



Town of Elon Planning Board Agenda

August 17, 2021
6:00 PM

Elon Town Hall with Electronic and Call-in Options

Agenda Items

A. Call to Order

B. New Business

- i. Review and Recommendation: Modification to Special Use Permit Issued in 1991 for the Development of Mill Pointe at the Country Club
- ii. Review and Recommendation: Land Development Ordinance Text Amendment LDO #2021-02 Regarding Campaign and Election Signs

C. Board of Aldermen Updates

D. Items from Board Members

E. Motion to Adjourn



EMORANDUM TO THE PLANNING BOARD – August 17, 2021

Applicant:

David Hodges on behalf of Mill Pointe Homeowners Association

Request:

Modification to Special Use Permit Review and Recommendation

Location:

Truitt Drive, leading into Windsor Way

Parcel ID:

N/A

Site Acreage:

+/- 7,500 square feet

Zoning:

Suburban Residential

Prepared by:

Pamela DeSoto

Background and Description of Request

Mr. David Hodges, on behalf of the Mill Pointe Homeowners Association (HOA), has submitted an application for a modification to a special use permit issued in 1991 for the development of the community of Mill Pointe at the Country Club. The specific request is to remove a condition included in the 1991 approval that states: “Any alternate types of pavement or proposed street appurtenances, i.e., islands, fountains, statues, should be maintained by the Home Owners Association”. The requested modification would return maintenance responsibilities to the Town for two sections of roadway pavement that included concrete pavers as an alternative to asphalt. The areas where the alternative pavement is in place total +/- 7,500 square feet and are located on Truitt Drive leading into Windsor Way, and on another section of Truitt Drive between 605 Truitt Drive and an existing pond on the golf course. Both sections include islands separating the two lanes of traffic. Both the paver sections and the islands are within the Town’s right-of-way, as is the remainder of all roadways within the Mill Pointe subdivision. Because the development was planned to include this alternative paving at these two locations, and the paving does not meet the Town’s specifications, the special use permit approval included a condition that absolved the Town from maintenance responsibilities. The HOA wishes to transfer the maintenance responsibilities of the paved sections to the Town via this amendment request, but wish to continue maintaining the landscaped islands.

A special use permit allows for conditions to be imposed in order to ensure 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. An amendment to a special use permit would be expected to maintain those broad expectations. The Planning Board is requested to make a recommendation to the Board of Aldermen regarding approval or denial of the proposed amendment, with the final decision being made by the Board of Aldermen at an upcoming public hearing.

It should be additionally noted that, though the original special use permit was issued to HHJL&M Associates – Mill Pointe at the Country Club, special use permits run with the land rather than ownership. HHJL&M transferred the subdivision by deed to Mill Pointe Development LLC in 1999.

Existing Site Conditions

The subject property consists of two sections of road on Truitt Drive that contain concrete pavers in lieu of standard asphalt paving and have relatively short landscaped islands separating the two lanes of traffic. The outer edges of the road as well as the islands have curb and gutter. While this type of paving is generally more aesthetic, it requires periodic maintenance and is generally less structurally stable than a proper asphalt with stone base application. There are areas within these paver sections that are beginning to crack and showing signs of instability. The island curbs have also begun to crack due to damage from vehicles. There is at least one water meter located in one of the islands.

Additional Considerations

Elon's Engineering Specifications include the enclosed Residential Street Section which indicates the following layering of material. In general, the Town utilizes NCDOT specifications in our street paving requirements. Also attached is a table from NCDOT's Asphalt Quality Management System Manual, which includes "S9.5B" as an asphalt mix type used for surface courses of pavement.

- 8" of aggregate stone ("ABC stone"),
- 2.5" of 19.OC aggregate base course,
- 1" of asphalt middle course ("S9.5B"), and
- 1" of asphalt top course (also "S9.5B").

The original special use permit for Mill Pointe, issued in 1991 and included as an enclosure to this report, included the following conditions. This particular request for amending the special use permit involves only the highlighted condition, and only as it relates to the alternative pavement. No request has been made regarding any additional items indicated in the highlighted condition (islands, fountains, statues).

1. The proposed development will have to have a looped water system.
2. An 8" water line is required to complete the loop on Westmont Drive, if not a 6" temporary water line may be used.
3. An 8" water line is required to loop Phase II to Phase III.
4. Water lines are required to be behind the street curb.
5. Sewer lines are required to be under the street pavement.
6. No sewer lines are allowed under the dams.
7. Other public utilities cannot be on top of the Town's utilities.
8. The metering station must be moved prior to approval of the final plat of Phase II.
9. Provide Pre Fab metering station with Parshall Flume, to be accessible by motor vehicle.
10. Provide easements for sewer lines, lots 8&9, 20&21.
11. All cul-de-sacs must have a 90 ft. turn around.
12. Pavement shall be eighteen (18) feet plus five (5) feet for the curb and gutter.
13. There shall be no obstructions in the center of the turn around.

