway means drainage is channeled by pervious devices such as sod waterways, berms, channels or swales which have been constructed to resist soil erosion by either vegetating, netting, rip-rapping or a combination of those, and which allows infiltration of water into the soil.
Dispersed Drainage means spread out, as opposed to collecting the runoff in channels, so as to effect increased sheet flow and overland flow.
Improved Drainage way means channeled by impervious surfaces such as curb and gutter or concrete (gahnite, bituminous, etc.) channels.
Enhanced Drainage means carried by existing natural drainage ways which have been enhanced to resist soil erosion, including stream bank degradation.
- ~~6-5.~~ All slopes are before development.
- ~~7-6.~~ If all or part of an existing lot containing natural or stabilizing vegetation is dedicated to the public for park and open space purposes; such land will count in computing the score.
Along Drainage means the area parallel to and within fifty (50) feet of the drainage channel.
Stabilizing Vegetation means any vegetation that protects the soil against erosion.
- ~~8-7.~~ Maximum Runoff Retention means approximately one hundred (100%) percent of channelized runoff must past through permanent retention or wet detention pond(s).
Moderate Runoff Retention means at least seventy-five (75%) percent of runoff must pass through permanent retention and/or wet detention pond(s).
Runoff Detention in Excess of Erosion Control Ordinance means at least fifty (50%) percent of runoff must pass through permanent detention pond(s).
Runoff Detention Equal to Minimum Requirements means velocity control of runoff.
Detention Pond means a pond which collects storm water runoff, filters the water and releases it slowly over a period of hours or days. It does not have a permanent pool and is sometimes referred to as a dry pond.
Wet Detention Pond means a pond that has a permanent pool and also collects storm water runoff, filters the water and releases it slowly over a period of days.
Retention Pond means a pond that has a permanent pool.
- ~~9-8.~~ No points will be allowed for on-site septic tank systems or private sewage treatment systems.
- ~~10-9.~~ Self Explanatory.

**TABLE 7-2-3
 INSTITUTIONAL, RECREATIONAL, COMMERCIAL, INDUSTRIAL, AND HIGH DENSITY RESIDENTIAL SCORESHEET**

MAXIMUM POINTS	FACTOR	VALUE	POINTS EARNED
10	1. Impervious Surface	<7.5% Impervious	10
		7.5-15%	5
25	2. Proximity to Floodway as defined by the FEMA	2000 Feet and Greater	25
		1000-2000 Feet	20
		500-1000 Feet	15
		100-500 Feet	10
		50-100 Feet	5
15	3. Soil- Hydrologic Soil Group (When 50% or more of the site remains undisturbed.)	B	15
		C	5
20	4. Drainage Ways	Vegetated Waterways (Swales)	10
		Minor Channels With Rip-Rap	10
		Preserve Natural Drainage Ways	10
		Preserve and Protect Natural Drainage Ways	20
25	5. Land Slope (Where 50% or more of site remains undisturbed.)	0-6% Average Slope of Subdivision or Lot	25
		6-10%	20
		10-15%	5
25	6. Undisturbed Area	Greater than 50% Undisturbed	25
		30-50% Undisturbed	15
		20-30% Undisturbed	10
10	7. Permanent Erosion Control	Revegetating Bare Soil Areas	5
		Revegetation and Protecting Concentrated Flow Areas	10
60	8. Permanent Run-off Control Strategies	Natural Infiltration of Required Runoff From:	
		100% of Impervious Surfaces	60
		75% of Impervious Surfaces	45
		50% of Impervious Surfaces	30
		Wet Detention Pond Meeting Performance Standards	
		Controlling Pollutants From:	
		100% of Impervious Area	50
		75% of Impervious Area	40
		50% of Impervious Area	25
		Vegetative Filter for Sites with less than 25% Impervious Surface Coverage Meeting Performance Standards	15
Dry Detention Pond	10		
10	9. Sewage Disposal	Public Sewer System	10
15	10. Road and Driveway Design	Water from roadside swales or curb cuts directed into natural infiltration	15
		Impermeable Road Surface with Vegetated Ditches	10
		Impermeable Roads with Piped Drainage and/or Curbs and Gutter and Energy Dissipators	5
Total: 215		Total	
Notes:	1) All plans must have 100 or more points and meet all other requirements to be accepted;		
	2) Do not use this Table if impervious surface coverage exceeds thirty (30%) percent.		

SUBMISSION REQUIREMENTS

RESIDENTIAL/ COMMERCIAL/ INDUSTRIAL SUBDIVISIONS: Rated prior to approval of preliminary plat.

RESIDENTIAL/ INTITUTIONAL/ COMMERCIAL/ INDUSTRIAL SITE PLANS: Rated prior to approval of site plan unless lot was prequalified by subdivision.

COMMERCIAL/ INDUSTRIAL PROJECTS WITHOUT SITE PLANS: Rated prior to approval of the building permit.

DEFINITIONS, EXPLANTIONS AND STANDARDS

1. Impervious surface coverage includes: paved parking lots, driveways, roads and streets; buildings or other structures which cover the soil. A gravel parking area is not considered as impervious surface coverage. It is computed by the equation: Acres impervious surface divided by total acres in the tract times one-hundred (100%) percent.
2. Proximity floodway is determined by measuring or scaling the distance from the floodway to the closest boundary of the tract.
3. Hydrologic Soil Groups as defined on pg. 35 of the USDA- SCS Guilford County Soil Survey (12/19/77) and referenced in Table 15.
4. Vegetated waterways: (swales) are to be constructed according to USDA- SCS specifications or equivalent methods, and includes installation of channel liners (plastic, juts, or excelsior) where expected flow velocity (10yr. storm) exceeds three (3) feet per second
Rip-rap lined channels: are to meet Guilford County specifications.
Preserving natural drainage ways: shall mean no disturbance of natural drainageways by cutting, filling, channelization or destroying natural vegetation.
Preserve and protect natural drainageways: shall mean protecting natural channels against stream bank erosion by rip-rap, or revegetated buffer strip of twenty-five (25) feet or more on each side of the stream.
5. Slope shall mean the maximum inclination of the land surface from the horizontal as measured in percentage slope. The average slope shall be determined for the entire lot, tract or subdivision.
6. Undisturbed area shall be that portion of a lot, tract or subdivision not occupied by any structure and which has not or will not be graded to change the existing contours nor to destroy existing vegetation.

7. Revegetating bare soil areas shall mean providing a stabilizing vegetation cover on those areas disturbed by grading of the site where no other land cover (structure, etc.) are to located.
8. All runoff control methods or devices shall meet or exceed Guilford County design specification. Retention ponds will be considered in lieu of wet detention ponds on a case by case basis.
9. No points will be allowed for on-site septic tank systems or private sewage treatment systems.
10. Self Explanatory.

Table 7-2-4
ENGINEER'S CERTIFICATION

The engineering certification required on Water Control Plans or construction plan drawing shall be of the following form:

ENGINEER'S CERTIFICATION

I certify that this plan will control the first **1/2 / 1** (choose one) inch of runoff from all impervious surfaces shown hereon, and that the water quality control measures show on this plan meets or exceed the guidelines issued by Guilford County
 Dated _____.

SEAL _____

Signature

 Registration Number

7-3 WATERSHED CRITICAL AREAS

7-3.1 General Provisions

- (A) Protection Provided: Watershed Critical Area Districts (WCA) shall protect those portions of designated watersheds which lie closest to existing and proposed water supply reservoirs from activities which could degrade water quality in the reservoirs.
- (B) Channelization of Streams: Channelization of streams in a WCA District shall not occur except by the approval of the Planning Board.
- (C) Required Minimum Standards: All minimum standards set forth in Section 7-2.2 (Watershed Control Plan) shall apply to CA districts.
- (D) Required Improvements: All required improvement set forth in Section 7-2.3 (Improvements) shall apply to WCA districts.

7-3.2 Watershed Critical Area Applicability

Requirements of WCA Districts shall apply to:

- (A) All development, excluding individual single family lots except as provided herein; and
- (B) All road construction within the WCA District.

7-3.3 Extent of WCA District

- (A) Boundary of WCA: The WCA extends to the ridgeline of the reservoir basin, or in the case of major streams feeding the reservoir (Little Alamance Creek, Big Alamance Creek, and Rock Creek), to the nearest identifiable major feature

which crosses the stream, and which is at least two-thousand seven-hundred and fifty (2,750) feet upstream of the reservoir.

- (B) Identifiable Major Feature: The identifiable major feature specified in Section 7-3.3(A) (Boundary of WCA) may be a street, railroad, easement or similar travel way which is capable of being used by emergency personnel to respond to spills.
- (C) Boundary Closure: For the purposes of WCA boundary closure, a connecting line(s) is drawn the outer boundary ridge line and the line extending along and parallel to the identifiable major identifiable feature.

7-3.4 Divisions within the Watershed Critical Area

The WCA consists of four divisions as follows:

- (A) Tier 1
 - 1. Tier 1 consists of those lands within two hundred (200) feet of the normal pool elevation.
 - 2. Tier 1 areas are intended for public purpose and should remain undisturbed.
- (B) Tier 2
 - 1. Tier 2 consists of those land lying within an area bounded by Tier 1 and a line parallel to and seven hundred and fifty (750) feet in distance from the normal pool elevation.
 - 2. Tier 2 area surrounding Lake Mackintosh) is not intended for public purpose unless and until more than twenty-five (25%) percent of the WCA for the reservoir becomes urban in character, ~~by meeting any of the tests defined in NCGS Section 160A-48(c).~~
- (C) Tier 3
 - 1. Tier 3 consists of those land lying within an area bounded by Tier 2 and a line parallel to and three thousand (3000) feet in distance from the normal pool elevation.
 - 2. Tier 3 areas shall not exceed the WCA Boundary.
- (D) Tier 4
 - 1. Tier 4 consists of those lands lying in the area between Tier 3 and the WCA Boundary.

7-3.5 Runoff Minimization

The density and impervious surface coverage limits defined in Table 7-3-1 shall apply within the WCA.

7-3.6 Land Disturbance Minimization

(A) Erosion Control Plan:

1. An Erosion Control Plan will be required if any land disturbing activity:
 - a) Exceeds one (1) acre;
 - b) Will take place on highly erodible soils with a “k” factor greater than .36;
 - c) If a pond or retention structure is to be installed; or
 - d) Will take place in Tier 1 or Tier 2.
2. Agricultural activities shall be exempt from erosion control plan requirements under this Section.

