

FORWARD

ELON  N

LAND MANAGEMENT ORDINANCE

Adopted: November 27, 2023

ACKNOWLEDGEMENTS

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1.1 TITLE

1.1.1 LAND MANAGEMENT ORDINANCE TEXT

This Ordinance shall be officially known as the "Land Management Ordinance of the Town of Elon, North Carolina" and may be referred to as "this Ordinance" and several abbreviated references, including "the LMO" or "this LMO."

1.1.2 OFFICIAL ZONING MAP

The zoning map referenced in this Ordinance is officially titled as the "Zoning Map, Town of Elon, North Carolina" and may be referred to as "the Official Zoning Map" or the "Zoning Map."

1.2 APPLICABILITY

1.2.1 GENERAL APPLICABILITY

The provisions of this Ordinance shall apply to the development of all land within the corporate limits and the Extraterritorial Jurisdiction (ETJ) of the Town of Elon, as shown on the adopted Official Zoning Map, unless the development is expressly exempted by a specific section or subsection of this Ordinance.

1.2.2 APPLICATION TO GOVERNMENTAL UNITS

Except when stated elsewhere in applicable law, this Ordinance applies to the following:

- A. **THE TOWN OF ELON**
Development by the Town or its agencies or departments.
- B. **COUNTY AND STATE GOVERNMENT**
Development of buildings by State or County agencies or departments, public colleges or universities, or other political subdivisions of the State, in accordance with the standards in Section 160D-913 of the North Carolina General Statutes.
- C. **THE FEDERAL GOVERNMENT**
Development owned or held in tenancy by the government of the United States, its agencies, departments, or corporate services, to the full extent permitted by federal law. For those activities of the federal government exempted from these regulations, compliance is strongly encouraged.

1.2.3 NO DEVELOPMENT UNTIL COMPLIANCE WITH ALL APPLICABLE LAW

No structure, land, or use thereof, shall hereafter be established, located, subdivided, extended, converted, altered, developed, or disturbed in any way without full compliance with the terms of this Ordinance and other applicable law.

- A. **NO LAND DEVELOPED**
Unless exempted, no land shall be developed without compliance with this Ordinance and all other applicable Town, State, and federal regulations.
- B. **NO GRADING OR EXCAVATION**
Unless exempted, no land shall be subjected to clearing, grading, filling, or excavated without compliance with this Ordinance and all other applicable Town, State, and federal regulations.
- C. **NO REMOVAL OF TREES**
Unless exempted, no trees of a minimum size regulated by this Ordinance shall be removed without compliance with this Ordinance and all other applicable Town, State, and federal regulations.
- D. **NO USE OR OCCUPANCY**
No person shall use, occupy, or divide any land or a building or authorize or permit the use, occupancy, or division of land or a building under their control, except in accordance with this Ordinance and all other applicable Town, State, and federal regulations.

E. NO BUILDING CONSTRUCTED

No building or structure, or portion thereof, shall be erected, used, occupied, maintained, moved, or altered except in conformity with the applicable regulations in this Ordinance and all other applicable Town, State, and federal regulations.

F. NO SALE OR TRANSFER

No lots in a subdivision may be sold or titles to land transferred until all the requirements of this Ordinance have been met, except as authorized by Section 160D-807 of the North Carolina General Statutes.

G. NO DOUBLE COUNTING OF REQUIRED AREAS

No land area or other required space counted as part of a required yard, setback, lot area, parking area, or similar feature of one lot may be counted towards the requirements of another lot.

H. NO EXEMPTION FROM SUBDIVISION REQUIREMENTS

Unless exempted in accordance with Section 152.105 or Section 160D-802 of the North Carolina General Statutes, the standards and requirements in this Ordinance applicable to subdivisions of land shall apply to the subdivision or re-subdivision of land within a bona fide farm or on land occupied by agricultural activities.

1.2.4 THESE ARE MINIMUM REQUIREMENTS

In the application of this Ordinance, all provisions shall be considered as minimum requirements and shall not be deemed to limit or repeal any other powers or authority granted under the North Carolina General Statutes.

