



Town of Elon Planning Board Agenda

September 24, 2019
6:00 PM
Town Hall
104 S. Williamson Ave.

Agenda Items

A. Call to Order

B. New Business

- i. Review and Recommendation: Rezoning Request RZ #2019-06 Submitted by Robert B. Irwin on Behalf of Irwin Properties, LLC for .843 Acres Located at 931 and 933 East Haggard Avenue
- ii. Review and Recommendation: Elon Land Development Ordinance Text Amendment LDO #2019-02 Regarding Temporary Storage Containers

C. Items from Board Members

D. Board of Aldermen Updates

E. Motion to Adjourn



MEMORANDUM TO THE PLANNING BOARD – September 24, 2019

Applicant:

Robert Irwin, on behalf
of Irwin Properties,
LLC

Request:

Rezoning Request
RZ #2019-06

Location:

931 & 933 E Haggard
Ave.

Parcel ID:

116312, 116314

Site Acreage:

.843 Acres

Existing Zoning:

Commercial (C)

Requested Zoning:

Industrial (I)

Prepared by:

Pamela Graham

Background and Description of Zoning Request

Mr. Robert Irwin, on behalf of Irwin Properties, LLC, legal owners of the two adjoining parcels included in this request, has submitted an application for a planning district reclassification for the properties, having the addresses of 931 and 933 East Haggard Avenue. Together, the site acreage totals .843 acres. Mr. Irwin requests that the properties, currently zoned Commercial (C), be reclassified to the Industrial (I) Planning District. The requested zoning matches adjoining property immediately to the east along Haggard Avenue, also owned by the applicant, where he owns and operates a self-storage facility known as Alamance Self Storage. Mr. Irwin intends to expand his self-storage facility to the subject properties. Although the Commercial District provides for a wide range of commercially-related uses, it does not permit self-storage facilities. Such uses are only permitted in Elon's Industrial District, and require a Special Use Permit where additional conditions may be imposed in order to insure that the proposal meets all specifications of the LDO, will be visually and functionally compatible with the surrounding area, will not materially endanger the public health or safety, and will not substantially injure the value of adjoining property.

Zoning (Exhibit Attached)

The two parcels are adjoined by Commercial-zoned properties to the west and north (across Haggard Avenue). Properties immediately to the east are zoned Industrial, and to the south, across the railroad line, is a large parcel in Burlington jurisdiction zoned Light Industrial.

The existing Commercial District is described in the LDO as follows:

The Commercial Planning District accommodates a wide range of existing commercial sites. Uses within this district will serve not only the Elon community, but travelers along the US 70 and NC 100 Corridors. The intent of this district is to provide an opportunity for economic development with convenient automobile access, minimal traffic congestion and reduced visual clutter along designated commercial corridors.

The proposed Industrial District is described in the LDO as follows:

The Industrial District accommodates existing and future manufacturing, wholesale and warehousing uses. The district is intended to enhance the economic viability of the Town without imposing significant impacts to adjacent properties.

The following list summarizes the allowable uses of the existing and proposed zoning district categories. The placement of an “S” in parenthesis indicates that a Special Use Permit is required, and an “R” indicates that additional requirements, as specified in the LDO, are needed for approval of the use.

Described Use	C (existing)	I (Proposed)
Residential dwellings	No	No
Commercial uses	Yes	Yes (S)
Office uses	Yes	Yes (S)
Gasoline stations, including major service & repair shops	Yes (R)	Yes (R)
Outdoor sales, display, and service of vehicles, boats, heavy equipment, and manufactured homes	Yes (R)	Yes (R)
Outdoor storage	Yes (R)	Yes (R)
Outdoor sale of goods (temporary)	Yes (R)	Yes (R)
Adult establishments	Yes (S)	Yes (S)
Solar Energy System (Level 1 SES)*	Yes	Yes
Solar Energy System (Level 2 SES)*	Yes (R)	Yes (R)
Solar Energy System (Level 3 SES)*	No	Yes (S)
Solar Energy System (Level 4 SES)*	No	Yes (S)
Civic, cultural, club, fraternal, and community facilities	Yes	No
Indoor entertainment uses (theaters) & amusement facilities	Yes	No
Hotels and motels	Yes	No
Pawnshops	Yes	No
Schools and Universities	Yes (R)	No
Churches and religious institutions	Yes (R)	No
Recreational facilities, parks	Yes (R)	No
Manufacturing, packaging, and assembly	No	Yes
Indoor wholesale and warehouse uses	No	Yes
Outdoor horticultural sales	No	Yes
Agricultural processing plants	No	Yes (S)
Transfer station of organic and inorganic waste	No	Yes (S)
Recycling center	No	Yes (S)
Off-site land clearing and inert debris landfill	No	Yes (S)
Slaughter house or packaging plant	No	Yes (S)
Trucking and transportation terminals	No	Yes (S)
Warehouses – mini-warehouses and self-storage facilities	No	Yes (S)

*Level 1 SES includes roof-mounted and building integrated solar (shingle, hanging solar, canopy, etc.)