(B) Street Standards: Refer to Article V (Subdivision: Procedures and Standards) for minimum street standards.

3. Construction trades;
4. Manufacture of chemicals and allied products, dairy products, fats and oils, leather tanning, meat and poultry packing, paper and allied products, petroleum and related industries, primary metals, rubber and plastics, and concrete products;
5. Hazardous waste storage or treatment;
6. Junkyards and auto wrecking;
7. Petroleum bulk stations;
8. Trucking terminals and automotive maintenance facilities;
9. Automotive dealers, truck sales, service stations, and convenience stores which sell fuel;
10. Fuel oil dealers;
11. Auto rental and repair shops;
12. Sanitary landfills and construction debris landfills, except on-site construction debris landfills of less than three (3) acres.

(B) Containment Structures

1. Storage tanks for fuels and chemicals shall be diked for the containment of spills.
2. Such dikes shall be of sufficient volume to contain one hundred (100%) percent of all the tank(s) contents stored in the area and shall have a leak detection system installed.
3. The containment system shall be approved by the Fire Marshal.
4. Such tanks and containment structures shall not be placed closer than one thousand (1,000) feet to the normal pool elevation.

(C) Underground Storage Tanks: Underground storage tanks shall not be permitted except as approved by the Planning Board.

(D) Point Source Discharges

1. No expansion of any existing private wastewater facilities or establishment of any new public wastewater treatment plants of any kind shall be permitted except on-site individual septic systems.
2. Industrial pre-treatment facilities which prepare wastewater for discharge into a public sewer system shall be permitted in WCA districts.

Table 7-3-1
DENSITY AND IMPERVIOUS SURFACE COVERAGE LIMITS

Residential Density Limits¹

(expressed as dwelling units/ gross acre)

	Tier 1	Tier 2	Tier 3	Tier 4
No Public sewer	NA	1 du/5 ac	1 du/3 ac	1 du/1 ac
Public sewer	NA	1 du/5 ac	2 du/1 ac	2.5 du/1 ac

Impervious Surface Coverage Limits

(Expressed as % Maximum)

(for use with institutional, commercial, and industrial uses)²

	Tier 1	Tier 2	Tier 3	Tier 4
No public sewer	NA	2.5%	4.0%	12.0%
Public sewer	NA	2.5%	24.0% ³	30.0% ³

Notes:

1. The above residential densities shall not apply to property in the Jurisdiction zoned for lot sizes less than forty thousand (40,000) square feet on the effective date of this Ordinance.
2. Impervious surface coverage limits shall not apply to property in the Jurisdiction zoned for institutional, commercial, or industrial purposes on or before April 1, 1987, the original adoption date of the Watershed Critical Area Ordinance.
3. Impervious surface coverages may be increased in Tier 3 and Tier 4, when the development is served by public sewer, by ten (10%) percent for institutional, commercial and industrial areas if the owners provide for on-site control of the first one (1) inch of runoff from impervious surfaces in accordance with this Ordinance.

7-3.8 Storm Water Management

(A) Control of Run-Off: Control of run-off from impervious surfaces shall be controlled as follow:

1. If the impervious surface is thirty (30%) percent or less, the resultant runoff from the first one-half (1/2) inch of rainfall shall be controlled;
2. If the impervious surface is greater than thirty (30%) percent, the resultant runoff from the first one (1) inch of rainfall shall be controlled.

(B) Control Measures: Run-off control measures may include:

1. On-site infiltration through undisturbed vegetated areas.
2. Engineered infiltration measures such as trenches, retention ponds (wet ponds) or wet detention ponds that reduce the total quantity of runoff.
3. Detention structures that reduce the rate and total quantity of runoff.
4. A fee in lieu of construction where public retention structures are available.

(C) Design Approval

1. All designs for run-off management structures, including those referred to in Section 7-3.8(B) (Control Measures), shall be subject to approval of the Enforcement Officer.
2. Such approval will be granted only if the design of the structure will be effective in removing sediment from the runoff.
3. The Enforcement Officer may recommend, and the Technical Review Committee may require, that a given facility be relocated on a site to improve water quality protection.

7-3.9 Appeals and Waivers

- (A) Conditions for Appeal or Waiver: Where because of the size of the tract to be developed, its topography, the condition or nature of adjoining areas; or the existence of other unusual conditions, or for other reasons of equity, strict compliance with the provisions of this Ordinance would cause an unusual and unnecessary hardship on the developer, waiver of the requirements set forth herein may be requested. Waiver of these requirements shall be made to the Planning Board.
- (B) Procedures: Approvals and appeals under this Section shall follow the procedures set forth in this Ordinance.
- (C) Granting Waiver: In granting waivers, the Planning Board may require such conditions as will secure, insofar as practicable, the objectives of the requirement waived. The Planning Board's action shall be advisory, and final action will be by the Governing Body after making findings of fact which show good and justifiable cause for a waiver.
- (D) Record of Waiver: Any waiver(s) authorized shall be entered in the minutes of the Planning Board together with the circumstances that justified the waiver(s) granted and the conditions upon which the waiver(s) was granted.

7-4 SOIL EROSION AND SEDIMENTATION CONTROL

7-4.1 General Requirements

- (A) Plan Required: No person shall initiate any land-disturbing activity without an erosion control plan approved by the Jurisdiction, if the land-disturbing activity:
 - 1) Exceeds one (1) acre;
 - 2) Will take place on highly erodible soils with a "k" factor greater than .36 in a watershed critical area;
 - 3) Includes a pond or retention structure in a watershed critical area; and
 - 4) Will take place in Tier 1 or Tier 2 of a watershed critical area.
- (B) Protection of Property: Persons conducting land-disturbing activity shall take all reasonable measures to protect all public and private property from damage or nuisance caused by such activity.
- (C) More Restrictive Rules Shall Apply: Whenever conflicts exist between federal, state, or local laws, ordinances, or rules, the more restrictive provision shall apply.

7-4.2 Basic Control Objectives

The basic control objectives which are to be considered in developing and implementing an erosion and sedimentation control plan are to:

- (A) Identify Critical Areas: On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention;
- (B) Limit Time of Exposure: All land-disturbing activity is to be planned and conducted to limit exposure to the shortest feasible time;
- (C) Limit Exposed Areas: All land-disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time;
- (D) Control Surface Water: Surface water runoff originating upgrate of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure;
- (E) Control Sedimentation: All land-disturbing activity is to be planned and conducted so as to prevent off-site sedimentation damage and nuisances to adjacent properties, streets or streams; and
- (F) Manage Storm Water Runoff: When the increase in the velocity of storm water runoff resulting from a land-disturbing activity is sufficient to cause accelerated erosion of the receiving watercourse, plans are to include measures to control the velocity at the point of discharge so as to minimize accelerated erosion of the site and increased sedimentation of the stream.

7-4.3 Mandatory Standards for Land-disturbing Activity

No land-disturbing activity subject to the control of this Ordinance shall be undertaken except in accordance with the following mandatory standards:

- (A) Buffer Zone: No land-disturbing activity shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the twenty-five (25%) percent of the buffer zone nearer the land-disturbing activity, provided, that this subsection (A) shall not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or natural watercourse; and
- (B) Graded Slopes and Fills: The angle for graded slopes and fills shall be no steeper than two (2) to one (1) slope if they are to be stabilized with vegetative cover. Slopes or fills steeper than two (2) to one (1) must be protected by structures. In any event, slopes left exposed will, within thirty (30) days of completion of any phase of grading, be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion;
- (C) Ground Cover: Whenever land-disturbing activity is undertaken on attract comprising more than one acre, if more than one contiguous acre is uncovered, the person

conducting the land-disturbing activity shall install such sedimentation and erosion control devices and practices as are sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of said tract, and shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development within thirty (30) working days or one hundred and twenty (120) calendar days following completion, whichever period is shorter;

- (D) Prior Plan Approval: No person shall initiate any land-disturbing activity if more than one contiguous acre is to be uncovered unless, thirty (30) or more days, prior to initiating the activity, an erosion and sedimentation control plan for such activity is filed and approved by the Jurisdiction.

7-4.4 Design and Performance Standards

Erosion and sedimentation control measures, structures, and devices shall be so planned, designed, and constructed as to provide protection from the calculated maximum peak rate of runoff from the ten (10)- year storm. Runoff rates shall be calculated using the procedures in the USDA, Soil Conservation Service's "National Engineering Field Manual for Conservation Practices", or other acceptable calculation procedures.

7-4.5 Permanent Downstream Protection of Stream Banks and Channels

- (A) Intent: Stream banks and channels downstream from any land-disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land-disturbing activity.
- (B) Performance Standards: The land-disturbing activity shall be planned and conducted so that the velocity of storm water runoff in the receiving watercourse at the point of discharge resulting from a ten (10)- year storm after development shall not exceed the greater of:
- 1) the velocity as determined from Table 7-4-1; or
 - 2) the velocity in the receiving watercourse determined for the ten (10)- year storm prior to development.
- (C) Acceptable Management Measures: Measures applied alone or in combination to satisfy the intent of this Section are acceptable if there are no objectionable secondary consequences. The Jurisdiction recognizes that the management of stormwater runoff to minimize or control downstream channel and bank erosion is a developing

technology. Innovative techniques and ideas will be considered and may be used when shown to have the potential to produce successful results.

Some alternatives are to:

- 1) Avoid increases to surface runoff volume and velocity by including measures to promote infiltration to compensate for increased runoff from areas rendered impervious;
 - 2) Avoid increases in stormwater discharge velocities by using vegetated or roughened swales and waterways in lieu of closed drains and high velocity paved sections;
 - 3) Provide energy dissipaters at outlets of storm drainage facilities to reduce flow velocities at the point of discharge. These may range from simple rip-rapped sections to complex structures; or
 - 4) Protect watercourses subject to accelerated erosion by improving cross sections and/or providing erosion-resistant lining.
- (D) Exceptions: This rule shall not apply where it can be demonstrated that stormwater discharge velocities will not create an erosion problem in the receiving watercourse.