1.2.5 ACTIVITIES EXEMPTED FROM THIS ORDINANCE

The following forms of development and activities are exempted from the requirements of this Ordinance:

- A. Agricultural and agri-tourism related activities taking place on a bona fide farm in accordance with Section 160D-903 of the North Carolina General Statutes;
- B. Forestry activities completed on a bona fide farm or as subject to a forestry management plan approved in accordance with Section 160D-921 of the North Carolina General Statutes; and
- C. The division of land into parcels as part of a probated will or in accordance with the intestate succession provisions of Chapter 29 of the North Carolina General Statutes.

1.3 AUTHORITY

This Ordinance consolidates the Town's zoning, subdivision and environmental protection regulations, as authorized by the North Carolina General Statutes. It is adopted in accordance with:

- A. The North Carolina General Statutes, including, but not limited to:
 - 1. Chapter 160A, Article 8 (Police Powers);
 - 2. Chapter 160A, Article 15 (Streets, Traffic, and Parking);
 - 3. Chapter 160D (Local Planning and Development Regulation);
 - 4. Chapter 143, Article 21 (Water and Air Resources);
- B. The Charter of the Town of Elon, North Carolina; and
- C. Other relevant laws, including but not limited to:
 - 1. All other relevant laws of the State of North Carolina; and
 - 2. Any special legislation enacted by the General Assembly.

1.4 CONFLICT

Conflicts with other Town laws, State laws, or between standards in this Ordinance shall be addressed in accordance with the following:

1.4.1 CONFLICTS WITH STATE OR FEDERAL LAW

If a provision of this Ordinance is inconsistent with State or federal law, the more restrictive provision controls, to the extent permitted by law.

1.4.2 CONFLICTS WITH OTHER TOWN CODES OR LAWS

If a provision of this Ordinance is inconsistent with another provision found in other adopted ordinances of the Town, the more restrictive provision shall govern, unless the terms of the more restrictive provision specify otherwise.

1.4.3 CONFLICTS BETWEEN STANDARDS IN THIS ORDINANCE

A. GENERALLY

Unless subject to the standards in Section 1.4.3, Alternatives, in cases where two or more standards in this Ordinance conflict with one another, the more restrictive standard shall control.

B. ALTERNATIVES

1. OVERLAY DISTRICTS

- a. In cases where one requirement of this Ordinance such as a zoning district standard, conflicts with an otherwise applicable standard associated with an overlay zoning district, the overlay zoning district standard shall prevail even if it is not the most restrictive standard.
- b. In cases where land is located in two or more different overlay zoning districts and the standards between the overlay districts conflict, the standards applied by State or federal requirements shall control.

2. AUTHORIZED DEVIATIONS OR INCENTIVES

Authorized deviations, such as an approved administrative adjustment or density incentives that are authorized by and established in accordance with this Ordinance such as those associated with voluntary compliance with design guidelines, shall control and not be considered to conflict with other more restrictive standards in this Ordinance.

3. DEVELOPMENT STANDARDS

- a. In cases where a development standard in Chapter 7, Development Standards, conflicts with an otherwise applicable use standard in Section 4.2, Principal Uses, the use standard in Chapter 4 shall control.
- b. In cases where a zoning district standard from Chapter 3, Zoning Districts, conflicts with a development standard in Chapter 7, Development Standards, the provisions in Chapter 3 shall control.

C. TEXT AND ILLUSTRATIONS

1. In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.
2. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

1.4.4 CONFLICTS WITH PRIVATE AGREEMENTS

In cases where the standards in this Ordinance conflict with private agreements, covenants, or deed restrictions established after effec 27, 2023, and the standards in this Ordinance are more restrictive, the standards in this Ordinance shall control.

1.4.5 CONFLICTS WITH CONDITIONS OF APPROVAL

In cases where the standards in this Ordinance conflict with an authorized and legally established condition of approval that has not expired, the condition of approval shall control.

1.4.6 DETERMINATION OF THE MORE RESTRICTIVE STANDARD

The more restrictive provision is the one that imposes greater restrictions, burdens, or more stringent controls.