14. Any alternative types of pavement or proposed street appurtenances i.e., islands, fountains, statues, should be maintained by the Home Owners Association.

15. No parking in the center of the turn around.

It should also be noted that in 2018 former Town Manager Richard White responded to concerns regarding deterioration of the paver sections of roadway presented to him by the Mill Pointe HOA President. This response, in the form of a letter to then HOA President Thomas Bass, is enclosed with this report, states that the Town will add the paver sections of roadway to our Road Resurfacing Program, and will remove all pavers in these sections and replace with asphalt pavement at the scheduled time. The Town's revolving 5-year resurfacing schedule does not currently include either paver portion of Truitt; however, the Town's consulting engineer has advised that these roads would likely be placed on an upcoming schedule if maintenance is taken over by the Town. A rough cost for removing the pavers and bringing the sections up to Town standards is \$100,000.

1. General Findings Regarding the Special Use Permit

Elon's LDO includes the following provisions for approval of all special use permits:

- A. The use meets all required principles and specifications of the Land Development Ordinance. Prior to final approval by the TRC, all relevant provisions of the LDO must be satisfied. The Planning Board will be asked to make their recommendation contingent on full compliance with the LDO.
- B. The use, if developed according to the plan submitted and approved, will be visually and functionally compatible with the surrounding area. The existing pavement subject to this request has been in place since the original construction of the roads (early 1990s). While a departure from the asphalt pavement of the remainder of the roads in the subdivision, the paver sections have not been considered visually or functionally incompatible with the surrounding area for most of that time. The deterioration of the paver sections in recent years are affecting their functionality and appearance.
- C. The use will not materially endanger the public health or safety and will not substantially injure the value of adjoining property if located where and how it is proposed. The alternative pavement used on the road sections being considered in this request require specialized maintenance to prevent further deterioration. The Town has no other similar road pavements under their maintenance responsibilities and lacks equipment and staff training to perform those maintenance duties. The Town would ultimately be tasked with repaving the sections to meet our specifications.

Recommendations and Suggested Motions

Staff recommends that the Planning Board consider this Special Use Permit (SU) amendment request, accept public comment during the scheduled meeting, and consider a recommendation to the Board of Aldermen on the proposal. Should the Planning Board recommend approval of the request, the following recommendation is offered by staff as a condition.

1. All conditions included in the May 14, 1991 Special Use Permit issued to HHJL&M Associates – Mille Pointe at the Country Club shall be upheld and shall continue with the exception of the alternative types of pavement included in the following original condition:

- a. Any alternative types of pavement or proposed street appurtenances i.e., islands, fountains, statues, should be maintained by the Home Owners Association.

The following motion format is recommended:

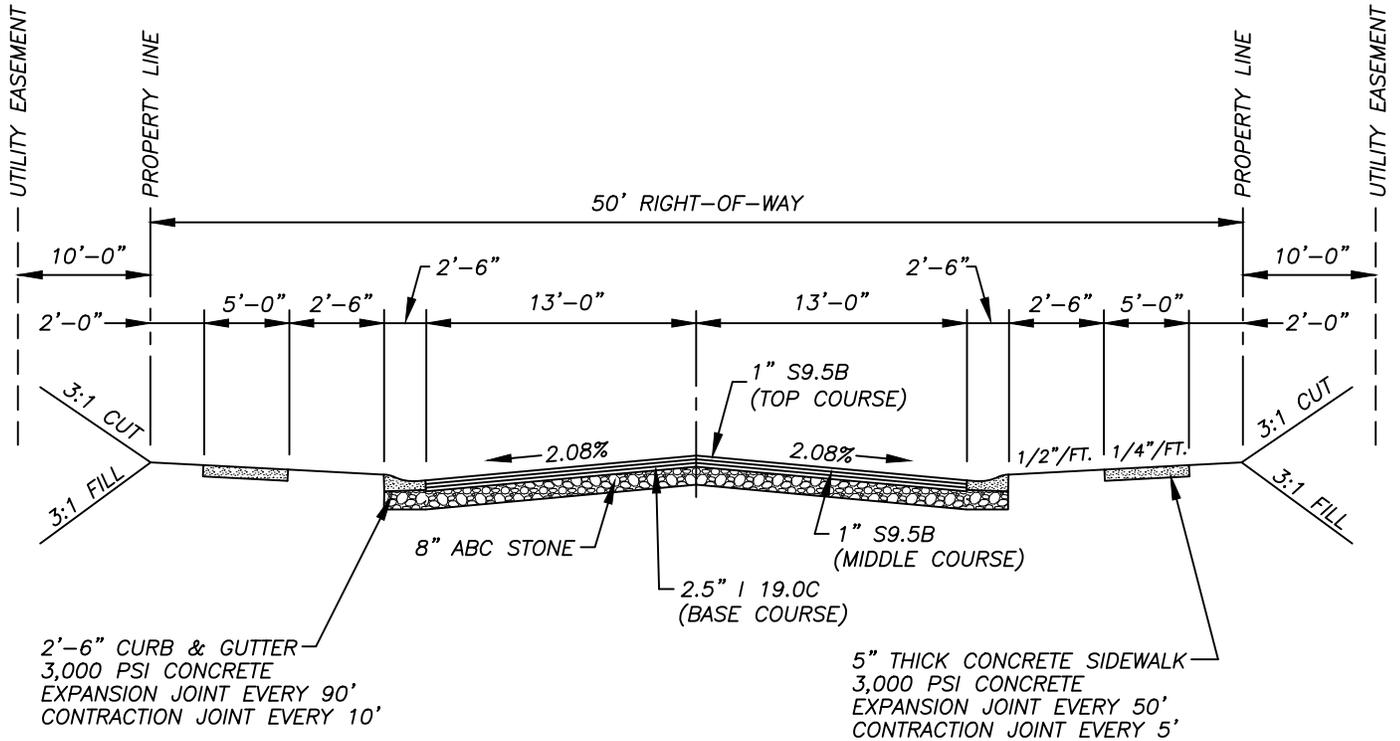
Motion: The Town of Elon Planning Board (select one option from the following):