TABLE 7-4-1
MAXIMUM PERMISSIBLE VELOCITY FOR STORMWATER DISCHARGES

Material	Maximum Permissible Velocities	
	F.P.S.	M.P.S
Fine Sand (noncolloidal)	2.5	0.8
Sandy loam (noncolloidal)	2.5	0.8
Silt Loam (noncolloidal)	3.0	0.9
Ordinary firm loam	3.5	1.1
Fine Gravel	5.0	1.5
Stiff clay (very colloidal)	5.0	1.5
Graded, loam to cobbles (noncolloidal)	5.0	1.5
Graded, silt to cobbles	5.5	1.7
Alluvial silts (noncolloidal)	3.5	1.1
Alluvial silts (colloidal)	5.0	1.5
Coarse gravel (noncolloidal)	6.0	1.8
Cobbles and shingles	5.5	1.7
Shale and hard pans	6.0	1.8

Source- Adapted from recommendations by Special Committee on Irrigation Research, American Society of Civil Engineers, 1926, for channels with straight alignment. For sinuous channels, multiply allowable velocity by 0.95 for slightly sinuous, by 0.9 for moderately sinuous channels, and by 0.8 for highly sinuous channels.

7-4.6 Borrow and Waste Areas

When the person conducting the land-disturbing activity is also the person conducting the borrow or waste disposal activity, areas from which borrow is obtained and which are not regulated by the provisions of the Mining Act of 1971, any waste areas for surplus materials other than landfills regulated by the Department of Human resources, Division of Health Services, shall be considered as part of the land-disturbing activity where the borrow material is being used or from which the waste material originated. When the person conducting the land-disturbing activity is not the person obtaining the borrow and/or disposing of the waste disposal activity, these areas shall be considered a separate land-disturbing activity.

7-4.7 Access and Haul Roads

Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of such activity.

7-4.8 Operations in Lakes or Natural Watercourses

Land-disturbing activity in connection with construction in, on, over, or under a lake or natural watercourse shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the stream channel. The relocation of a stream, where relocation is an essential part of the proposed activity, shall be planned and executed so as to minimize changes in the stream flow characteristics, except when justification for significant alteration to flow characteristic is provided. The U.S. Army Corps of Engineers shall be notified by the developer of any planned operation in lakes or natural watercourses for possible issuance of Section 404 or other permits.

7-4.9 Responsibility for Maintenance

During the development of a site, the person conducting the land-disturbing activity shall install and maintain all temporary and permanent erosion and sedimentation control measures as required by the approved plan, by any provision of this Ordinance, or by any ordinance adopted pursuant to this Ordinance. After site development, the land owner or person in possession or control of the land shall install and/or maintain all necessary permanent erosion and sediment control measures, except those measures installed within a road or street right-of-way or easement accepted for maintenance by a governmental agency.

7-4.10 Additional Measures

Whenever the Jurisdiction determines that significant sedimentation is occurring as a result of land-disturbing activity, despite application and maintenance of protective practices, the person conducting the land-disturbing activity will be required to and shall take additional protective action.

7-4.11 Existing Uncovered Areas

- (A) Applicability: All uncovered areas existing on the effective date of this Ordinance which are the result of land-disturbing activity, which exceed one (1) contiguous acre, which are subject to continued accelerated erosion, and which are causing off-site damage from sedimentation, shall be provided with a ground cover or other protective measures, structures, or devices sufficient to restrain accelerated erosion and control off-site sedimentation.
- (B) Notice of Violation: The Jurisdiction will serve upon the landowner a written notice of violation by registered or certified mail, return receipt requested. The notice will set forth the measures needed to comply and will state the time within which such measures must be completed. In determining the measures required and the time allowed for compliance, the authority serving notice shall take into consideration the economic feasibility, technology, and quantity of work required, and shall set reasonably attainable time limits for compliance.
- (C) Requiring Erosion Control Plan: The Jurisdiction reserves the right to require preparation and approval of an erosion control plan in any instance where extensive control measures are required.
- (D) Exemption: This rule shall not require ground cover on cleared land forming the future basin of a planned reservoir.

7-4.14 Erosion and Sedimentation Control Plans

- (A) Applicability: An erosion control plan shall be prepared for all land-disturbing activities subject to this Ordinance whenever the proposed activity is to be undertaken on a tract comprising more than one (1) acre, if more than one (1) contiguous acre is to be uncovered.
- (B) Preparation of Plan: The erosion control plan shall be prepared by, and shall bear the seal and signature of a registered professional engineer, architect, landscape architect, or a registered surveyor to the extent permitted by North Carolina laws, at a scale not smaller than one (1) inch equals two hundred (200) feet. The plan shall be filed with the

Jurisdiction, and the Guilford Soil and Water Conservation District, thirty (30) days prior to the commencement of the proposed activity.

- (C) Submission of plans: Persons conducting land-disturbing activity which covers one or more contiguous acres shall file five (5) copies of the erosion control plan with the Jurisdiction, at least thirty (30) days prior to beginning of such activity, and shall keep another copy of the plan on file at the job site. If the Jurisdiction, either upon review of such plan or on inspection of the job site, determines that a significant risk of accelerated erosion or off-site sedimentation exists, the Jurisdiction will require a revised plan. Pending the preparation of the revised plan, work shall cease or shall continue under conditions outlined by the appropriate authority.
- (D) Financial Responsibility Statement: Erosion control plans shall be accompanied by an authorized statement of financial responsibility and ownership. This statement shall be signed by the person financially responsible for the land-disturbing activity or his attorney in fact. The statement shall include the mailing and street addresses of the principal place of business of the person financially responsible and of the owner of the land or their registered agents. If the person financially responsible is not a resident of North Carolina, a North Carolina agent must be designated in the statement for the purpose of receiving notice of this compliance or non-compliance with the plan, this Ordinance, or rules or orders adopted or issued pursuant to this Ordinance.
- (E) Conservation District Review: The Guilford Soil and Water Conservation District within twenty (20) days of receipt of any plan, shall review such plan and submit its comments and recommendations to the Jurisdiction. Failure of the Soil and Water Conservation District to submit its comments and recommendations within these twenty (20) days will not delay final action on the plan.
- (F) Local Jurisdiction Review: The Jurisdiction will review each plan submitted to them and within thirty (30) days of receipt thereof will notify the person submitting the plan that it has been approved, approved with modifications, approved with performance reservations, or disapproval. Failure to approve or disapprove a complete erosion and sedimentation control plan within thirty (30) days of receipt shall be deemed approval. Denial of the plan must specifically state in writing the reasons for denial. The jurisdiction must approve or deny a revised plan within fifteen (15) days of receipt, or it is deemed to be approved. If, following commencement of a land-disturbing activity pursuant to an approved plan, the Jurisdiction determines that the plan is inadequate to meet the requirements of this Ordinance, the Jurisdiction may require such revisions as are necessary to comply with this Ordinance.
- (G) Plan Requirements: The plan required by the Section shall contain architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as

needed to adequately describe the proposed development of the tract and the measures proposed to ensure compliance with the requirements of this Ordinance. Plan content may vary to meet the needs of specific site requirements. Detailed guidelines for plan preparation can be found in Appendix 2 (Map Standards) of this Ordinance.

- (H) Application Amendments: Applications for amendments of an erosion control plan in written and/or graphic form may be made at any time under the same conditions as the original application. Until such time as said amendment is approved by the Jurisdiction, the land-disturbing activity shall not proceed except in accordance with the erosion control plan as originally approved.
- (I) Work Conducted from Approved Plan: Any person engaged in land-disturbing activity who fails to file a plan in accordance with this Ordinance, or who conducts a land-disturbing activity except in accordance with provisions of an approved plan shall be deemed in violation of this Ordinance.
- (J) Plan Approval Required for Permit: No building or location permits, approvals or other documents relating to land or building development or improvement shall be issued or granted under applicable zoning, building, subdivision and other laws and ordinances of the Jurisdiction, unless and until an erosion control plan, as required by this Ordinance, has been submitted to the Jurisdiction, a grading permit has been issued, and a Certificate of Erosion Control Performance has been issued by jurisdiction, indicating the initial erosion control devices have been installed and are functioning properly.
- (K) Work Completed Before Final Subdivision Approval: No final subdivision plat approval nor any Certificate of Occupancy shall be issued or granted where required under applicable zoning, building, subdivision and other laws and ordinances unless and until work at the site has been completed in accordance with a valid grading permit, or an improvement security or performance bond has been approved and accepted as required by this Ordinance.
- (L) Surety: The applicant for a grading permit to grade one (1) acre or more may be required to file with the Jurisdiction an improvement security or bond in the form of an escrow account or other instruments satisfactory to the Jurisdiction attorney in the amount deemed sufficient by the Jurisdiction to cover all costs of protection of the site against erosion and off-site sedimentation according to requirements of this Ordinance. The amount of such surety requirement shall be determined by the Jurisdiction in consultations with the Soil and Water Conservation District and with disinterested private contractors. Such surety shall be valid until the work is completed in accordance with the grading permit and until same is released by the Jurisdiction. Applicable surety shall be forfeited upon violation of this Ordinance and shall be used to establish protective cover on the site, to control the velocity of runoff, and/or prevent off-site

sedimentation. Any monies in excess of the cost of providing protective measures shall be refunded to the applicant. Surety shall be released when the Jurisdiction has certified that the requirements of this Ordinance has been met.

7-5 FLOOD CONTROL

7-5.1 Statutory Authorization

The Legislature of the State of North Carolina has in NCGS 143-21(6), NCGS 153-A-18(3&4), NCGS 153-A-6, NCGS 160-A-19(3, 5, & 8), and NCGS 160-A-8, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfares of its citizenry.

7-5.2 Finding of Fact

- (A) Cause for Flood Hazard Areas: The flood hazard areas of the Jurisdiction are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (B) Causes of Flood Losses: These flood losses are caused by the cumulative effect of:
 - 1) obstructions in flood plains causing increases in flood heights and velocities; and
 - 2) occupancy in flood hazard areas of uses vulnerable to floods or hazardous to other lands and uses which are inadequately elevated, inadequately floodproofed, or otherwise unprotected from flood damages.