1.5 EFFECTIVE DATE

This Ordinance shall be in full force and effect on November 27, 2023, and repeals and replaces the Town of Elon Land Development Ordinance, as originally adopted on December 15, 2004, and most recently amended in June of 2021.

1.6 GENERAL PURPOSE AND INTENT

Town residents, business owners, and government officials recognize that unfettered growth or growth that is inconsistent with Elon's small-town character would forever alter the identity of Elon. It is now and has been the policy of the Town Council of the Town of Elon to promote the health, safety, and general welfare of the residents of and visitors to the Town, and to provide for the continued orderly development of The Town of Elon. This Ordinance has been made with reasonable consideration for the unique residential setting and small-town character of the community and the long-range goal of enhancing the value of existing property and encouraging the most appropriate use of the land throughout the Town, thereby promoting the general welfare of all citizens. In support of these purposes, this Ordinance contains regulations designed to:

- A. Maintain a small-town appeal and an attractive appearance of the community while continuing to encourage managed growth;
- B. Foster a more diverse tax base and range of employment to ensure the Town's fiscal solvency and avoid undue burdens on residential property owners;
- C. Support mixed-use development within the downtown, along key commercial corridors and in designated activity centers throughout the Town's planning jurisdiction;
- D. Ensure Town residents have a wide range of housing options that allow for varying income levels and diverse housing preferences;
- E. Motivate growth that pays for itself in support of sustainable fiscal management of municipal services;
- F. Ensure that growth and the natural environment exist in harmony;
- G. Preserve valuable open space throughout the Town and stimulate the expansion of the community's parks and greenways;
- H. Advance further development of walking trails and bicycle paths throughout the community with connections to other multi-use trails in the area;
- I. Facilitate a well-planned infrastructure with sufficient provision for transportation, water and wastewater services, and other public requirements in an environmentally responsible and timely manner;
- J. Encourage the preservation of historic structures and sites within the Town;
- K. Increase community involvement by providing a means of meaningful cooperation between the community and Town government thus facilitating community pride;
- L. Foster increased communication and collaboration between the Town of Elon and Elon University;
- M. Help secure safety from fire, crime, and other dangers;
- N. Protect Elon's tree canopy which provides clean air, minimizes increases in temperature levels, helps to maintain moisture levels, and provides physical and visual buffers;
- O. Help prevent the overcrowding of land and undue concentration of population;
- P. Regulate the size of yards, courts, and other spaces;
- Q. Regulate the density and distribution of boundaries thereof;
- R. Provide penalties for violations; and
- S. For other purposes described herein.

1.7 LANGUAGE CONSTRUCTION

The following rules shall apply for construing or interpreting the terms and provisions of this Ordinance.

1.7.1 MEANINGS AND INTENT

- A. All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in Section 1.6, General Purpose and Intent, and the specific purpose statements set forth throughout this Ordinance.
- B. When a specific section of these regulations gives a different meaning than the general definition provided in Chapter 2, Definitions, the specific section's meaning and application of the term shall control.
- C. Terms that are not defined are subject to their common or customary meaning.

1.7.2 HEADINGS, ILLUSTRATIONS, AND TEXT

- A. In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.
- B. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

1.7.3 LISTS AND EXAMPLES

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

1.7.4 COMPUTATION OF TIME

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the Town, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the Town.

1.7.5 TIME-RELATED LANGUAGE

- A. Whenever certain hours are named, they shall mean standard time or daylight savings time as may be in current use by the Town.
- B. The term "day" means a calendar day, or any day during a week, including business days and weekend days.
- C. The term "holiday" means a legal holiday recognized by the Town.
- D. The term "week" means five business days and two weekend days. Weeks commence on a Monday.
- E. The term "month" means a calendar month.
- F. The term "year" means a calendar year.
- G. The term "temporary" shall mean a condition lasting for only a limited period of time; not permanent.

1.7.6 REFERENCES TO THIS ORDINANCE

A reference to a chapter, section, sub-section, or paragraph means a chapter, section, sub-section, or paragraph of this Ordinance, unless otherwise specified.