Recommends denial of the proposed special use permit amendment for Mill Pointe at the Country Club, based on the following:

Recommends approval with conditions as indicated above for the proposed special use permit amendment for Mill Pointe at the Country Club.

Recommends approval with amended conditions as indicated below for the proposed special use permit amendment for Mill Pointe at the Country Club, modified as follows:

- Enclosures: Town of Elon Residential Street Specification
1991 Special Use Permit Approval with Conditions
Letter from former Elon Town Manager Richard White to Mille Pointe HOA President dated February 26, 2018
Email from Town Engineer dated May 11, 2021
Aerial and Street View Images
Special Use Permit Modification Application



NOTES:

1. ALL ASPHALT CEMENT PLANT MIX AND METHOD OF PLACEMENT SHALL COMPLY WITH N.C. DOT STANDARD SPECIFICATIONS.
2. ALL WORK SHALL COMPLY WITH N.C. DOT STANDARD SPECIFICATIONS.
3. TOP COURSE TO BE PLACED WITHIN 12 MONTHS OF ASPHALT BASE COURSE.
4. COMMERCIAL AND INDUSTRIAL STREET SECTIONS TO BE DETERMINED ON A CASE BY CASE BASIS.

TOWN OF ELON

ST-1

RESIDENTIAL STREET SECTION

DWG NO.

REV.

T:DETAILS/ELON
DETAILS/2020
DETAILS/STREET

1/1/2020

THE TOWN OF ELON COLLEGE
SPECIAL USE PERMIT GRANTED

On the date(s) listed below, the Board of Aldermen of the Town of
Elon College met and held a public hearing to consider the following
application.

Applicant HHJL&M Associates - Mill Pointe at the Country Club

Property Location _____
Street Address _____

Tax Map 3 Block 14 Lot 72

Proposed Use of Property Residential

Meeting Date(s) Planning Board: April 16, 1990
Board of Aldermen: May 14, 1990

Having heard all the evidence and argument presented at the hearing,
the Board finds that the application is complete, that the application
complies with all of the applicable requirements of the Town of Elon Col-
lege Land Use Code for the development proposed, and that therefore the
application to make use of the above described property for the purpose
indicated is hereby approved, subject to all applicable provisions of the
Land Use Code and the following conditions:

1) The applicant shall complete the development strictly in
accordance with the plans submitted to and approved by
this Board, a copy of which is filed in the Elon College
Town Hall.

If any of the conditions affixed hereto or any part
thereof shall be held invalid or void, then this permit
shall be void and of no effect.

FILED
BOOK 728 PAGE 316
JUN 17 10 03 AM '91
M. L. PITTMAN
REGISTER OF DEEDS
ALAMANCE COUNTY, NC

James S. Bowen Jr.
AGENT
HHJL&M

Date: 5-14-91 Signed: Michael A. Dula
Town Manager

*Mail: Town Clerk
P.O. Box 595
Elon College 27224*

If this permit authorizes development on a tract of land in excess
of one acre nothing authorized by the permit may be done until the pro-
perty owner properly executes and returns to the Town of Elon College the
attached acknowledgement of the issuance of this permit so that the town
may have it recorded in the Alamance County Registry.