*Level 2 SES are ground-mounted systems between 600 sf and up to ½ acre in size

*Level 3 SES are ground-mounted systems between ½ acre and 10 acres in size

*Level 4 SES are ground-mounted systems greater than 10 acres

Procedural Information

Rezoning are treated as amendments to the Land Development Ordinance and Map, and are referred to the Planning Board for consideration in advance of a public hearing and final decision by the Board of Aldermen. Zoning considerations must address the potential for the decision to be classified as “spot zoning”. While not

illegal in North Carolina, spot zoning must be clearly supported by a reasonable basis in order to withstand a legal challenge. Upon review of the issues relevant to spot zoning, staff does not consider the proposal to be vulnerable to a challenge of the proposed zoning category. Those issues, as provided by UNC Professor and Land Use Attorney David Owens, are listed below, followed by summary assessments by staff.

1. The size of the tract in question. The first factor to be considered in determining whether spot zoning is reasonable is the size of the tract. The general rule is that the smaller the tract, the more likely the rezoning will be held invalid. However, it is very important to consider the size of the tract in context: a 1-acre parcel may be considered large in an urban area developed in the 1920s, but very small in the midst of an undeveloped rural area.

The total area proposed for rezoning is .843 acres, comprised of two separate parcels, one containing .444 acres and the other containing .399. Properties fronting the same side of E. Haggard Avenue, which are constrained by the railroad corridor along their rear property lines, are of very similar size. Properties on the north side of Haggard are typically larger, as most of their rear property lines reach the University Drive right-of-way, creating average lot depths of over 450 feet. The average lot size for all lots fronting East Haggard within ¼ mile in both directions is 1.18 (this includes lots on the south side and the north side of the corridor). The area proposed for rezoning is very similar in size to other lots in the vicinity.

2. Compatibility with the Land Development Plan. The second factor in a spot zoning analysis is compatibility with the existing comprehensive zoning plan. This involves an inquiry into whether the rezoning fits into a larger context involving rational planning for the community. Whether set forth in a formal comprehensive land-use plan or reflected in an overall zoning scheme, zoning regulations must be based on an analysis of the suitability of the land for development (e.g., water, sewers, roads, and rail lines), and existing and needed land uses. To the extent that a small-area rezoning fits into a logical preexisting plan that is clearly based on this type of analysis, it is much more likely to be upheld.

The Future Land Use and Conservation Map incorporated in the Town's current Comprehensive Land Use Plan adopted on February 21st of this year indicates Commercial uses for the subject properties. However, the map's designation for industrial uses falls under the category "Employment (Industrial)" and restricts those uses to the two far ends of Haggard Avenue in Elon's jurisdiction, where heavy industrial uses already exist. The light industrial category that might include mini-warehouse/self-storage uses is not accommodated in the map, although this use is present on the property immediately adjacent to the subject properties.

Relevant Goals and Objectives offered by the Plan include the following:

- *Promote and ensure quality governance, stewardship of public resources, and sustainability of services;*
- *Ensure there are areas throughout the community where people and businesses make the Town of Elon their choice place to live, work, and play;*

- *Ensure adequate plans are in place to support existing and future development.*

Among the Plan's key recommendations are the following:

ED-1.2: Work with the Alamance Chamber to develop a long-term strategy to augment the existing tax base and industry attraction over the long term.

IS-3: Manage growth to utilize existing infrastructure capacity and discourage growth in conservation areas.

3. **Benefits and Detriments.** The third factor in spot zoning analysis is who benefits and who is harmed by the rezoning and what the relative magnitude of each consequence is. If the rezoning is granted, will it greatly benefit the owner? Will he or she be seriously harmed if it is denied? The same questions must be asked for the neighbors and the community at large, and then the effects on all three must be balanced. In a spot zoning challenge, the courts, rather than the governing board alone, review and weigh the balance of harm and benefit created by the rezoning. Although the court may be sympathetic to a situation in which there is considerable benefit to the owner and only modest harm to others, even a substantial benefit for the owner will not offset substantial harm to others.

The property has remained vacant under the Commercial zoning designation, likely due to there being too few residences nearby to support typical retail uses. There is adequate opportunity to create safe ingress and egress to the site and the proposed use is expected to produce less traffic than is typically produced by commercial uses. Applying the Industrial designation to the property is not expected to create hardships to the neighborhood or community at large.

4. **Relationship of Uses.** The fourth factor in spot zoning analysis is the relationship between the proposed uses and the current uses of adjacent properties. The greater the disparity, the more likely the rezoning is to be held illegal.

The existing uses of adjacent properties include single-family residential, multi-family residential, and the existing mini-warehouse/self-storage uses on the owner's property to the east (currently zoned Industrial).

Existing Site Conditions (Exhibit attached)

The subject property is currently undeveloped. The site is located on corridor previously designated as a state highway (NC 100) prior to the development of University Drive in 2007, and is situated in an area undergoing slow transition from single family residential to more varied uses, including commercial (+/- 500 feet distant), light industrial (mini-warehouse immediately adjacent), multi-family residential (Campus Trace and Partner's Place are both within 200 feet of the site), single-family residential (immediately adjacent), and heavy industrial in Burlington's jurisdiction to the south. The site contains no known environmental concerns and exhibits adequate sight lines to allow for safe ingress/egress.