1.7.7 REFERENCES TO OTHER REGULATIONS OR PUBLICATIONS

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition or adopted version of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

1.7.8 REFERENCES TO NORTH CAROLINA GENERAL STATUTES

Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section.

1.7.9 DELEGATION OF AUTHORITY

Whenever a provision of this Ordinance requires or authorizes an officer or employee of the Town to do some act or perform some duty, the officer or employee may designate, delegate, or authorize subordinates to perform the act or duty unless the terms of the provision specifically provide otherwise.

1.7.10 JOINT AUTHORITY

All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

1.7.11 TECHNICAL AND NON-TECHNICAL TERMS

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

1.7.12 PUBLIC OFFICIALS AND AGENCIES

All public officials, bodies, and agencies to which references are made are those of the Town of Elon, unless otherwise indicated.

1.7.13 MANDATORY AND DISCRETIONARY TERMS

The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may," "can," and "should" are permissive in nature.

1.7.14 CONJUNCTIONS

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- A. "And" indicates that all connected items, conditions, provisions or events apply.
- B. "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

1.7.15 TENSES, PLURALS, AND GENDER OF WORDS

- A. Words used in the past or present tense include the future tense as well as the past and present.
- B. 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. Words used in the masculine gender include the feminine gender and the neuter, and vice versa.

1.7.16 OATH

The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in like cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

1.7.17 TERM NOT DEFINED

If a term used in any chapter of this Ordinance is not defined, the Planning Director is authorized to interpret the term in accordance with Section 2.1.2, Words not Defined in the LMO.

1.8 RELATIONSHIP TO ADOPTED POLICY GUIDANCE

1.8.1 GUIDANCE IDENTIFIED

The administration, enforcement, and amendment of this Ordinance shall be accomplished in accordance with the Town's adopted planning policy framework. This includes the Envision Elon Comprehensive Land Use Plan, the Elon Bicycle, Pedestrian, Lighting Plan, and any other adopted planning documents.

1.8.2 CONFORMANCE

A. ADVISORY

Adopted policy guidance is advisory in nature and does not carry the effect of law. Consistency with adopted policy guidance is not a requirement for the continuing validity of any provision of this Ordinance, except as provided in Section 160D-604 and Section 160D-605 of the North Carolina General Statutes.

B. CONSISTENCY

This Ordinance is intended to ensure that all development within the Town is consistent with the goals, objectives, policies, strategies, and actions contained in the Town's adopted policy guidance.

C. AMENDMENT UPON INCONSISTENCY

1. To the extent this Ordinance or the Official Zoning Map is or becomes inconsistent with the Town's adopted policy guidance, the aforementioned documents should be amended to remain consistent.
2. Consistency with adopted policy guidance is not a prerequisite for approval of a rezoning or planned development application, and the future land use map portion of the Land Use Plan shall be deemed amended when the Town Council approves a rezoning or planned development application that is inconsistent with the future land use map in accordance with Section 160D-605 of the North Carolina General Statutes.

1.9 RELATIONSHIP TO OTHER LAWS

1.9.1 PRIVATE AGREEMENTS, EASEMENTS, OR COVENANTS

- A. Except as hereinafter provided, this Ordinance shall not be deemed to interfere with, abrogate, annul, or otherwise affect in any manner whatsoever any easement, covenants, deed restrictions, or other private agreements between private parties.
- B. Unless deed restrictions, covenants, or other contracts directly involve the Town of Elon as a party in interest, the Town shall have no administrative responsibility for enforcing such deed restrictions, covenants, or contracts.

1.9.2 VESTED RIGHTS

Nothing in this Ordinance is intended to repeal, supersede, annul, impair, or interfere with any existing vested rights, as provided for in Chapter 5, Procedures, provided they were lawfully established and remain in effect.

1.10 REVIEW AUTHORITIES

1.10.1 AUTHORITIES IDENTIFIED

The following review authorities have powers and responsibilities for administering this Ordinance, especially with regard to procedures related to development application review and decision:

- A. The Town Council;
- B. The Planning Board;
- C. The Board of Adjustment;
- D. The Technical Review Committee; and
- E. The Planning Director.