Distribution: Applicant
Inspections Department
File

North Carolina
Alamance County

I, Janice Short, a Notary Public for said County and State, do hereby certify that
Michael A. Dula personally appeared before me this day and acknowledged
the due execution of the foregoing instrument.

Witness my hand and official seal, this the 14th day of May, 1991.

My commission expires June 30, 1991

Janice Short
Notary Public



CONDITIONS FOR MILL POINTE SPECIAL USE PERMIT

- The proposed development will have to have a looped water system.
- An 8" water line is required to complete the loop on Westmont Drive, if not a 6" temporary water line may be used.
- An 8" water line is required to loop Phase II to Phase III.
- Water lines are required to be behind the street curb.
- Sewer lines are required to be under the street pavement.
- No sewer lines are allowed under the dams.
- Other public utilities cannot be on top of the Towns utilities.
- The metering station must be moved prior to approval of the final plat of Phase II.
- Provide Pre Fab metering station with Parshall Flume, to be accessible by motor vehicle.
- Provide easements for sewer lines, lots 8&9, 20&21.
- All cul-de-sacs must have a 90 ft. turn around.
- Pavement shall be eighteen (18) feet plus five (5) feet for the curb and gutter.
- There shall be no obstructions in the center of the turn around.
- Any alternate types of payement or proposed street appurtnances ie, islands, fountains, statues, should be maintained by the Home Owners Association.
- No parking in the center of the turn around.



Town of Elon

104 S. Williamson Ave. • P.O. Box 595 • Elon, NC 27244

Phone: 336-584-3601 • Fax: 336-584-5334

www.elonnc.com

February 26, 2018

Mr. Thomas L. Bass, President
Mill Pointe Homeowners Association
716 Mill Pointe Way
Elon, NC 27244

Dear Mr. Bass:

I am responding to your letter dated January 22, 2018 regarding the Mill Pointe Homeowners Association's request for the Town to assume responsibility for the maintenance of the roadway portion of the two entrances to the Mill Pointe neighborhood.

Since Truitt Drive is a town-maintained street, the Town will repair the potholes at the north and south entrances on Truitt Drive within the next several weeks. Both entrances will be added to the town's Road Resurfacing Program. At the scheduled time, all remaining pavers at both entrances will be removed and replaced with asphalt.

As noted in the Special Use Permit for HHJL&M Associates – Mill Pointe at the Country Club, the Mill Pointe Homeowners Association will continue to maintain the landscaped medians.

Please let me know if I can answer any questions.

Sincerely,

Richard J. White III, Town Manager

cc: Donnie Wood, Public Works Director
Josh Johnson, Town Engineer (Alley, Williams, Carmen & King)
Town Planner

THOMAS L. BASS
716 MILL POINTE WAY
ELON, NC 27244

January 22, 2018

Mr. Richard White, Town Manager

Town of Elon

P.O. Box 595

Elon, NC 27244

Dear Mr. White:

Thank you for your returned call this morning regarding the roadway entrances to our Mill Pointe community. As we discussed, these entrances were originally intended to serve as gateways to our homes and community. As the populations of the town and the university have grown, so has the traffic along these roads. In addition, many of the citizens and Elon University students have found that the Truitt Drive roadway is a convenient shortcut to Church Street. Consequently, the pavers on the entrances have deteriorated as the traffic far exceeds that of the 166 homes in our community.

We appreciate your willingness to present to the Town officials our request that the repair, maintenance and upkeep of the roadway portion of the entrances be turned over to the Town of Elon. The landscaped medians at both entrances will, of course, continue to be maintained by the HOA. We realize that the standard paving medium for the streets of Elon is asphalt and this will likely be the paving material used to replace the pavers. We also talked about the pressing need to repair a major pothole at the north entrance on Truitt Drive. Our HOA can't block off a public thoroughfare for repairs so we are looking to you for a quick solution.

Thank you again for your assistance in making the above a reality.

Sincerely,



Thomas L. Bass, President

Mill Pointe Homeowners Association

From: [Josh Johnson](#)
To: [Donnie Wood](#); [Pamela DeSoto](#); [Richard Roedner](#)
Subject: FW: Mill Pointe HOA - Truitt Drive Pavers
Date: Tuesday, May 11, 2021 9:57:47 AM

FYI.