7-5.3 General Provisions

- (A) Lands to Which this Ordinance Applies: This Ordinance shall apply to all areas of special flood hazard within the Jurisdiction.
- (B) Basis for Establishing the Areas of Special Flood Hazard: The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study dated XX,XX,XXXX, with accompanying maps and other supporting data, and any revision thereto are adopted by reference and declared to be a part of this Ordinance.
- (C) Floodway Zone:
 - 1) Permitted Uses: The following uses shall be permitted within the floodway zone to the extent that they are otherwise permitted by this Ordinance and provided that they do not employ structures or fill except as specified herein:

- a) General farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, quarrying, wildlife and related uses;
 - b) Ground level loading areas, ground level automobile parking areas, rotary aircraft ports and other similar industrial and commercial uses;
 - c) Tractor-trailer parking, provided that no trailers shall be detached from tractors;
 - d) lawns, gardens, play areas, and other similar uses;
 - e) golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, parks, swimming pools, hiking or horseback riding trails, open space and other similar private and public recreational uses;
 - f) Streets, bridges, utility lines, storm drainage facilities, sewage or waste treatment facilities, water supply facilities, and other similar public or private utility uses, but only if the proposed activity combined with allowable encroachment of the floodway fringe and with any previously placed or previously approved encroachment in the floodway will not increase the base flood elevation by more than one (1) foot. The increase in base flood elevation due to allowable encroachment of the floodway fringe is listed in the Floodway Date Table in the *Flood Insurance Study* prepared by the Federal Emergency Management Agency (FEMA). Fill material for utilities shall be permitted only if approved by the XXXXXXXX;
 - g) Temporary facilities such as displays, circuses, carnivals, or similar transient amusement enterprises;
 - h) Boat docks, ramps, piers, or similar structures;
 - i) Dams;
 - j) Grading but not fill; and
 - k) Cantilevered portions of structures, provided that foundation and supports are located outside the floodway zone and the underside of the cantilevered portion is at least one (1) foot above the base flood elevation.
- 2) Prohibited uses: Storage or processing of materials that are flammable, corrosive, toxic, or explosive, or which could otherwise be injurious to human, animal or plant life in time of flood is prohibited in the floodway zone.

(D) Floodway Fringe Zone

- 1) Permitted uses

The following uses shall be permitted within the floodway fringe zone to the extent that they are otherwise permitted by this Ordinance:

- a) Uses permitted below flood protection elevation:
 - i) Any use as permitted and regulated in the floodway zone.
 - ii) Fill material graded too drain, provided such is protected against erosion. Any fill material on which a structure is to be located shall be extended at grade ten (10) feet beyond the limits of the structure foundation, and shall have a side slope no steeper than two (2) feet horizontal to one (1) foot vertical.
 - iii) Structure foundations and supports, provided such are firmly anchored to prevent flotation.
 - b) Uses permitted above flood protection elevation:
 - i) Any residential or nonresidential use permitted by this Ordinance provided that the finished floor elevation of any structure is located one (1) foot or more above base flood elevation. Heating and electrical equipment installed below flood protection elevation shall be floodproofed.
 - ii) Any nonresidential use permitted by this Ordinance provided that all portions of the structure are floodproofed, as provided in this Article, to an elevation at least one (1) foot above base flood elevation.
 - iii) Heating and electrical equipment installed below flood protection elevation shall be floodproofed. Non-residential structures may floodproof this equipment if placed below the base flood elevation, but the floodproofing must be certified by a professional engineer registered in North Carolina.
- 2) Prohibited Uses: Uses that are prohibited below the flood protection elevation are the storage or processing of materials that are flammable, corrosive, toxic, or explosive, or which could otherwise be injurious to human, animal or plant life in time of flood.

7-5.4 Warning and Disclaimer of Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural

causes. This Ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Jurisdiction or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

7-5.5 Flood Plain Development Application, Permit and Certification Requirement

- (A) Application for Permit: Application for a Flood Plain Development Permit shall be made in accordance with Section 3-3.5 (Flood Plain Development Permit).
- (B) Certificate of Floor Elevation/Floodproofing: When a property is located in a flood hazard area or when a structure is floodproofed, a certificate shall be provided in accordance with Section 3-8.4 (Certificate of Flood Elevation/Floodproofing).

7-5.6 Provisions for Flood Hazard Reduction

- (A) General Standards: In all areas of special flood hazard the following provisions are required:
 - 1) All new construction or substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
 - 2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
 - 3) All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
 - 4) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages;
 - 5) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - 6) All new or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - 7) New or replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
 - 8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and

- 9) Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this Ordinance, shall meet the requirements of “new construction” as contained in this Ordinance.

(B) Specific Standards: In all areas of special flood hazard where base flood elevation data has been provided, the following provisions are required:

- 1) Residential Construction: New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movement of flood waters shall be provided.
- 2) Non-Residential Construction: New construction or substantial improvements of any commercial, industrial, or non-residential structure shall have the lowest floor, including basement, elevated no lower than one (1) foot above the level of the base flood elevation. Structures located in A-zones may be floodproofed in lieu of elevation provided that all areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in this Ordinance.
- 3) Manufactured Housing
 - a) Manufactured homes shall be anchored.
 - b) For new manufactured home parks and manufactured home subdivisions; for expansion to existing manufactured home parks and manufactured home subdivisions; for existing manufactured home parks and manufactured home subdivisions where the repair, reconstruction, or improvements of the streets, utilities, and pads equals or exceeds fifty (50%) percent of the value of the streets, utilities, and pads before the repair, reconstruction or improvements has commenced; and for mobile homes not placed in a mobile home park or mobile home subdivision, the following requirements must be met:
 - i) Stands or lots must be elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at least one (1) foot above the base flood elevation;
 - ii) Adequate surface drainage and access for a hauler must be provided;

- iii) If the home is on pilings, the lot must be large enough to permit steps and the pilings must be placed in stable soil.
 - 4) Elevated Buildings: New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters so as to automatically equalize hydrostatic flood forces on exterior walls.
 - a) Designs for complying with this requirement must be certified by a professional engineer or architect.
 - b) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
 - c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.
 - 5) Floodways: The floodways is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and has erosion potential. Except for streets, bridges, and utilities as permitted in Section 7-5.3(C)1f) (Floodway Zone), no encroachments, including fill, new construction, substantial improvements or other developments shall be permitted unless certification (with supporting technical data) by a registered professional engineer is provided, demonstrating that such encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
- (C) Standards for Streams Without Established Floodways or Base Flood Elevations: Within the areas of the special flood hazard established in the Article are small streams where no base flood data has been provided or where no floodways have been identified. The following provisions apply within such areas:
- 1) Except street, bridges, and utilities as permitted in Section 7-5.3(C)1f) (Floodway Zone), no encroachments shall be permitted in drainage easements as required by Article V (Subdivisions: Procedures and Standards). Fill, new construction, substantial improvements or development shall be permitted within the distance from the stream centerline designated in Table 7-5-1 or twenty (20) feet each side from the top of the stream bank, whichever is greater, unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

TABLE 7-5-1

STREAM NON-ENCROACHMENT WIDTHS

Cubic Feet/Second in 100-year Storm	Required Distance from Stream Centerline
5 – 17 cfs ¹	15 Ft.
17 – 70 cfs ¹	30 Ft.
70 or more cfs ¹	50 Ft. plus ½ channel width

¹cfs =Cubic Feet per Second

- 2) If base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of this Article and shall be elevated or floodproofed in accordance with elevations established in this Article.
- 3) When base flood elevation data is not available from a federal, state, or other source, and the flow is five hundred (500) cubic feet per second (cfs) or greater for a one hundred (100) year storm, the lowest floor including the basement shall be elevated at least one foot above the one hundred (100) year flood elevation certified by a professional registered engineer.
- 4) When base flood elevation data is not available from a federal, state, or other source, and the flow is less than five hundred (500) cfs for a one hundred (100)-year storm, the lowest floor including the basement shall be elevated at least two (2) feet above the highest adjacent grade.

(D) Standards for Areas of Shallow Flooding (AO Zones): Located within the area of special flood hazard established in this Article are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions shall apply within such areas:

- 1) All new construction and substantial improvements of residential structures shall have the lowest floor including the basement elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor including the basement shall be elevated at least two (2) feet above the highest adjacent grade.
- 2) All new construction and substantial improvements of non-residential structures shall:

- a) have the lowest floor including the basement elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor including the basement shall be elevated at least two (2) feet above the highest adjacent grade; or
- b) be completely floodproofed, together with attendant utility and sanitary facilities, to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

ARTICLE VIII - ENFORCEMENT

8-1 VIOLATIONS

Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Article and by state law.

8-1.1 Development Without Permit

To engage in any development, use, construction, remodeling or other activity of any nature upon the land or improvements thereon subject to the jurisdiction of this Ordinance without all required permits, certificates or other forms of authorization as set forth in this Ordinance to conduct or engage in such activity.

8-1.2 Development Inconsistent With Permit

To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity.

8-1.3 Violation by Act or Omission

To violate, by act or omission, any term, variance or waiver, condition, or qualification placed by the governing body or its agent boards upon any required permit, certificate or other form of authorization for the use, development or other activity upon land or improvements thereon.

8-1.4 Use in Violation

To erect, construct, reconstruct, alter, repair, convert, maintain or use any building or structure or to use any land in violation or contravention of this Ordinance, or amendment thereto, or any other regulation made under the authority conferred thereby.

8-1.5 Subdivide in Violation

To subdivide land in violation of this Ordinance or transfer or sell land by reference to, exhibition of, or any other use of a plat or map showing a subdivision of land before the plat or map has been properly approved under this Ordinance and recorded in the Office of the Register of Deeds. The description by metes and bounds in the instrument of transfer or other

document used in the process of selling or transferring land does not exempt the transaction from violation of this Ordinance.

8-1.6 Continue a Violation

Each day's violation of any provision of this Ordinance is a separate and distinct offense.

8-2 ENFORCEMENT INTENT

8-2.1 Questions

It is the intention of this Ordinance, unless otherwise provided, that all questions arising in connection with the enforcement of this Ordinance shall be presented to the Board of Adjustment only on appeal from the Enforcement Officer's decision. An appeal from the decision of the Board of Adjustment shall be by proceeding in the nature of certiorari to the Superior Court as provided by law.

8-2.2 Governing Body

It is further the intention of this Ordinance that the duties of the Governing Body in connection with this Ordinance shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement thereof.