1.10.2 GENERALLY

A. ALL MEETINGS SHALL BE OPEN

1. All meetings of elected or appointed bodies under this Ordinance shall be open to the public in accordance with Section 143-318 of the North Carolina General Statutes (Meetings of Public Bodies) and shall be conducted in accordance with the procedures set forth in these regulations, the Town Code of Ordinances, adopted policy guidance, and rules of procedure adopted by the respective review authorities.

2. Wherever feasible, the agenda for the meeting shall be made available for public inspection prior to the meeting.

B. RULES OF PROCEDURE

All review authorities identified in this section shall adopt formal rules of procedure consistent with the level of decision-making delegated to that authority. Adopted rules of procedure shall be kept on file, made available on the Town's webpage or be available for public inspection, and shall be maintained by the designated staff to the review authority.

C. OATH OF OFFICE

All review authority members (including Town staff) who review and decide applications under this Ordinance shall be administered the oath of office prior to commencing their duties in accordance with Article 6, Section 7 of the North Carolina Constitution by a person authorized to administer the oath. The Town Clerk shall maintain a record of the oath's administration.

D. CONFLICT OF INTEREST

1. LEGISLATIVE AND ADMINISTRATIVE DECISIONS

- a. A review authority member shall not vote on an application where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member in accordance with Section 160D-109 of the North Carolina General Statutes.
- b. A review authority member shall not vote on an application where the landowner or applicant is a person with whom the member has a close, familial, business, or other associational relationship.

2. QUASI-JUDICIAL DECISIONS

- a. A review authority member shall not participate in or vote on any quasi-judicial matter in a manner that would violate an affected persons' constitutional rights to an impartial decision maker.
- b. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change; an undisclosed ex-parte communication; a close familial, business, or other associational relationship with an affected person; or a direct, substantial, and readily identifiable financial impact on the member.

3. RECUSAL

- a. If a conflict of interest exists, then a review authority member shall recuse themselves from participating in and voting on an application.
- b. If an objection is raised to a member's participation and that member does not recuse himself or herself, then the remaining members shall, by majority vote, rule on the objection.

E. MINUTES AND RECORDS

1. Accurate minutes of each meeting shall be maintained by each review authority showing the vote of each member on each question, or if absent or failing to vote, indicating such fact.
2. Each review authority shall keep records of its examinations and official actions.
3. All minutes and records shall be filed in the office of the Town Clerk or other appropriate Town official for the public record.

F. REGULAR MEETINGS

1. All review authorities shall meet at regularly scheduled times and at such other times as determined by the Chairperson as provided for in the rules of procedure.
2. Special meetings may be called at any time by the Chairperson or by request of a majority of members of the review authority.

G. REMOVAL

1. Members of the Planning Board or Board of Adjustment may be removed by the Town Council at any time for:
 - a. Failure to attend two consecutive meetings;
 - b. Failure to attend 30 percent or more of the meetings within a 12-month period; or
 - c. Any good cause related to performance of duties.
2. For the purposes of this section, attendance at a meeting shall be defined as being present for at least 60 percent of the duration of the meeting.
3. Alternate members of the Planning Board or Board of Adjustment may be removed for repeated failure to attend or participate in meetings when requested to do so.
4. Moving outside the Town limits shall constitute resignation from the Planning Board or Board of Adjustment, effective upon the date a replacement board member is appointed.

H. STAFF TO BOARDS

1. The Planning Director or a designee shall serve as staff to the review authorities identified in this Ordinance.
2. The Town Attorney may provide legal and procedural assistance, when requested.

1.10.3 THE TOWN COUNCIL

The Town Council is the elected body of the Town of Elon, North Carolina.

A. POWERS AND DUTIES

The Town Council shall have the power to initiate, review, and decide applications for:

1. Annexation;
2. Conditional rezoning;
3. Development agreements;
4. Fee-in-lieu requests;
5. Planned developments;
6. Rezoning;
7. Special use permits;
8. Text amendments; and
9. Vested rights certificates.