Josh Johnson, P.E.
Principal Engineer
Alley, Williams, Carmen, and King, Inc.
(336) 226-5534
jsjohnson@awck.com

From: [David Hodges](#)
Sent: Tuesday, May 11, 2021 9:57 AM
To: [Josh Johnson](#)
Subject: Re: Mill Pointe HOA - Truitt Drive Pavers

Josh

I will forward this to the rest of the HOA Board members and recommend that we formally transfer the street maintenance to the Town of Elon. It is understood that the maintenance of the Islands is the HOA responsibility we are pricing the concrete replacement of the ends of the north Island. We may need help from the Town with the traffic as the work is being done. We will contact Donnie Wood Public Works Director once we have a final decision as we need to coordinate with him, Irrigation Technology and the cement contractor.

Thanks
David

Sent from my iPad

On May 11, 2021, at 9:31 AM, Josh Johnson <josh@awck.com> wrote:

Mr. Hodges,

I had the opportunity to discuss the median, pavers, and maintenance of Truitt drive with Town staff yesterday and I wanted to update you on the Town's position on those items. Over the last several weeks we had the opportunity to pull several documents together and review the original paperwork for the maintenance items. The original special use permit for the subdivision designated the pavers, medians, and non-standard paving materials as an HOA maintenance responsibility. This is outlined in the attached approval from 1991.

The Town was formally made aware of an issue with roadway maintenance in 2018 by a letter from Mr. Thomas Bass to then Town Manager Richard White. Mr. Bass outlined in his letter how the brick pavers were deteriorating in condition and reasons why the Town should assist the Town in addressing the conditions of the street. The immediate concern for Mr. Bass and the Mill Pointe HOA were potholes within the decorative pavers. After discussions, Mr. White agreed that since Truitt Drive was a town-maintained street, the Town would repair the potholes at the north and south entrances on Truitt Drive. Mr. White also agreed to remove the pavers and replace them with asphalt within the Town's resurfacing program.

However, the Town did not amend the Special Use Permit to formally transfer maintenance of these sections of street from the HOA to the Town. In consulting with Town Staff, the Town needs a formal request to amend the Special Use Permit for the subdivision. That request needs to be coordinated with Town Planning Director/Assistant Town Manager Pamela DeSoto and Town Manager Richard Roedner. Pam can assist you in making the application and request that will be submitted to the Board of Aldermen for their approval. Pam and Rich are copied on this email and are available on the phone at (336)584-3601. The alternative to this request would be for the HOA to replace the pavers with asphalt and then coordinate with the Town on accepting maintenance of the standard Town paved road. As discussed previously, this is not a small cost to the HOA.

If the Board of Aldermen approves the request, then the Town will place paver replacement and reworking of the roadway pavement into the Town's resurfacing program. Based on the funding cycles and current condition of the pavers, I expect this to be funded in the 2023 resurfacing project. This timeline could be adjusted based upon funding levels and infrastructure conditions within Town.

I should note that this does not include revisions to the island or the median within it. The Town does not intend to take on that maintenance and the previous discussion about replacing the mulch along the front of the island with concrete would still be the responsibility of the HOA. If the HOA plans to move forward with those improvements, please coordinate it with Public Works Director Donnie Wood and myself. After further discussions, we may have a small adjustment to one of the radii that would reduce impacts.