8-3 ENFORCEMENT PROCEDURE

When the Enforcement Officer or his agent finds a violation of this Ordinance, it shall be his duty to notify the owner or occupant of the land, building, structure, sign, or use of the violation. The owner or occupant shall immediately remedy the violation.

8-3.1 Notice of Violation

If the owner or occupant of any land, building, sign, structure, or use violates any provision of this development ordinance and fails to take prompt corrective action, the Enforcement Officer shall give the owner or occupant written notice, by certified or registered mail to his last known address, or by personal service or by posting notice of the violation conspicuously on the property:

- A) that the land, building, sign, structure, or use is in violation;
- B) the nature of the violation, and citation of the section of the ordinance violated;

C) the measures necessary to remedy the violation;

8-3.2 Appeal

Any owner or occupant who has received a Notice of Violation may appeal in writing the decision of the Enforcement Officer to the Board of Adjustment (unless this Ordinance has specified that another board shall hear the appeal of the violation) ~~within fifteen (15) days~~ within thirty (30) days following the date of receipt of the Notice of Violation. (If a Notice of Violation is mailed, three (3) additional days grace shall be granted to allow for mailing time.) The Board of Adjustment, or designated board, shall hear an appeal within a reasonable time, and it may affirm, modify, or revoke the Notice of Violation. In the absence of an appeal, the remedies and penalties sought by the Enforcement Officer in the Notice of Violation shall be final. Filing of an appeal to the Board of Adjustment within the specified time frame stays all further enforcement measures, including the accrual of fines.

8-3.3 Order of Corrective Action

If upon a hearing held pursuant to an appeal as prescribed above, the Board of Adjustment shall find that the owner or occupant is in violation of this Ordinance, the Board of Adjustment shall make an order in writing to the owner, occupant or any person with standing in the case affirming the violation. ~~and~~ This notice shall also include an order of compliance.

8-3.4 Failure to Comply with an Order

If, within 30 days of receiving the Board order, granting 3 additional days if the notice is mailed, the owner or occupant of a property, or any other person with standing fails to comply with a ~~Notice of Violation from which no appeal has been taken,~~ or an Order of Correction Action following an appeal to the Board of Adjustment, the owner or occupant shall be subject to such remedies and penalties as may be provided for by state law and Section 8-4 (Remedies). If the owner or occupant fails to comply with the remedies and penalties prescribed, enforcement shall be sought through an order of a court of competent jurisdiction.

8-3.5 Appeal to Superior Court

If any owner, occupant or other party with standing feels the Board of Adjustment acted in error making its decision, he shall have 30 days, granting 3 additional days if the notice is mailed, from receipt of the Board findings and Order of Corrective Action in which to file an

appeal in the nature of certiorari to NC Superior Court. When an appeal to Superior Court is filed within the allotted time frame all further enforcement measures are stayed, including the accrual of fines.

8-4 REMEDIES

Anyone or all of the following procedures may be used to enforce the provisions of this Ordinance.

8-4.1 Injunction

Any violation of this Ordinance or of any condition, order, or requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, or mandated by injunction or other appropriate proceeding pursuant to state law.

8-4.2 Civil Penalties

Any person who violates any provisions of this Ordinance shall be subject to the assessment of a civil penalty under the procedures provided in Section 8-5 (Civil Penalties – Assessments and Procedures).

8-4.3 Denial of Permit or Certificate

The Enforcement Officer may withhold or deny any permit, certificate, occupancy or other form of authorization on any land, building, sign, structure or use in which there is an uncorrected violation of a provision of this Ordinance or of a condition or qualification of a permit or certificate or other authorization previously granted.

8-4.4 Conditional Permit or Temporary Certificate

The Enforcement Officer may condition the authorization of any permit or certificate upon the correction of the deficiency, payment of civil penalties within a specified time, or the posting of a compliance security approved by appropriate governmental legal authority.

8-4.5 Stop Work Orders

Whenever a building, sign, or structure, or part thereof being constructed, reconstructed, altered or repaired in violation of this Ordinance ~~or presents imminent~~ **presents imminent** danger to life or property, the Enforcement Officer may order the work to be immediately stopped. The stop order shall be in writing and directed to the owner, occupant, or person doing the work. The stop order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. **The stop order shall be delivered in**

person, by electronic mail or postal mail. The person delivering the stop work order shall certify to the local government that the order was delivered; that certificate shall be deemed conclusive in the absence of fraud. Such action shall be in accordance with NCGS ~~160A-421 or 153A-361.5~~ 160D-404(b), as applicable, or the NC Building Code.

8-4.6 Appeal

The person(s) receiving a stop work order may appeal the notice if it is believed to have been issued in violation of the State Building Code or any approved local modifications thereof. This appeal must be filed with the NC Commissioner of Insurance within five (5) days of receiving the stop work order. A copy of the appeal must be provided to the local inspector within the same time frame NCGS 160D 405 and 1114. Pending a ruling by the Commissioner of Insurance or designee, the stop work order remains in effect. Further appeals may be made to 1. The NC Building Code Council and 2. NC Superior Court as provided in NCGS 143-141.

8-4.7 Revocation of Permits

The Enforcement Officer may revoke and require the return of a permit by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications, refusal or failure to comply with the requirements of state or local laws, or for false statements or misrepresentations made in securing the permits. Any permits mistakenly issued in violation of an applicable state or local law may also be revoked.

8-4.8 Criminal Penalties

Any violation of this Ordinance shall be a misdemeanor or infraction as provided by NCGS 14-4.

8-5 CIVIL PENALTIES – ASSESSMENT AND PROCEDURES

8-5.1 Penalties

Any person who violates any provisions of this Ordinance shall be subject to assessment of a civil penalty in the amount of \$50.00 the first violation; \$100.00 for the second violation; \$200.00 for the third violation; and \$400.00 for the fourth and succeeding violations thereafter.

8-5.2 Notice

No civil penalty shall be assessed until the person alleged to be violation has been notified of the violation in accordance with Section 8-3.1 (Notice of Violation). If after receiving a notice violation under Section 8-3.1, the owner or other violator fails take corrective action, a civil penalty may be imposed under this Section in the form of a citation. The citation shall state the

nature of the violation, the civil penalty to be imposed upon the violator and shall direct the violator to pay the civil penalty within fifteen (15) days of the date of the notice.

8-5.3 Responsible Parties

The owner or occupant of any land, building, structure, sign, or of land or part thereof and any architect, builder, contractor, agent or any other person who participates or acts in concert, responsible for the violation and subject to the civil penalties and remedies herein provided.

8-5.4 Continuing Violation

For each day the violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional civil penalty.

8-5.5 Demand for Payment

The Enforcement Officer shall make demand for payment upon the property owner or person in violation, and shall set forth in detail a description of the violation for which the civil penalty has been imposed.

8-5.6 Nonpayment

If payment is not received or equitable settlement reached within thirty (30) days after demand for payment is made, the matter shall be referred to legal counsel for institution of a civil action in the appropriate division of the General Courts of Justice for recovery of the civil penalty. Provided, however, if the civil penalty is not paid within the time prescribed, the Enforcement officer may have a criminal summons or warrant issued against the violator. Upon conviction, the violator shall be subject to any criminal penalty the court may impose pursuant to NCGS 14-4.

8-6 CIVIL PENALTIES – SOIL EROSION AND SEDIMENTATION CONTROL

8-6.1 General

Any person who violates any of the provisions of Section 7-4 (Soil Erosion and Sedimentation Control), or rules or orders adopted or issued pursuant to it, or who initiates or continues a land-disturbing activity for which an erosion and sedimentation control plan is required, except in accordance with the terms, conditions, and provisions of an approved erosion and sedimentation control plan, shall be subject to a cumulative civil penalty of not more than

\$100.00 per day, except that the penalty for failure to submit an erosion and sedimentation control plan shall be as provided in Section 8-6.3 (Erosion and Sedimentation Control Plan). The Enforcement Officer shall consider the degree and extent of harm caused by the violation and the cost of rectifying the damage in determining the civil penalty.

8-6.2 Specific Civil Penalties

The amount of the civil penalty shall be assessed pursuant to the following:

- A) Grading Without Permit: \$100.00 per day for failure to secure a valid grading permit prior to conducting a land-disturbing activity when more than one contiguous acre is to be disturbed.
- B) Failure to Protect: \$100.00 per day for failure to take all reasonable measures to protect public property, private property, a lake and/or natural watercourse, from damage caused by land-disturbing activities.
- C) Failure to Follow Plan: \$75.00 per day for failure to conduct a land-disturbing activity in accordance with the provisions of the approved erosion and sedimentation control plan.
- D) Failure to Install Devices: \$75.00 per day for failure, when more than one contiguous acre is disturbed, to install erosion and sedimentation control devices sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract or tracts during construction upon and development of the tract(s).
- E) Failure to Maintain Measures: \$75.00 per day for failure to maintain satisfactory erosion and sedimentation control measures, structures and/or devices on the site that are designed to provide protection from the calculated maximum peak rate of runoff from the 10-year storm.
- F) Failure to Maintain Temporary Measures: \$75.00 per day for failure to maintain temporary and permanent erosion and/or sedimentation control measures and facilities during the development of the site.
- G) Failure to Maintain slopes: \$50.00 per day for failure on graded slopes and fills to maintain an angle sufficient to retain vegetative cover or other adequate erosion control devices or structures.

- H) Failure to Cover Slopes: \$50.00 per day for failure within thirty (30) days of completion of any phase of grading to plant or otherwise provide exposed, graded slopes or fills with ground cover, devices, and/or structures sufficient to restrain erosion.
- I) Failure to Plant Cover: \$50.00 per day for failure on a tract when more than one contiguous acre is uncovered, to plant or otherwise provide ground cover sufficient to restrain erosion within thirty (30) working days or one-hundred and twenty (120) calendar days, whichever is the shorter, following completion of construction or development.
- J) Failure to Revise Plan: \$25.00 per day for failure to fill an acceptable, revised erosion and sedimentation control plan after notified by of the need to do so.
- K) Failure to Maintain Buffer: \$25.00 per day for failure to retain along a lake or natural watercourse a buffer zone of sufficient width to confine visible siltation within the 25 percent of the buffer zone nearest the land-disturbing activity.