Consistency with Plans

A more in-depth analysis of the proposal's consistency with the Town's Land Development Plan begins on page 3 of this document. Plans of this type are intended to guide governmental decisions and are periodically updated as conditions and overall vision for the community change over time. The Plan indicates a number of goals, policies, and recommendations that support reasonably limited future development of commercial, office, and employment (industrial) uses outside of previously designated areas, where appropriate. The plan also states that the Future Land Use and Conservation Map is designed to provide a framework for future land use decisions, indicating the preferred locations for future development. It further describes the future land use classifications as being intended to specify the predominant use, though development may be comprised of other compatible uses. Though the Future Land Use and Conservation Map associated with the Plan recommends commercial uses for the subject property, the disparity between the proposed use to those typical to a commercial development is not great enough to eliminate sufficient justification for supporting the proposal.

Though some elements of the Plan, including Goals, Objectives, and Recommendations, provide support for the proposal, the Future Land Use and Conservation Map does not completely align with the categorization of the proposed use found in the Land Development Ordinance (LDO). The proposal is therefore considered by staff to be inconsistent with the Land Development Plan, but believes there to be sufficient justification for recommending approval of the request.

Recommendations and Suggested Motions

Staff recommends that the Planning Board consider this application, accept public comment during the scheduled meeting, and consider a recommendation on the proposal at their earliest convenience. The motions should proceed as follows.

- Motion 1:** Rezoning Request RZ #19-06 (is/is not) consistent with adopted plans of the Town of Elon Board of Aldermen.
The proposal is considered by staff to be inconsistent with the Town's Land Development Plan. Statement options are offered as part of Motion #4.
- Motion 2:** Based on information presented by staff and other interested parties, Rezoning Request RZ #19-06 (does/does not) have an acceptable level of impact on both the immediate area and the community as a whole.
- Motion 3:** The Town of Elon Planning Board recommends (approval/denial) of Rezoning Request RZ # 19-61.
- Motion 4:** In order to fully comply with N.C. General Statutes, use the matrix on the following page to choose from one of the options and provide the appropriate statement(s). Staff has provided recommended statement(s) that may be accepted, rejected, or amended by the Planning Board at their discretion.

<u>PROPOSAL IS CONSISTENT</u>		<u>PROPOSAL IS INCONSISTENT</u>	
<u>Recommend Approval</u>	<u>Recommend Denial</u>	<u>Recommend Approval</u>	<u>Recommend Denial</u>
<i>State why the action is reasonable and in the public interest?</i>	<i>State why the action is reasonable and in the public interest?</i>	<i>Declare that the approval is also deemed an amendment to the Land Use Plan</i>	<i>Describe proposal's inconsistency with the Land Use Plan</i>
		<i>Explain the change in conditions taken into account in amending the zoning ordinance to meet the development needs of the community</i>	<i>Explain why the action is reasonable and in the public interest</i>
		<i>State why the action is reasonable and in the public interest</i>	

Recommended Statement (If Determined to be Consistent): _____

Declaration or Description (If Determined to be Inconsistent): Approval of the proposal shall be deemed an amendment to the Land Use Plan.

Explanation (If Determined to be Inconsistent): The proposal extends an existing zoning category to two adjacent properties to facilitate an expansion of an enterprise with an established market and need in the community.

Statement (If Determined to be Inconsistent yet Recommended for Approval): The action is reasonable and in the public interest because the proposed use will be conditioned through a special use permit process requiring approval by the Town's elected body, because the proposed use serves an established need for the community, and because the development proposed has the potential to have fewer negative impacts to the area such as traffic and noise.

- Enclosures: Reclassification Application
 Vicinity Planning District Map
 Proposed Land Use Vicinity Map
 Existing Site Conditions



**TOWN OF ELON
RECLASSIFICATION**

APPLICANT INFORMATION

Name of Applicant/Property Owner: IRWIN Properties LLC, Robert B. Irwin

Date Request Submitted: 06/19 Property Owner Signature: [Signature]

PIN# 0855798379
Parcel ID: 8855799445 Street Address: 931 E. Haggard Ave
933 E. Haggard AVE

Current Classification: COMM
Type of Use: VACANT

New Classification: IND
Type of Use: self storage

Description of Use Requested:
I would be requesting to change classification to Industrial and combine Lots with my existing self storage (Alamance self storage)

Date of Planning Board Meeting: 9/24/19

Date of Public Hearing before the Board of Aldermen: _____

Date of Vote for Approval or Denial before the Board of Aldermen: _____

ACTION BY THE BOARD OF ALDERMEN:

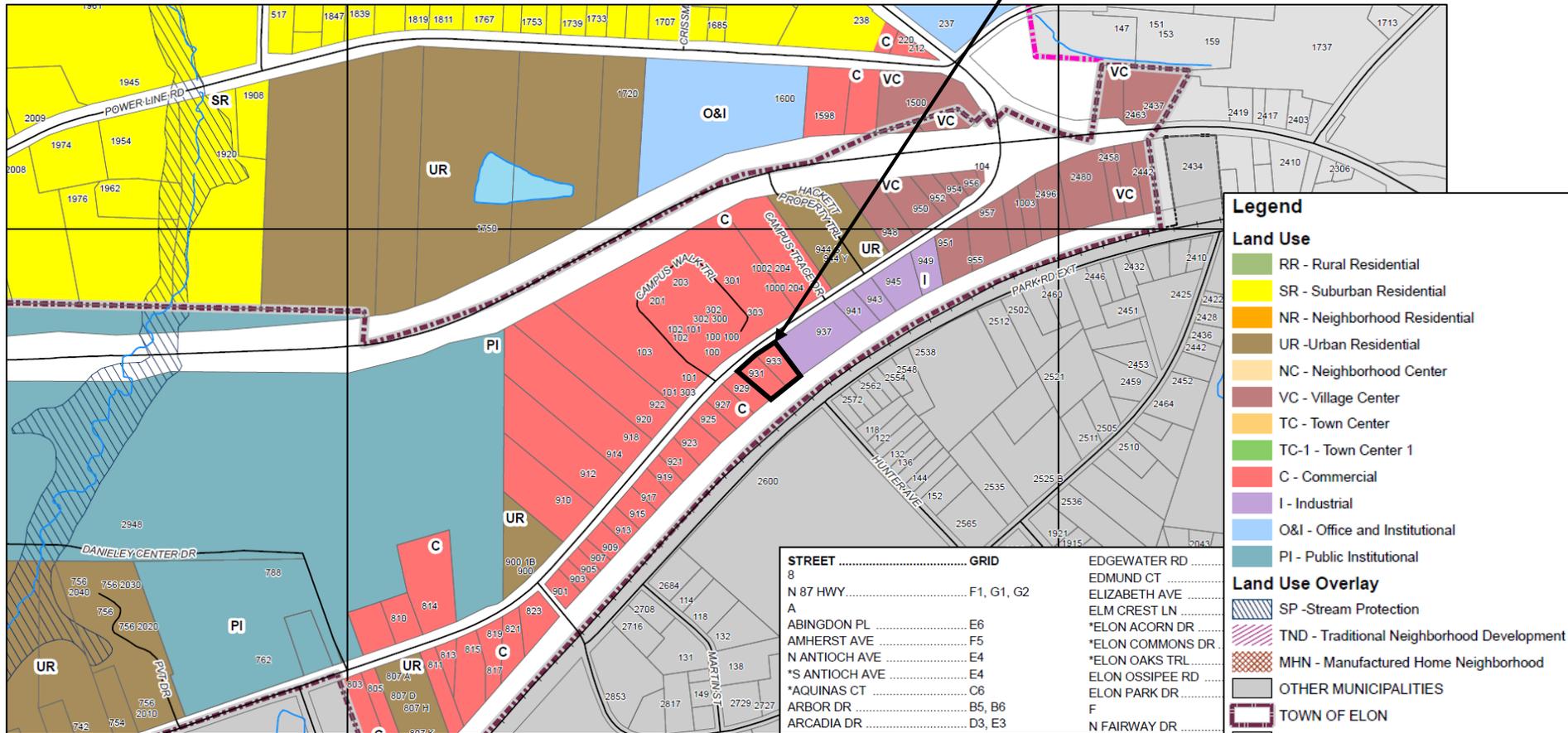
Having heard all the evidence and arguments presented at the public hearing, the Board of Aldermen of the Town of Elon finds that the foregoing petition has been:

- Approved
- Denied

Town Mayor

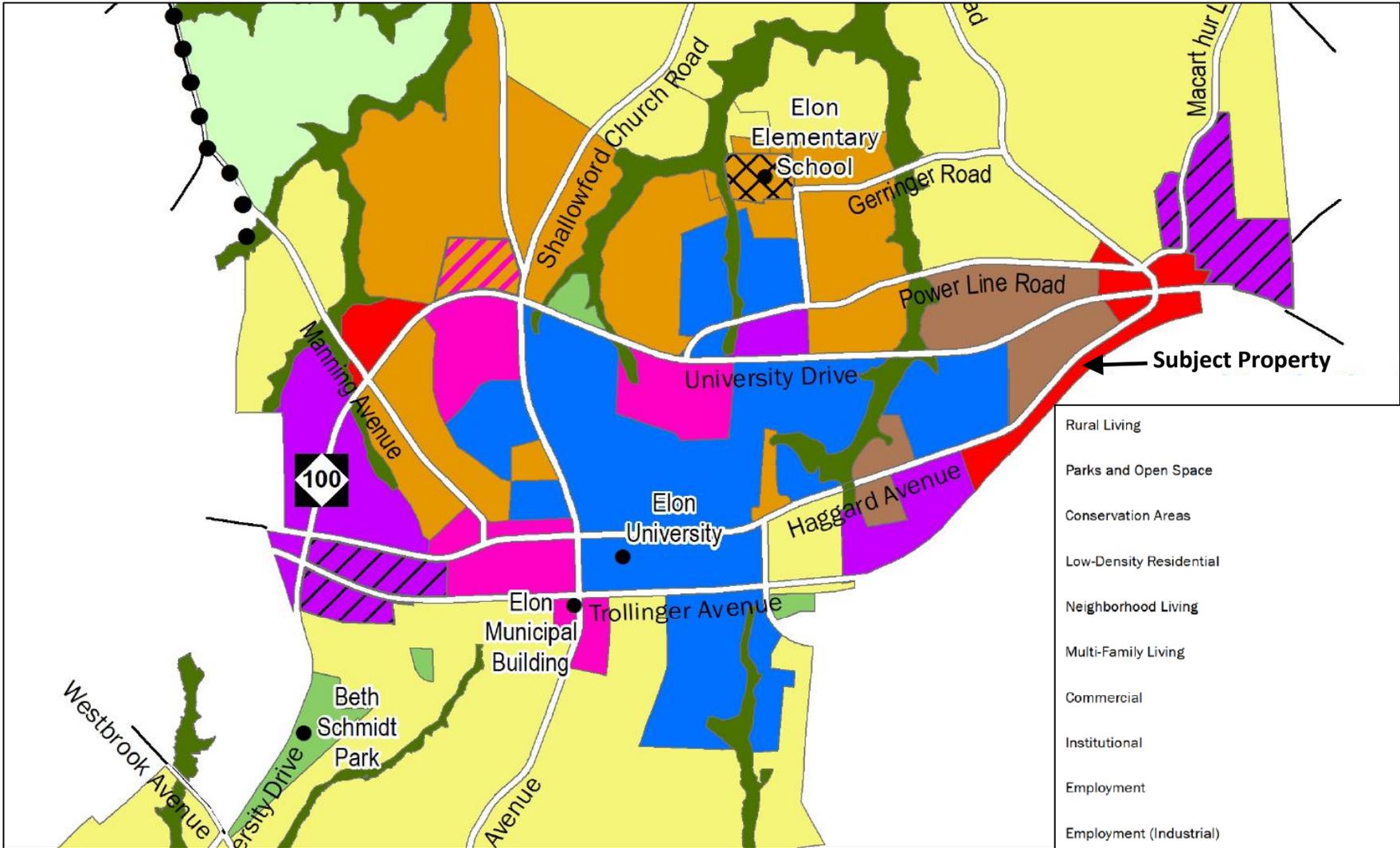
Distribution: Alamance County Inspections
Department Applicant
Town Clerk and Manager
File

**Subject
Property**



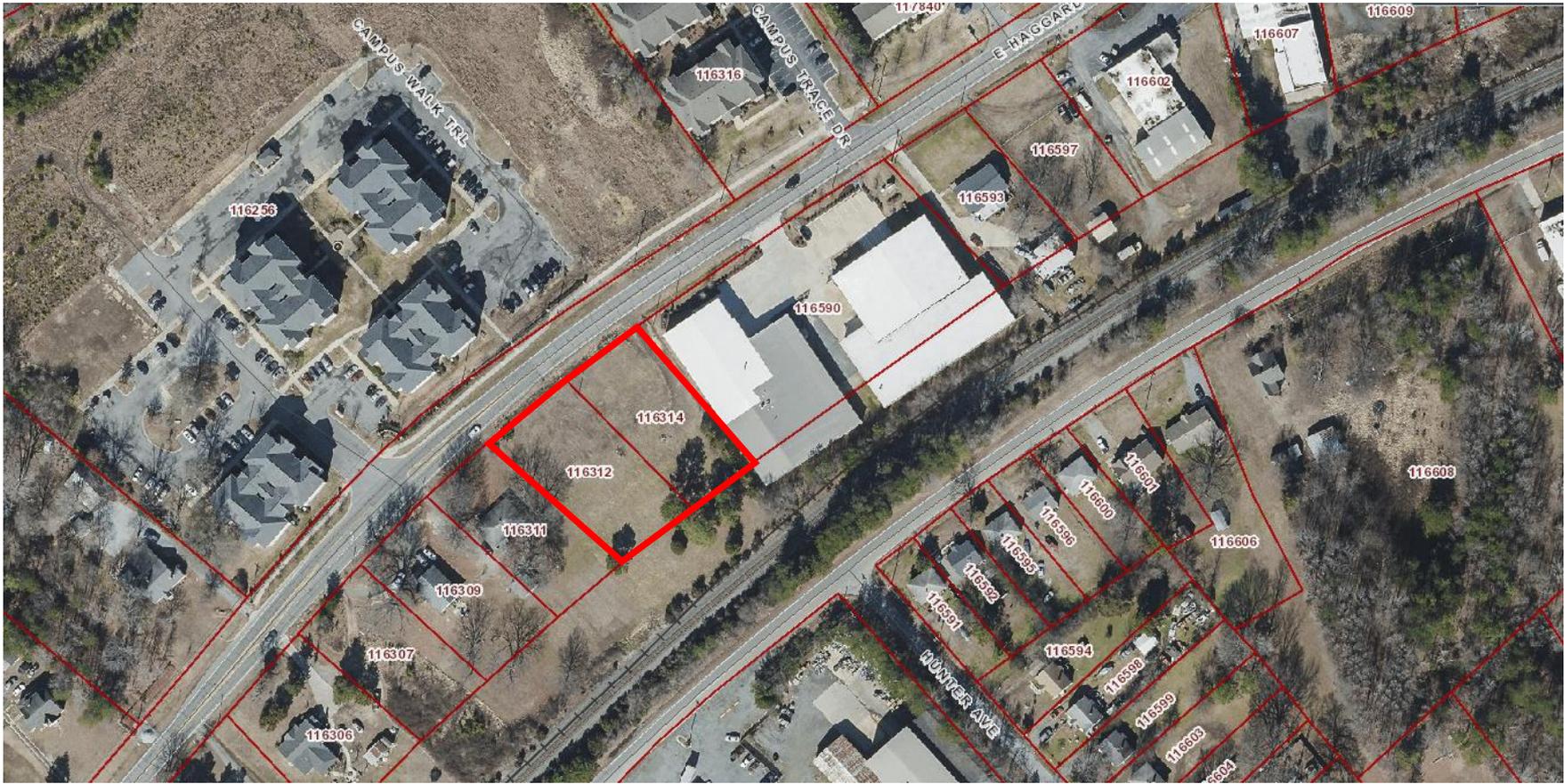
Rezoning Request RZ 2019-06 Elon Planning District Vicinity Map