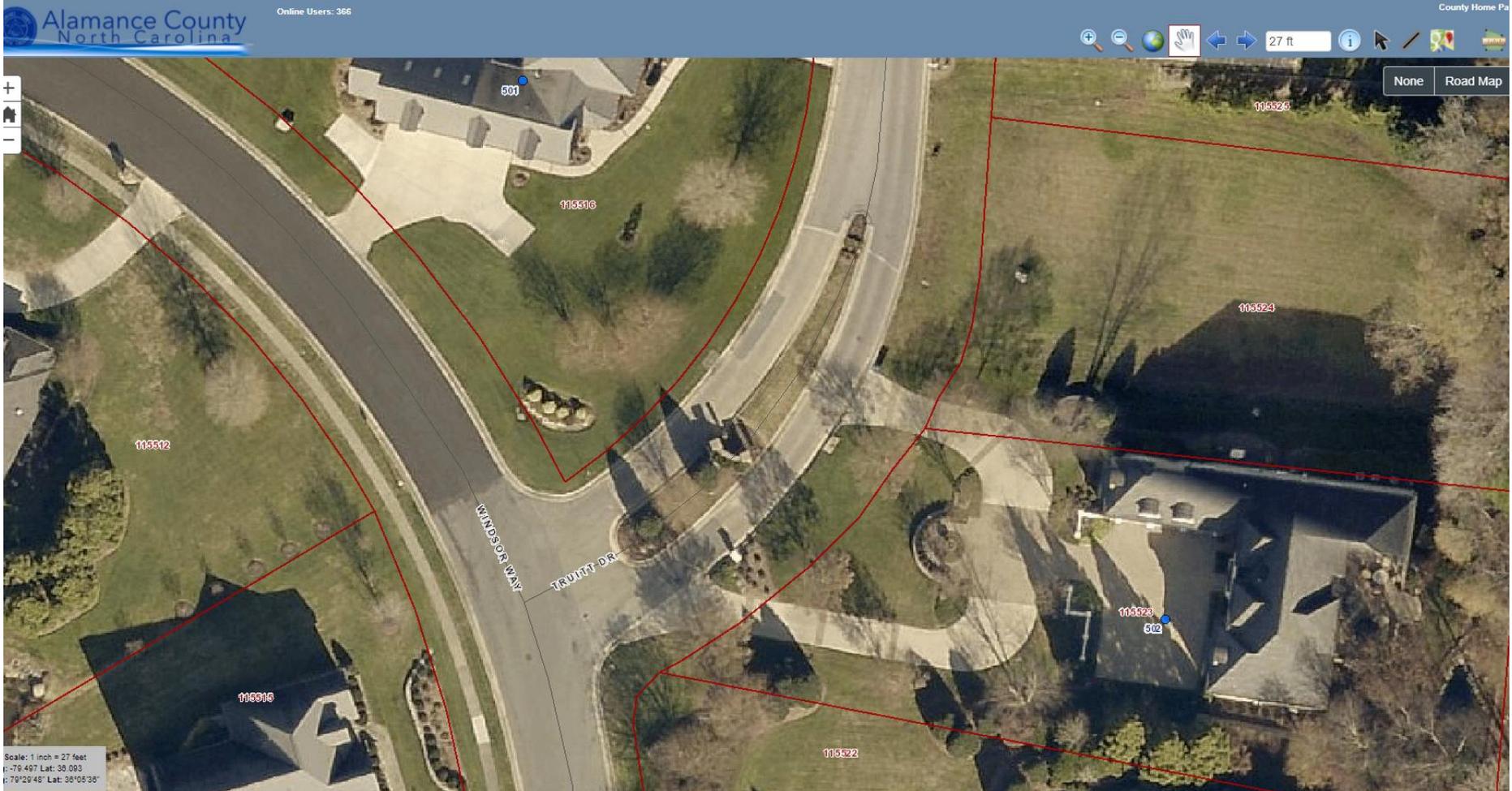
We appreciate your patience on this matter and if you have additional questions, please feel free to reach out to any of us through email or phone.

Thank you.

Joshua S. Johnson, P.E.
Vice President, Head of Engineering
Alley, Williams, Carmen, and King, Inc.
Tel. (336) 226-5534

<Special Use Permit April 1991.pdf>

<Mill Pointe HOA 022618.pdf>



Truitt at Windsor Way



Truitt at Windsor Way



Truitt at Windsor Way



Truitt at Windsor Way



Map Scale: 1 inch = 27 feet
Long: -79.497 Lat: 36.089
Long: -79°29'49" Lat: 36°05'19"

Truitt at the pond



Truitt at the pond



Truitt at the pond



Truitt at the pond



For office use only:
 Application No. SU 2021-01
 Date Received: 6/29/21
 Amount Received: \$200-

Town of Elon APPLICATION FOR SPECIAL USE PERMIT

Applicant must comply with the provisions of the Town of Elon Land Development Ordinance
A SITE PLAN MAY BE REQUIRED TO BE SUBMITTED WITH APPLICATION
(tbd by the Planning Director)
Applications are due thirty calendar days prior to applicable meeting date of the Planning Board
APPLICATION FEE-----\$450.00 + cost of mailed notices

REQUIRED INFORMATION

- Name of Applicant DAVID HODGES BOARD member of Mill Pointe HOA
- Applicant's Address 6618 WINDSOR CIRCLE, ELON, NC, 27214
- Phone No. N/A Cell No. 612-747-1739 Email dave.hodges@me.com
- Name of Property Owner (if different from Applicant) HOA ISLANDS-PAVERS ON TRUITT DRIVE
- Owner's Address _____
- Property Address _____ Parcel ID # _____
- Existing Use _____
- Description of Requested Use Request to modify the Special Use Permit dated
5/14/2019

THE BOARD MUST MAKE THE FOLLOWING FINDINGS OF FACT IN ORDER TO APPROVE A SPECIAL USE PERMIT. PLEASE PROVIDE INFORMATION SPECIFIC TO YOUR REQUEST THAT SUPPORTS THE FOLLOWING STATEMENTS:

A. The requested use will meet all required principles and specifications of the Land Development Ordinance.

Request to move the Pavers around the North & South Island on
TRUITT Drive TO THE TOWN OF ELON

B. The requested use, if developed according to the plan and description submitted and approved, will be visually and functionally compatible with the surrounding area.

This Request is to Relinquish to the Town of ELON control of the Pavement
Around the North & South Islands Located on Truitt Drive.