8-6.3 Erosion and Sedimentation Control Plan

Any person who fails to submit an erosion and sedimentation control plan for approval as required by this Ordinance shall be subject to a single, non-continuing civil penalty of not more than \$1,000.00. Any person may be subject to additional civil penalties for violation of any other provisions of this Ordinance. Provided, however, that no civil penalty shall accrue in excess of \$100.00 per day in addition to the \$1,000 civil penalty as provided in this Section.

8-6.4 Civil Penalty Use

Civil penalties collected for erosion and sedimentation control violations shall be used or disbursed as directed by NCGS 133A-64(a).

8-7 CRIMINAL PENALTY – SOIL EROSION AND SEDIMENTATION CONTROL

Any person who knowingly or willfully violates any soil erosion and sedimentation control provisions of this Ordinance, or rule or order adopted or issued pursuant to the soil erosion and sedimentation control provisions, or who knowingly or willfully initiates or continues a land-disturbing activity for which an erosion and sedimentation control plan is required except in accordance with the terms, conditions, and provisions of an approved plan, shall be guilty of a misdemeanor punishable by imprisonment not to exceed ninety (90) days, or by a fine not to exceed \$5,000, or both, in the discretion of the court.

8-8 OTHER POWERS AND ACTIONS

8-8.1 State and Common Law Remedies

In addition to other enforcement provisions contained in this Article, the Governing Body may exercise any and all enforcement powers granted to it by state law or which remedies were available at common law for enforcement under the equitable power of the court.

8-8.2 Previous Enforcement

Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions undertaken pursuant to valid resolution and law.

8-9 REMEDIES CUMULATIVE AND CONTINUOUS

8-9.1 Cumulative Violations

All such remedies provided herein shall be cumulative. To the extent that North Carolina law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

8-9.2 Repeat Violations

If an owner or occupant repeats the same violation within a five year period from the date of the initial violation, it shall be considered to be a continuation of the initial violation and shall be subject to additional penalties and remedies.

8-10 ACTION BY OTHERS

8-10.1 Adjacent or Neighboring Property

In addition to the remedies of the local government hereunder, if any building or structure is erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance, any other appropriate authority or any adjacent, nearby or neighboring property owner who would be affected by such violation may institute injunction, mandamus or other appropriate action or proceeding to prevent the occupancy of such building, structure or land, or the continuance of any construction whatsoever in violation of this Ordinance.

8-10.2 Land Purchaser

In the event that a purchaser buys land for which is a surety to secure performance of improvements after a period of eighteen (18) months has passed since the date of Final Plat recordation, the purchaser may bring action to enforce completion of the improvements. In such a case, the purchaser may seek specific performance.

ARTICLE IX - ADMINISTRATION

9-1 ADMINISTRATIVE PROCEDURES

9-1.1 General

The Governing Board shall provide for the manner in which the provisions of this Ordinance shall be determined, established and enforced, and amended, supplemented or changed. A Board within the context of this Ordinance shall mean any board, commission, or agency empowered therein.

9-1.2 Notice

- A) Rezoning, Variance, Certificate of Appropriateness, Watershed Waiver or Other Development Approval: Whenever ~~there is a request for a zoning map amendment, Special Use Permit, variance, Certificate of Appropriateness or watershed waiver~~ development approval request, involving a parcel of land, it shall be submitted by the owner of that parcel of land as shown on the county tax listing or someone acting as their agent, and Notice shall be given to the owners of all parcels of land adjoining and contiguous to that parcel of land as shown including properties separated by a street, railroad or other transportation corridor on the county tax listing, shall be mailed a notice of the proposed classification, permit, or action.
- 1) Notice shall be by first class mail to the last addresses listed for such owners on the county tax abstracts at least 10 days, but not more than 25 days prior to the date of the hearing.
 - 2) The person or persons mailing such notices shall certify to the governing body that proper notice has been given and such certification shall be deemed conclusive in the absence of fraud.
 - 3) Notice requirements specified in this Section shall not apply in the case of comprehensive rezoning of all property within the Jurisdiction.
 - 4) Hearing notice of such proposed action may shall also be published in a newspaper of general circulation for two consecutive weeks with the first week not less than 10 days or more than 25 days before the date of the hearing in accordance with NCGS 160D – 601, North Carolina General Statutes.

5) Each site shall be posted in a conspicuous location(s) with the time, date, and notice of public hearing for at least 25 days prior to the hearing until 10 days from the hearing.

B) Text Amendment and Appeal: Whenever there is a request for an action involving a text amendment to this Ordinance or an appeal of an interpretation of this Ordinance; a hearing notice of such proposed action shall be published in a newspaper of general ~~circulation~~ circulation for two consecutive weeks with the first week not less than 10 days or more than 25 days before the date of the hearing in accordance with NCGS 160D – 601. ~~in accordance with North Carolina General Statutes.~~

C) Board Approval of Subdivision or Site Plan: Whenever there is a request for an action involving a subdivision or site plan requiring a board approval under this Ordinance; the meeting of the designated board shall have an agenda duly posted in accordance with North Carolina Open Meetings Statutes.

9-1.3 Conflict of Interest for Administrative Staff

A) No staff member shall make a final decision on an administrative decision required by this ordinance if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship.

B) If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the Town manager. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this ordinance unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with the Town to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the Town as determined by the Town Manager.

C) “Close familial relationship” as used in paragraph A above means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half and in-law relationships.

9-1.4 Organization

The Governing Board shall require that each of the Boards provided for by this Ordinance adopt rules and maintain records.

- A) Rules of Conduct: Each Board shall adopt rules necessary to conduct its affairs and which establish Board organization, procedures, meeting notice and meeting conduct. These rules of conduct will be pursuant to NCGS 160D-109, addressing conflict of interest disclosures and procedures for staff, planning board and boards acting in a quasi-judicial manner (e.g. historic preservation commission and board of adjustment).
- B) Conformance of Rules: Such rules adopted by the Board shall be in accordance with state law and the provisions of this Ordinance.
- C) Election and Terms of Officers: unless otherwise provided by this Ordinance, Chairman and Vice Chairman and Secretary of the Board shall be elected by members of the Board to serve a one (1) year term. The Secretary does not have to be a member of the Board. Each member of the Board shall swear an oath of office before beginning of his or her respective term.
- D) Record of Meetings: The Board shall keep minutes of its proceedings, showing the vote of each member upon every question or, if absent or failing to vote, indicate such fact. The Board shall also keep records of its examinations and other official actions. All such records and minutes shall be public record.

9-1.5 Alternate Members

- A) Inclusion of Alternates: Each Board may include alternate members to serve in the absence of any regular member.
- B) Powers and Duties: Each alternate member, attending a meeting of the Board and serving in the absence of a regular member, has and may exercise all powers and duties of a regular member.

9-1.6 Terms

- A) Length of Terms: Members and alternate members, if any, of the Board shall serve a maximum of three (3) consecutive, three (3) year terms, provided that upon initial appointment the terms of office may be staggered. The terms of all Board members shall not expire at the same time.

B) Filling of Vacancies: Vacancies created by resignation or other causes shall be filled as follows:

- 1) A new member or an alternate member may be appointed to fill the unexpired term of the member so vacating.
- 2) Members filling vacancies shall serve for the remainder of the unexpired term.

9-1.7 Compensation

Compensation, if any, for Board members may be provided for by the Governing Board.

9-2 THE PLANNING BOARD

9-2.1 Authority

There is hereby created a planning agency, pursuant to ~~NCGS 160A-361 and 153A-321~~ NCGS § 160D to be known as the Planning Board.

9-2.2 Membership

The Planning Board shall consist of seven (7) members of the town, two (2) Guilford County ETJ representatives, one (1) Alamance County ETJ representative, and may have at least two (2) alternates, appointed by the Governing Body. Extraterritorial members and alternates shall be appointed as provided by North Carolina General Statutes.

9-2.3 Conflicts of Interest

No member of the Planning Board shall vote on any legislative decision regarding a development regulation, zoning amendment or any other matter in which there exists a reasonable likelihood that the outcome of the vote will have a direct, substantial, and readily identifiable financial impact on the member. Nor shall any member vote on any such matter that may have the same scope of financial impact on any close familial, business or other associated relationship.

9-2.4 Powers and Duties

The Planning Board shall have the following powers and duties;

- A) to hear and decide matters in accordance with terms of this Ordinance; and make written recommendations to the Government Board on zoning map

amendments, and Special Use Permits. These duties may be assigned to a separate Zoning Commission if the Governing ~~Body~~ Board so designates,

- B) to hear and decide matters on appeal from the Technical Review Committee and the Enforcement Officer for soil erosion; to wit: subdivisions, site plans, and soil erosion plans,
- C) to hear and decide on matters pertaining to road name changes, road closings, right-of-way vacations, easement removals, right-of-way encroachments, and watershed matters as assigned,
- D) to provide recommendations to the Governing ~~Body~~ Board with regard to any of the above matters which may be appealed; as well as those matters which remain with the Governing Body as original jurisdiction such as text amendments and watershed waivers,
- E) to develop a comprehensive plan for the territory under its Jurisdiction, subject to specific direction from the Governing ~~Board~~ Body,
- F) to make such other studies and plans and review such other related matters as directed by the Governing ~~Board~~ Body, and
- G) any other powers and authority provided to it by the Governing ~~Board~~ Body, this Ordinance and state law.

9-3 TECHNICAL REVIEW COMMITTEE

9-3.1 Authority

There is hereby created a planning agency, pursuant to NCGS ~~160D 301-160A-361 and 153A-321~~ known as the Technical Review Committee (TRC).

9-3.2 Membership

- A) Number of Members: The TRC shall be composed of at least five (5) department or division heads, or their designated representatives appointed by resolution of the Governing Body. Each representative shall have an alternate.
- B) Planning Board as TRC: If the Governing Body chooses not to appoint a Technical Review Committee, the Planning Board shall sit as the TRC subject to the provision of this Ordinance.

9-3.3 Officers

The Planning Director or his designated representative shall serve as Chair of the Technical Review Committee. The Committee shall appoint a Secretary.