Existing District = C
Requested District - I



Rural Living	
Parks and Open Space	
Conservation Areas	
Low-Density Residential	
Neighborhood Living	
Multi-Family Living	
Commercial	
Institutional	
Employment	
Employment (Industrial)	
Mixed-Use	
Low-Density Residential (Existing School Property)	
Neighborhood Living (Existing School Property)	
Mixed-Use (Including Neighborhood Living)	

Rezoning Request RZ #2019-06
Proposed Land Use Map from Land Development Plan – Vicinity Enlargement
(Subject Property Outlined in Black)



**Rezoning Request RZ #2019-06
Aerial Image – Immediate Vicinity
(Subject Property Outlined in Red)**



**Rezoning Request RZ #2019-06
Subject Property Street View**



**Rezoning Request RZ #2019-06
Vicinity Street View**



**Rezoning Request RZ #2019-06
Vicinity Street View**



MEMORANDUM TO THE PLANNING BOARD – September 24, 2019

Request:

LDO Text Amendment
#2019-02 Regarding
Temporary Storage
Containers

Prepared by:

Pamela Graham,
Assistant Town
Manager/Planning
Director

Description of Request

The Planning Department seeks to create regulations for the use of temporary storage containers, sometimes referred to as portable on-demand storage, or “PODS”. Elon’s Land Development Ordinance (LDO) currently does not provide sufficient guidance in the regulation of these structures, which have become a popular resource for residences undergoing renovations and occasionally for longer-term use. Our intention is to:

1. Limit the length of time that these structures can be kept on a property;
2. Limit the number and size of structures on a property at any given time;
3. Regulate the location of the structure(s) on a property;
4. Require that existing temporary storage containers on lots abide by the new requirements;
5. Differentiate these types of structures from other types of temporary structures such as mobile classrooms and construction trailers.

Procedural Issues

Section 8.4 of the LDO requires that proposed amendments to the text or maps of the ordinance may be initiated by the LDO Administrator, Planning Board, Board of Adjustment, or by an interested party. Such amendments require a public hearing with public notice as specified by N.C. General Statutes, following a recommendation by the Planning Board. The central issue to be considered regarding amendments is whether the proposed amendment advances the public health, safety or welfare. The statement included with the Planning Board’s recommendation and the Board of Aldermen’s final decision on the amendment shall describe whether the action is consistent with adopted plans and explain why the Board considers the action taken to be reasonable and in the public interest. The decision is legislative in nature as opposed to quasi-judicial, and is not subject to judicial review.

Factors to Consider

Currently, the LDO places all temporary uses and structures under one heading: “4.46 Temporary uses and structures, including seasonal market”. There are no specific restrictions on time limit, size, or location where such structures may be placed. In drafting the amendment, regulations for uses were separated from regulations for structures, and temporary storage containers are addressed separately from other types of temporary structures such as mobile classrooms or construction trailers. Important points to consider in the new language includes the following:

1. Temporary accessory structures are permitted accessory uses with requirements in all planning districts;
2. When associated with construction projects, such structures are permitted only for the duration of the construction permit and must be removed upon completion of the construction project and prior to the issuance of a final certificate of occupancy;
3. A Temporary Use Permit is required, to be issued by the LDO Administrator;
4. Sales activities from temporary structures will not be permitted;
5. Temporary storage containers have been given a definition: “A transportable unit designed and used primarily for temporary storage of household goods, commodities, building materials, and other items on a limited basis. Temporary storage containers are not intended to be used for long-term on-site storage and any such long-term use in any planning district is expressly prohibited”;
6. Specific regulations regarding temporary storage containers include:
 - a. They may be in place no longer than sixty consecutive days for a given site and may not be permitted more frequently than two times a year;
 - b. No more than two structures may be placed on a given site at any one time;
 - c. The maximum size allowed for these structures is 16’ in length x 8’ in width x 8’ in height;
 - d. Permissible locations for these structures include existing driveways, designated parking area, or behind a dwelling, but not directly in front of a dwelling, on a street, or where traffic movement or sight lines will be obstructed;
 - e. Five foot side and rear setbacks must be adhered to;
 - f. Containers that are located on property at the time of the adoption of the ordinance must also comply.