C. The requested use will not materially endanger the public health or safety and will not substantially injure the value of adjoining property if located where and how it is proposed.

This Request to modify Special Use Permit for the Pavement to formally
Transfer the maintenance of these section of the street from HOA to the Town
of ELON.

In approving an application for a special use permit, the Town Board of Aldermen may attach reasonable and appropriate conditions and safeguards which support the required findings of fact.

The burden of proof of producing evidence to support these findings and to overcome any challenges that approval of the plan would be contrary to one or more of these findings rest entirely with the applicant or landowner.

Acceptance of this application does not imply approval of this request. I realize that this application may be denied or that conditions may be attached to the approval of this request in order to better enable compliance with the Elon Land Development Ordinance.

Applicant Signature David Hedger Board Member of **Date** _____
Mill Pointe HOA

Property Owner Signature _____ **Date** _____



MEMORANDUM TO THE PLANNING BOARD – August 17, 2021

Request:

LDO Text Amendment
#21-02 Regarding
Campaign and Election
Signs

Prepared by:

Pamela DeSoto,
Assistant Town
Manager/Planning
Director

Description of Request

Elon’s Land Development Ordinance (LDO) requires updating to clarify regulations on campaign and election signs and to bring our ordinance into compliance with N.C. General Statutes. The attached draft text amendment seeks to make our ordinance language consistent with the statutory language and to create clear parameters for such signage so that candidates as well as the general public can be informed and to avoid enforcement misunderstandings.

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 state whether 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

The enclosed draft amendment includes new language in underlined red text, and language to be removed in red text with a “strikethrough”, (or red line) through the text. The first section includes requirements provided in state statutes for placement of political signs on the rights-of-way of the state highway system (any state-maintained roadway with the exception of fully controlled access highways). The proposed amendment would institute the same requirements for town-maintained rights-of-way. The second section includes additional requirements for town-maintained rights-of-way, and the third section includes requirements for property adjacent to state or town-maintained rights-of-way.

Please note that, while the language which applies to state-maintained rights-of-way is strictly regulated by statute, the statute allows local governments leniency in the requirements outside of that realm. A town or city may altogether prohibit the placement of political signs on their own rights-of way, though this draft amendment does not propose that restriction. Rather, the amendment proposes to mimic the state requirements with regards to the time period of sign placement, the dimensional limitations of the signs, and other provisions such as distance from the road pavement and visibility. However, the proposal also places additional limitations beyond what is required for state-maintained rights-of-way, such as not placing signs on other signs or trees, and that they may not be illuminated. Additionally, a short list of regulations for signs placed on property adjacent to rights-of-way, but outside of the right-of-way, are included.

The Planning Board may make a recommendation regarding this proposed amendment as currently drafted, or may make changes to the draft prior to making their recommendation, as long as the proposal is still compliant with the statutes.

Plan Consistency

Envision Elon 2040, Elon's Comprehensive Land Use Plan, lists among its recommendations the following:

1. LU-8.12: Ensure that all LDO sections are up-to-date and compliant with state and federal legislation, guidance, and jurisprudence.

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 for our ordinance to be compliant with state legislation.

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. Staff recommends that the Planning Board recommend approval of the amendment. The motions should proceed as follows.

- Motion 1:** LDO #21-02 (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. A draft statement for consideration is offered as part of Motion #4.
- Motion 2:** LDO #21-02 (is/is not) reasonable and in the public interest.
- Motion 3:** The Town of Elon Planning Board recommends (approval/denial) of LDO #21-02 to the Elon Board of Aldermen.
- Motion 4:** In order to fully comply with N.C. General Statutes, please provide the appropriate statement:

Statement: Staff recommendation: The proposal is consistent with the Comprehensive Land Use Plan, including the recommendation in the Plan (LU-8.12) that calls for the ordinance to maintain compliance with state legislation.

Enclosures: LDO #21-02 Draft Amendment
NCGS 136-32

**AN ORDINANCE TO AMEND THE ELON LAND DEVELOPMENT ORDINANCE
REGARDING CAMPAIGN AND ELECTION SIGNS**

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

Section 1. Elon Land Development Ordinance Subsection 5.10.5 Exempt Signs is amended as follows:

G. Campaign or Elections Signs – ~~Not to exceed 4 square feet per side, located only on private property with the permission of the property owner. Campaign signs are limited to one per candidate per road right-of-way. May be displayed not more than 45 days prior to an election and must be removed within 7 days after the election.~~

Temporary campaign or election signs may be placed in the right-of-way of the State highway system only in accordance with G.S. 136-32. In part, this statute includes the following provisions, which shall also be applied to temporary campaign or election signs in the right-of-way of Town of Elon maintained streets:

1. The period where such signs are allowed begins on the 30th day before the beginning date of “one-stop” early voting under G.S. 163A-1300 and ends on the 10th day after the primary or election day;
2. The agency or individual responsible for the placement of the sign must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected;
3. No sign shall be permitted in the right-of-way of a fully controlled access highway;
4. No sign shall be closer than three feet from the edge of the pavement of the road;
5. No sign shall obscure motorist visibility at an intersection;
6. No sign shall be higher than 42 inches above the edge of the pavement of the road;
7. No sign shall be larger than 864 square inches (6 square feet);
8. No sign shall obscure or replace another sign.