9-3.4 Powers and Duties

The Technical Review Committee shall have the following powers and duties:

- A) to provide for a continuing, coordinated, and comprehensive review of the technical aspects of this Ordinance, and the approval of certain technical aspects of land use and development proposals;
- B) to review all technical aspects of all development occurring within the jurisdictional area of the Governing Body;
- C) to review and approve new or altered plans including: subdivisions, clustered or attached residential development, planned unit developments, office, commercial, and industrial developments, street and utility improvements, and any other proposals for development specified by this Ordinance and waivers authorized in Article V (Subdivision: Procedures and Standards);
- D) to recommend to the Planning Board the closing of streets, alleys, easements, and other rights-of-way; the condemnation of property for the benefit of the public; or encroachments within public right-of-way and the establishment of encroachment agreements;
- E) to perform any other related duties that the Governing Body may direct; and
- F) any other power and authority provided to it by the Governing Body, this Ordinance and State law.

9-4 HISTORIC PRESERVATION COMMISSION

9-4.1 Authority

There is hereby created, pursuant to NCGS ~~160A-400D-940~~, a Historic Preservation Commission. Pursuant to ~~section 4 NCGS 160D-949A-400-14~~, nothing in this Ordinance shall effect the status of any historic district or historic property established or designated under the authority of ~~Part 3 of Article 19 of Chapter 160A-160D~~ of the General Statues; such establishment or designation being prior to the effective date of this Ordinance. Nothing in this

Ordinance shall affect the validity of the Guilford County Joint Historic Properties Commission, ~~created by ordinance~~ ~~dated~~.

9-4.2 Membership

- A) General Make-up: The Historic Preservation Commission shall be composed of at least seven (7) members.
- B) District Representation: Each existing historic district shall be represented by not more than one (1) person on the Historic Preservation Commission, and the remaining membership shall be composed of persons who have demonstrated an interest in the preservation of historic structures and areas.
- C) Designation: The Guilford County Joint Historic Properties Commission may be designated by a Jurisdiction to perform the duties of a Historic Preservation Commission.

9-4.3 Powers and Duties

The Historic Preservation Commission shall have the following powers and duties:

- A) to review, analyze, and recommend to the Planning Board, items which pertain to existing and potential historic districts and individual structures, buildings, sites or objects to be designated by ordinance as “landmarks” within the jurisdiction of the Governing Body;
- B) to undertake an inventory of properties of historical, prehistorical, architectural, and/or cultural significance;
- C) to recommend designation or removal of the designation of “Historic District” for any area within the jurisdiction of the Governing Body. Such designation or removal shall follow an investigation and a report describing the significance of the structures, site features, or surroundings in the district;
- D) to grant or deny the issuance of a Certificate of Appropriateness in accordance with this Ordinance. The Commission may hold a public hearings on the issuance or revocation of such Certificates;
- E) to recommend appropriate changes to this Ordinance which relate to a historic districts or which relate to the preservation of historic structures, landmarks, or areas within the jurisdiction of the Governing Body;

- F) to acquire by lawful means the fee or any lesser included interest, including options to purchase, to properties within established districts or to any such properties designated as landmarks, to hold, manage, preserve, restore and improve the same, and to exchange or dispose of the property by public or private sale, lease or otherwise subject to covenants or other legally binding restrictions which will secure appropriate rights of public access and promote the preservation of the property;
- G) to restore, preserve, and operate historic properties;
- H) to recommend to the Governing Board that designation of any area as a historic district or part thereof, or designation of any building structure, site, area, or object as a landmark, be revoked or removed for cause;
- I) to conduct an educational program with respect to historic properties and districts within the jurisdictional area of the Governing Body;
- J) to prepare and recommend for adoption a preservation element as a part of the Jurisdiction's comprehensive plan;
- K) to negotiate at any time with the owner of a building, structure, site, area, or object for its acquisition or its preservation, when such action is reasonably necessary or appropriate;
- L) to exercise such other powers as may be given it by law or assigned to it by the Governing Board; and
- M) any other power and authority provided to it by the Governing Board, this Ordinance and state law.

9-4.4 Conflict of Interest

No member of the Historic Preservation Commission shall vote on any decision regarding a development regulation or any other matter in which there exists a reasonable likelihood that the outcome of the vote will have a direct, substantial, and readily identifiable financial impact on the member. Nor shall any member vote on any such matter that may have the same scope of financial impact on any close familial, business or other associated relationship.

9-5 BOARD OF ADJUSTMENT

9-5.1 Authority

A Board of Adjustment is hereby established pursuant to NCGS 160D-302A-338 and 152A-345.

9-5.2 Membership

- A) Number of Members: The Board of Adjustment shall consist of at least five (5) members and may have alternates as appointed by the Governing Body.
- B) Planning Board Serving as Board of Adjustment: The Planning Board is assigned to all responsibilities of the Board of Adjustment.

(Revised 10-5-15)

9-5.3 Powers and Duties

The Board of Adjustment shall have the following powers and duties:

- A) to hear and decide appeals from and review any order, requirement, decision, determination, or interpretation made by an administrative official charged with enforcing this Ordinance;
- B) to review appeals from the proceedings of the Historic Preservation Commission concerning the issuance of a Certificate of Appropriateness, limited to certiorari;
- C) to hear and decide any exceptions which are specifically delegated to it by this Ordinance;
- D) to determine and vary application of regulations in harmony with their general purpose and intent and in accordance with general and specific rules contained therein;
- E) to hear and decide appeals for variances from the terms of this Ordinance in cases where special conditions would make strict and literal interpretation and enforcement of the provisions of this Ordinance result in a loss of privileges shared by other properties within the same zoning district;
- F) to interpret zoning maps and pass upon disputed questions of district boundary lines and similar questions that may occur in the administration of the Ordinance;
- G) to hear and decide all matters referred to it or upon which it is required to pass under this Ordinance; and

- H) to determine upon the application of an owner or the referral from the Enforcement Officer whether a proposed nonconforming use is less intensive or equal than an existing, legal nonconforming use, in accordance with Section 3-12.2 (Nonconforming Use of Land).

9-5.4 Conflict of Interest

No member of the Board of Adjustment shall vote on any decision regarding a development regulation or any other matter in which there exists a reasonable likelihood that the outcome of the vote will have a direct, substantial, and readily identifiable financial impact on the member. Nor shall any member vote on any such matter that may have the same scope of financial impact on any close familial, business or other associated relationship.

9-5.5 Voting

- A) Required Vote for Approval: A simple majority vote is required to decide any appeal to the Board. A four-fifths (4/5) majority vote shall be required to approve Variance requests.
- 1) Affirm or reverse any order, wholly or partly; modify a requirement, decision, determination or interpretation; of an administrative officer charged with enforcing an ordinance adopted pursuant to this Ordinance (simple majority).
 - 2) Decide in favor of the applicant on a matter upon which the Board is required to pass under this Ordinance (simple majority).
 - 3) Grant a variance from the provisions of the Ordinance (four-fifths, 4/5 majority).
 - 4) ~~Grant/Hear special exceptions for~~ Historic District Commission appeals and other purposes as assigned (simple majority).
- B) Vote of the Chairman: The Board chairman shall vote as any other Board member.
- C) Delay of Decision: The Board may, in its discretion, direct that its decision be delayed to a date or time subsequent to the Board's vote on an appeal.

9-5.6 Court Review

- A) Appeal to Superior Court: Each decision of the Board shall be subject to Superior Court review by proceedings in the nature of certiorari.

B) Timing of Appeal:

1) Any petition for review by the Superior Court shall be filed with the Clerk of Superior Court within thirty (30) days after receipt of the written decision of the Board is received by the appellant. Three (3) additional days shall be added if the written notice is mailed.

~~2) After a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Secretary or Chairman of the Board at the time of its hearing of the case, whichever is later.~~

9-5.7 Notice of Decision

The decision of the Board may be delivered to the aggrieved party either by personal service, electronic mail, registered mail or certified mail return receipt requested.

9-5.8 Oaths

The Chairman of the Board or any member temporarily acting as Chairman, shall administer oaths to witnesses in any matter coming before the Board.

9-5.9 Appeals To The Board

A) Appeal Eligibility: Any aggrieved person(s) with standing or any officer, department, board, or bureau of the Governing Body may make an appeal.

1) Appeals shall be made within the time prescribed by the Board by general rule, by filing with the officer from whom the appeal is taken and with the Board a notice of appeal, specifying the grounds thereof.

2) The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record from which such action was taken.

B) Effect of Appeal: An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after notice of appeal has been filed with him, that because of the facts stated in the certificate a stay would, in the officer's opinion, cause imminent peril to life or property or that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of the ordinance. Notice of Application to the Board for a stay shall be given in writing by the party making the appeal.

- C) Effect of Certification: If certification occurs in accordance with Section 9-5.9(B) (Effect of Appeal), proceedings may not be stayed except by a restraining order, which may be granted by a court of competent jurisdiction. Notice to the officer from whom the appeal is taken shall be given in writing prior to a hearing.
- D) Notice of Hearing: The Board shall fix a reasonable time for hearing the appeal, give due notice of the appeal to the parties, and decide the appeal within a reasonable time.
- E) Action of Board: The Board may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination or interpretation appealed from, and shall make any order, requirement, decision, or determination that in the Board's opinion ought to be made in the circumstances.
- F) Conditions of Rehearing: The Board shall not be required to hear an appeal or application previously denied if it finds that there has been no substantial change in conditions or circumstances bearing on the appeal or application, or if an appeal is remanded to the Board by the NC Superior Court.

9-5.10 Variances

- A) Application: An application for a variance shall be submitted in writing to the Board by filling a copy of the application with the Enforcement Officer.
- B) Procedure: the Board shall:
 - 1) Fix a reasonable time for holding a public hearing on the variance request;
 - 2) give notice of the variance request as prescribed in Section 9-1.2 (Notice);
and
 - 3) decide the variance request within a reasonable time.
- C) Grounds for Variance:
 - 1) The Board shall make findings of fact that the requirements of Section 9-5.10(D) (Granting of Variance) have been met by the applicant.
 - 2) The variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure.