Plan Consistency

Elon’s Comprehensive Land Use Plan, adopted in February of this year, lists among its recommendations the following:

1. **LU-5**: Focus on quality and experience of each place. Communities across the U.S. that are enjoying success with economic development cite quality of place and quality of life as major factors influencing location decisions. Through land development regulations and public investments, create value with enhancements that benefit the community as a whole.

The proposal is considered by staff to be consistent with the Comprehensive Land Use Plan, including the recommendation in the Plan that addresses the need to focus on quality and experience of place, and its directive to create value that benefit the community as a whole through land development regulations.

Recommendations and Suggested Motions

Staff recommends that the Planning Board consider this application, accept public comment during the scheduled meeting, and consider a recommendation on the proposal at their earliest convenience. The motions should proceed as follows.

Motion 1: LDO #2019-02 (is/is not) consistent with comprehensive plans adopted by the Town of Elon. *The proposal is considered by staff to be consistent with the Town’s Comprehensive Land Use Plan. Statement options are offered as part of Motion #4.*

Motion 2: LDO #2019-02 (is/is not) reasonable and in the public interest.

Motion 3: The Town of Elon Planning Board recommends (approval/denial) of LDO #2019-02 to the Elon Board of Aldermen.

Motion 4: In order to fully comply with N.C. General Statutes, use the matrix on the following page to choose from one of the options and provide the appropriate statement(s):

<u>PROPOSAL IS CONSISTENT</u>		<u>PROPOSAL IS INCONSISTENT</u>	
<u>Recommend Approval</u>	<u>Recommend Denial</u>	<u>Recommend Approval</u>	<u>Recommend Denial</u>
<i>State why the action is reasonable and in the public interest?</i>	<i>State why the action is reasonable and in the public interest?</i>	<i>Declare that the approval is also deemed an amendment to the Land Use Plan</i>	<i>Describe proposal’s inconsistency with the Land Use Plan</i>
		<i>Explain the change in conditions taken into account in amending the zoning ordinance to meet the development needs of the community</i>	<i>Explain why the action is reasonable and in the public interest</i>
		<i>State why the action is reasonable and in the public interest</i>	

Statement (If Determined to be Consistent): *Staff recommendation: The proposal is consistent with the Comprehensive Land Use Plan, including the recommendation in the Plan (LU-5) that calls for a focus on quality and experience of place, and its directive to create value that benefits the community as a whole through land development regulations.*

Declaration or Description (If Determined to be Inconsistent):

Explanation (If Determined to be Inconsistent):

Statement (If Determined to be Inconsistent yet Recommended for Approval):

Enclosures: LDO #19-02 Draft Amendment

**AN ORDINANCE TO AMEND THE ELON LAND DEVELOPMENT ORDINANCE
REGARDING PERFORMANCE GUARANTEES**

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF ELON, NORTH CAROLINA, THE FOLLOWING:

Section 1. Elon Land Development Ordinance Chapter 3 is amended to add the following “Permitted Accessory Uses With Requirements” to the Rural Residential (RR), Suburban Residential (SR), Neighborhood Residential (NR), Urban Residential (UR), Commercial (C), Office and Institutional (O&I), Public Institutional (PI), and Industrial (I) Planning Districts:

Temporary accessory structures (4.47)

Section 2. Elon Land Development Ordinance Chapter 4 shall be amended as follows:

4.46 Temporary uses ~~and structures~~, including seasonal markets

The establishment of temporary sales lots for farmers markets, Christmas trees, and other seasonal agricultural products, plus related goods, is permitted for up to a maximum of three months upon the issuance of a temporary use permit by the LDO Administrator. The following conditions apply:

- A. Storage of goods in or sale of goods from trailer(s) on the site is prohibited.
- B. The use may only be located on a vacant lot or on a lot occupied by a nonresidential use.
- C. The use must be conducted behind the prevailing established setback line for structures within 300' in either direction on the same side of the street.
- D. Off-street parking may be provided behind or to the side of the established use, but not forward of the prevailing established setback line, defined above.
- E. On-site parking may be provided on a dust-free, pervious surface area and need not comply with Section 5.6.
- F. Signs on the premises of a temporary use must comply with Section 5.10.
- G. Landscaping must be required in accordance with Section 5.8.