In addition to the requirements listed above, the following requirements shall apply to the placement of temporary campaign or election signs in the right-of-way of Town of Elon maintained streets:

1. No sign may be placed on utility poles, traffic control signal poles, street signs, or any other sign or sign support erected by a duly constituted governmental body;
2. No sign shall be stapled, nailed, or otherwise attached to a tree or other living plant;
3. Any sign which is determined to be a hazard or otherwise threatens the health, safety, and welfare is prohibited;
4. Portable signs shall not be allowed for political purposes;
5. Such signs may not be illuminated.

The following provisions shall regulate campaign and election signs placed on property adjacent to State or Town rights-of-way:

1. Permission from the property owner must be obtained prior to placement;
2. No setback from the property line shall be required;
3. The maximum square footage of a campaign or election sign located on private property shall not exceed 32 square feet;
4. The maximum height shall be 60 inches above adjacent grade;
5. No such sign shall be placed on roofs or painted on roofs;
6. The maximum number of campaign or election signs on any individual parcel shall be limited to six (6).

Section 2. All provisions of any town ordinance or resolution in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, was duly adopted this _____ day of _____, 2021.

Dated: _____

Jerry R. Tolley, Mayor

Attest:

DiAnne C. Enoch, Town Clerk

§ 136-32. Regulation of signs.

(a) **Commercial Signs.** – No unauthorized person shall erect or maintain upon any highway any warning or direction sign, marker, signal or light or imitation of any official sign, marker, signal or light erected under the provisions of G.S. 136-30, except in cases of emergency. No person shall erect or maintain upon any highway any traffic or highway sign or signal bearing thereon any commercial or political advertising, except as provided in subsections (b) through (e) of this section: Provided, nothing in this section shall be construed to prohibit the erection or maintenance of signs, markers, or signals bearing thereon the name of an organization authorized to erect the same by the Department of Transportation or by any local authority referred to in G.S. 136-31. Any person who shall violate any of the provisions of this section shall be guilty of a Class 1 misdemeanor. The Department of Transportation may remove any signs erected without authority or allowed to remain beyond the deadline established in subsection (b) of this section.

(b) **Compliant Political Signs Permitted.** – During the period beginning on the 30th day before the beginning date of "one-stop" early voting under G.S. 163A-1300 and ending on the 10th day after the primary or election day, persons may place political signs in the right-of-way of the State highway system as provided in this section. Signs must be placed in compliance with subsection (d) of this section and must be removed by the end of the period prescribed in this subsection.

(c) **Definition.** – For purposes of this section, "political sign" means any sign that advocates for political action. The term does not include a commercial sign.

(d) **Sign Placement.** – The permittee must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected. Signs must be placed in accordance with the following:

- (1) No sign shall be permitted in the right-of-way of a fully controlled access highway.
- (2) No sign shall be closer than three feet from the edge of the pavement of the road.
- (3) No sign shall obscure motorist visibility at an intersection.
- (4) No sign shall be higher than 42 inches above the edge of the pavement of the road.
- (5) No sign shall be larger than 864 square inches.
- (6) No sign shall obscure or replace another sign.

(e) **Penalties for Unlawful Removal of Signs.** – It is a Class 3 misdemeanor for a person to steal, deface, vandalize, or unlawfully remove a political sign that is lawfully placed under this section.

(f) **Application Within Municipalities.** – Pursuant to Article 8 of Chapter 160A of the General Statutes, a city may by ordinance prohibit or regulate the placement of political signs on rights-of-way of streets located within the corporate limits of a municipality and maintained by the municipality. In the absence of an ordinance prohibiting or regulating the placement of political signs on the rights-of-way of streets located within a municipality and maintained by the municipality, the provisions of subsections (b) through (e) of this section shall apply. (1921, c. 2, s. 9(b); C.S., s. 3846(r); 1927, c. 148, ss. 56, 58; 1933, c. 172, s. 17; 1957, c. 65, s. 11; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1; 1991 (Reg. Sess., 1992), c. 1030, s. 39; 1993, c. 539, s. 981; 1994, Ex. Sess., c. 24, s. 14(c); 2011-408, s. 1; 2017-6, s. 3.)