- 3) The Board shall not, under any circumstances, grant a variance to permit a use or density not otherwise permitted by this Ordinance in the zoning district involved.
 - 4) Neither the nonconforming use of lands, buildings or structures in the same zoning district, nor the permitted use of lands, buildings or structures in other zoning districts shall be considered as grounds for the issuance of a variance.
- D) Granting of Variance: A variance may be granted by the Board if evidence presented by the applicant persuades it to reach the following conclusions:
- 1) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance. The Board may reach this conclusion if it finds that:
 - a) If the applicant complies with the provisions of this Ordinance, he can make no reasonable use of his property.
 - b) The hardship of which the applicant complains results from unique circumstances related to the applicant's property.
 - c) The hardship relates to the applicant's property, rather than personal circumstances.
 - d) The hardship is not the result of the applicant's own actions.
 - e) The hardship results from the applicant's need for reasonable accommodation under the Federal Fair Housing Act for a person(s) with a disability.
 - 2) The variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.
 - 3) The granting of the variance assures the public safety and welfare and does substantial justice.
- E) Conditions: In granting a variance, the Board may prescribe such reasonable and appropriate conditions and safeguards as will assure that the use of the property to which the variance applies will be compatible with surrounding properties and will not alter the essential character of the neighborhood.

- 1) Violations of such conditions and safeguards, when a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
 - 2) A variance granted subjected to a condition shall be permitted only so long as there is compliance with the condition.
 - 3) If a violation of a condition of a variance occurs, the Enforcement Officer may revoke the Certificate of Occupancy.
 - 4) In the event that any such condition is held invalid, for any reason, such holding shall have the effect of invalidating the variance granted and shall render the variance null and void. The Certificate of Occupancy may then be revoked.
- F) Duration: The variance may be issued for an indefinite duration or for a specified duration only. Construction or operation shall be commenced within twelve (12) months of the date of issuance of a variance, or it shall become void.

9-5.11 Flood Control Appeals

- A) Authority: The Board of Adjustment shall hear and decide appeals and requests for variances from the requirements of the flood control provisions of this Ordinance.
- B) Appeal and Variance Considerations: In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and;
- 1) the danger that materials may be swept onto other lands to the injury of others;
 - 2) the danger to life and property due to flooding or erosion damage;
 - 3) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 4) the importance of the services provided by the proposed facility to the community;
 - 5) the necessity to the facility of a waterfront location, where applicable;
 - 6) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

- 7) the comparability of the proposed use with existing and anticipated development;
- 8) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
- 9) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- 10) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- 11) the costs of providing governmental services during and after conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges; and
- 12) the effect that granting the appeal or variance would have in the jurisdiction's eligibility for Federal Flood Insurance.

C) Granting of Variances:

- 1) Variances shall not be issued any designated floodway if any increase in flood levels during the base flood discharge would result.
- 2) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 3) Variances shall only be issued upon:
 - i) a showing of good and sufficient cause;
 - ii) a determination that failure to grant the variance would result in exceptional hardship; and
 - iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, creation of a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

- 4) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increase risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.

9-6 ENFORCEMENT OFFICER

9-6.1 Establishment and Authority

The Governing Body shall appoint Enforcement Officer(s) to administer and enforce the provisions of this Ordinance. The Enforcement Officer may be provided with such agents to assist in the administration and enforcement as the Governing Body directs.

9-6.2 General Duties

The Enforcement Officer shall:

- A) establish and publish application procedures for permits, appeals, and other development approvals~~actions~~ pursuant to this Ordinance and forms implementing the same;
- B) issue permits and certificates pursuant to this Ordinance;
- C) review and approve all development plans and permits to assure that the permit requirements of this Ordinance have been satisfied;
- D) interpret the applicability of the provisions of this Ordinance in matters where the text does not clearly provide guidance;
- E) maintain all records pertaining to the provisions of this Ordinance in his office(s) and make said records open for public inspection;
- F) periodically inspect properties and activities for which permits have been issued to determine whether the use(s) is being conducted in accordance with the provisions of this Ordinance;
- G) cause to be investigated violations of this Ordinance;
- H) enforce the provisions of the Ordinance;
- I) issue notice of corrective action(s) when required;

- J) use the remedies provided in this Ordinance to gain compliance;
- K) be authorized to gather evidence in support of said activities; and
- L) perform other duties as may be assigned by the Governing Body.

9-6.32 Floodplain Zoning Duties

The Enforcement Officer shall:

- A) advise permitted that additional federal or state permits may be required, and if specific federal or state permits are known, required that copies of such permits be provided and maintained on file with the development permit;
- B) notify adjacent communities and the N.C. Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse within a floodplain, and submit evidence of such notification to the Federal Emergency Management Agency;
- C) assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
- D) prevent encroachments within floodways unless the certification and flood hazard reduction provisions are met;
- E) verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;
- F) verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed;
- G) when flood-proofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect;
- H) where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article; and

- l) when base flood elevation data or floodway data has not been provided, the Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, including data developed pursuant to this Ordinance, in order to administer the provisions of this Ordinance.

9-6.44 Airport Zoning Duties

The Enforcement Officer shall also administer and enforce the “Airport Zoning Regulations of the Greensboro-High Point Airport” adopted by Greensboro-High point Airport Authority on April 15, 1958, as the same may from time to time be amended, in connection with the enforcement of the Ordinance; provided, however, that this Ordinance shall not limit the effectiveness or scope of such airport zoning regulations. The Enforcement Officer shall not issue a building permit or certificate of occupancy for any building not in conformity with the provisions of the “Airport Zoning Regulations of the Greensboro-High Point Airport,” except upon written order of the Board of Airport Zoning Appeals.

9-6.55 Deviation to Dimensional Requirement

If the Enforcement Officer finds that any dimensional requirement in this Ordinance has not been specifically adhered to, but that such deviation was a result of a good faith error and that said error would not adversely impact an adjoining property, he may permit a dimension deviation up to and including one (1) foot. Only one dimension deviation per building may be allowed.

9-6.66 Historic District Requirements

Subject to a Certificate of Appropriateness, the Enforcement Officer may issue permits for reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places under the conditions set forth in Section 4-7.1 (Historic Districts).

9-7 QUASI-JUDICIAL PROCEDURES

1. In conducting an evidentiary hearing or quasi-judicial procedure, any board shall follow statutory procedures decisions as set forth in NCGS 160D-102(28). The Board must hold an evidentiary hearing to gather competent, material, and substantial evidence to establish the facts of the case. The evidentiary hearing must have testimony under oath and must establish written findings of fact based on competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing, reflect the board's determination of

contested facts and their application to the applicable standards, and be approved by the board and signed by the chair or other duly authorized member of the board pursuant to NCGS 160D-406.

2. Objection to Materials or Participation - The Board chair must rule at the evidentiary hearing on objections to inclusion or exclusion of administrative material. If an objection is raised to a member's participation [in any decision] at or prior to the hearing or vote on that matter and that member does not recuse himself or herself, such ruling may be appealed to the full board pursuant of NCGS 160D-109 (e).
3. Must allow parties with standing to participate fully in the evidentiary hearing, including presenting evidence, cross-examining witnesses, objecting to evidence, and making legal arguments; may allow non-parties to present competent, material, and substantial evidence that is not repetitive pursuant of NCGS 160D-406(d).
4. A member of any board exercising quasi-judicial functions shall not vote, nor participate in any manner that would violate an affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include but are not limited to:
 - a) A member having a fixed opinion prior to hearing the matter that is not susceptible to change;
 - b) Undisclosed ex-parte communication;
 - c) A close familial, business, or other associational relationship with an affected person; or
 - d) Financial interest in the outcome of the matter.

9-87 APPEALS

9-7.1 General

Unless as otherwise provided, appeals to decisions, actions, orders, or interpretations of this Ordinance shall be:

- A) in writing;
- B) filed within ~~thirty five (15)~~ 30 days of receiving written notice of the ~~the~~ decision; and
- C) filed with the Secretary of the Board or Commission to which the appeal is taken.

9-7.2 Planning Board

- A) Unless otherwise provided, appeal from a decision of action of the Technical Review Committee is to the Planning Board. Such appeals shall include subdivisions and site plans, including waivers authorized therein.

- B) Unless otherwise provided, an appeal from a decision of an Enforcement Officer with regard to an erosion control plan, a watershed control plan, a minor subdivision, or a small scale site plan is to the Planning Board.

9-7.3 Board of Adjustment

- A) Unless otherwise provided, the decision of an Enforcement Officer with regard to an interpretation of this Ordinance, a floodplain, boundary, or a zoning boundary, can be appealed to the Board of Adjustment. The Enforcement Officer or their replacement must appear as a witness in the appeal pursuant to NCGS 160D-406.
- B) Unless otherwise provided, an appeal from an address assignment shall be to the Board of Adjustment.
- C) Appeal from a decision of the Historic Preservation Commission with regard to a Certificate of Appropriateness shall be to the Board of Adjustment in the nature of certiorari.

9-7.4 Governing Board

- A) Appeals from a final decision of the Planning Board or Zoning Commission with regard to a zoning map amendment to a standard ~~or conditional use district~~; special use permit; watershed waiver; and street names shall be to the Governing Body.
- B) Appeals from a decision of the Planning Board with regard to street name changes, road closings, right-of-way vacations, easement removals, subdivision, site plan, or erosion control plan approval shall be to the Governing Body.

9-7.5 Judicial Appeal

Except as otherwise provided, an appeal from decision of the Governing Body or the Board of Adjustment ~~is to a court of competent jurisdiction~~ shall be made to the Clerk of the Superior Court within 30 days of receiving notice of the decision.

9-7.6 Soil Erosion and Sedimentation Appeals

- A) Written Appeal: The disapproval or modification of any proposed erosion control plan by the Enforcement Officer, shall entitle the person submitting the plan to a public hearing if such person submits written demand for a hearing within ~~thirty fifteen (15)~~ 30 days after receipt of written notice of disapproval or modifications.

- B) Timing: A hearing held pursuant to this Section shall be conducted by the Planning Board, within thirty (30) days or next scheduled meeting, after the date of the appeal or request for a hearing.
- C) Recommendation: The Planning Board shall conduct a hearing and shall make a recommendation to the Governing Body, within thirty (30) days after the date of the hearing on any erosion control plan.
- D) Public Hearing: The Governing Body will render its final decision on any erosion control plan upon which a hearing is requested within ~~thirty fifteen (15)~~ 30 days of receipt of the recommendations from the Planning Board.
- E) Appeal of Governing Body Denial: If the Governing Body upholds the disapproval or modification of a proposed soil erosion and sedimentation control plan following the hearing, the person submitting the plan shall then be the entitled to appeal the Governing Body's decision to the North Carolina Sedimentation Control Commission as provided in NCGS 113A-61(c) and Title 15 NCAC 4B.0018(b).