4.47 Temporary accessory structures

Temporary accessory structures, including, but not limited to school mobile classrooms ~~and temporary construction or sales offices placed on development sites during construction and sale of buildings~~, are permitted for up to a maximum of two years, renewable thereafter in one year increments, upon the issuance of a temporary use permit by the LDO Administrator. Such structures must meet the standards for building and lot type to the extent practicable, given the location of existing buildings and improvements on the site and location of permitted construction areas. Temporary structures associated with construction projects are permitted for the duration of the construction permit and must be removed upon completion of construction and prior to the issuance of a final certificate of occupancy. All such structures may be permitted upon application to and subject to approval of a temporary use permit by the LDO Administrator and must be maintained in good condition with no rust, primer patches, or other obvious indications of neglected maintenance. Temporary structures associated with sales within construction projects ~~must be removed upon the first sale of 90% of the project~~ are not permitted.

Temporary storage containers may be permitted upon application to and subject to approval of

a temporary use permit by the LDO Administrator. Such structures are limited to sixty (60) consecutive days and may be permitted for any specific site no more than two times per year. No more than two (2) such structures may be permitted for a specific site at any one time, with each structure being limited to a size of 16' in length x 8' in width x 8' in height. Temporary storage containers may be located in an existing driveway, designated parking area, or behind a dwelling. If lot size or obstructions interfere, the structure may be placed contiguous to a driveway or parking area but in no instance may be placed directly in front of a dwelling, on a street, or in such a manner to impair a motor vehicle operator, bicyclist, or pedestrian's view, or obstruct the flow of vehicular, bicycle, or pedestrian traffic. Five (5) foot rear and side setbacks shall apply to such uses. Temporary storage containers located on property at the time of adoption of this ordinance must comply with this section.

~~For temporary buildings or structures directly related to the development of a lot, tract, or parcel, building permits may be issued for periods of one year, or until issuance of a final certificate of occupancy, whichever is less. Building permits may be renewed annually for a period not to exceed one year, or until occupancy, whichever is less, upon application to and subject to approval by the LDO Administrator. Prior to issuance of a final certificate of occupancy, or upon expiration of an unrenewed building permit, such temporary buildings or structures must be removed by the developer.~~

Subsequent subsections to be renumbered accordingly.

Section 3. Elon Land Development Ordinance Chapter 10 "Definitions" shall be amended to add the following:

Temporary storage container: A transportable unit designed and used primarily for temporary storage of household goods, commodities, building materials, and other items on a limited basis. Temporary storage containers are not intended to be used for long-term on-site storage and any such long-term use in any planning district is expressly prohibited.

Section 4. All provisions of any town ordinance or resolution in conflict with this ordinance are repealed.

Section 5. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this _____ day of _____, 2019.

Dated: _____

Jerry R. Tolley, Mayor

Attest:

DiAnne C. Enoch, Town Clerk

**Town of Elon
Board of Aldermen
Regular Meeting**

AGENDA ITEMS

**September 17, 2019
Municipal Building, 6:00 PM**

- I. CALL TO ORDER**
- II. MOTION TO APPROVE BY REFERENCE THE ITEMS LISTED WITHIN THE CONSENT AGENDA**
- A. Board of Aldermen Meeting Minutes - Approved
 - 1. August 5, 2019, Agenda Session Meeting
 - 2. August 13, 2019, Regular Meeting
 - B. Resolution to Surplus Two Fire Trucks and Sell by Electronic Auction - Approved
 - C. Resolution Approving Financing Terms for Fire Truck - Approved
 - D. Drone Donation to the Fire Department - Approved
 - E. Request Permission to Hang Community Art Project on Railroad Fence - Approved
 - F. Annexation Petition for PIN #8856341204 Walker Road Submitted by Donald and Joyce Martel - Approved
 - G. Resolution Directing the Clerk to Investigate a Petition for Annexation of PIN #8856341204 - Approved
- III. PRESENTATION** - Order of the Long Leaf Pine presented to Chief Steve Floyd by Senator Rick Gun
- IV. PUBLIC COMMENTS**
- *The public may speak on any non-agenda item up to three minutes.*
 - *An agenda item will only be discussed at its appropriate time.*
 - *Public Hearing items can only be discussed during the public hearing.*
 - *Be sure to sign in, stand, and state your name and address for the Minutes.*
- V. ORDINANCE(S) AND RESOLUTION(S)**
- A. Annexation Certificate of Sufficiency PIN #8856341204 Walker Road- Approved
 - B. Resolution Fixing the Date of a Public Hearing on a Question of Annexation PIN #8856341204 Walker Road - Approved
 - C. Impact Alamance Grant Agreement Budget Amendment - Approved
 - D. Ordinance to Make Certain Revisions to the Town of Elon Code of Ordinances - Approved
 - E. Downtown Capital Monies Budget Amendment - Approved
- VI. NEW BUSINESS**
- A. Elon-Gibsonville Annexation Line of Agreement - Discussed at special meeting on 9/30

VII. REPORTS

- A. Interim Town Manager - Nothing to report.
- B. Mayor and Board of Aldermen - Mr. Klepcyk reported that there was one final candidate interview to be held for the Town Manager position.

VIII. ADJOURNMENT