B. OTHER POWERS AND DUTIES

The Town Council shall have the following other powers and duties:

1. To approve, by resolution, a schedule of fees governing:
 - a. Applications for permits and other development approval reviews under this Ordinance; and
 - b. Civil penalties for violations of this Ordinance.
2. To take any other action not delegated to other review authorities, as the Town Council may deem desirable and necessary to implement the provisions of this Ordinance.
3. To conduct any and all business in accordance with the Town Charter and North Carolina General Statutes; and
4. To amend the Comprehensive Plan and other adopted policy guidance as necessary.
5. To appoint or remove members of the Planning Board or Board of Adjustment who reside in the Town.

1.10.4 THE PLANNING BOARD

The Planning Board is hereby established in accordance with Section 160D-301 of the North Carolina General Statutes, and the following.

A. POWERS AND DUTIES

The Planning Board shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

1. APPLICATION REVIEWS

The Planning Board shall review and make recommendations on the following applications:

- a. Conditional rezoning;
- b. Development agreements;
- c. Planned developments;
- d. Rezoning; and
- e. Text amendments.

2. OTHER POWERS AND DUTIES

- a. To serve as the Board of Adjustment.
- b. To perform studies and surveys of the present conditions and probable future development of the Town and its environs, including but not limited to, studies and surveys of land uses, population, traffic, parking, annexation, and expansions of the extraterritorial jurisdiction.
- c. To formulate and recommend to the Town Council the adoption and amendment of the Comprehensive Plan and other plans as necessary.
- d. To initiate proposals for text amendments to the Land Management Ordinance based upon the findings and recommendations delivered in such studies and adopted plans.
- e. To determine whether specific proposed developments conform to the principles and requirements of the adopted comprehensive plan for growth and improvement of the Town.

B. COMPOSITION

1. The Planning Board shall consist of seven regular members and two alternates.
2. Six members shall reside within the corporate limits of Elon and one member shall reside in the extra-territorial planning jurisdiction (ETJ).
3. The Town Council shall appoint the six regular members and one alternate from within the Elon corporate limits from a list of qualified applicants who have submitted a Planning Board application.
4. The Alamance County Board of Commissioners shall appoint one member and one alternate from within the ETJ following receipt of a recommendation from the Town Council.
5. The members from the extra-territorial planning jurisdiction shall have equal rights, privileges, and duties as the members from within the corporate limits.

C. TERMS

1. Member terms shall be in accordance with the review authority's rules of procedure.
2. Once a member has served three full consecutive terms, the member shall not serve on the Board of Adjustment again.
3. Term limit requirements may be waived by the Town Council.

D. QUORUM

A quorum of five members shall be necessary to transact official business of the Planning Board.

E. DISTINCTION REQUIRED

In no instance shall the Planning Board undertake any official business as the Board of Adjustment without adjourning as the Planning Board beforehand.

1.10.5 THE BOARD OF ADJUSTMENT

The Board of Adjustment is hereby established in accordance with Section 160D-302 of the North Carolina General Statutes, and the following:

A. POWERS AND DUTIES

The Board of Adjustment shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

1. APPLICATION DECISIONS

The Board of Adjustment shall render final decisions regarding the following permit types:

- a. Appeals of administrative decisions;

- b. Reasonable accommodations; and
- c. Variances.

2. OTHER POWERS AND DUTIES

To exercise other powers and authority provided to it by the Town Council, this Ordinance, or State law.

B. COMPOSITION

1. The Board of Adjustment shall consist of seven regular members and two alternates.
2. Six members shall reside within the corporate limits of Elon and one member shall reside in the extra-territorial planning jurisdiction (ETJ).
3. The Town Council shall appoint the six regular members and one alternate from within the Elon corporate limits from a list of qualified applicants who have submitted a Board of Adjustment application.
4. The Alamance County Board of Commissioners shall appoint one member and one alternate from within the ETJ following receipt of a recommendation from the Town Council.
5. The members from the extra-territorial planning jurisdiction shall have equal rights, privileges, and duties as the members from within the corporate limits.

C. TERMS

1. Member terms shall be in accordance with the review authority's rules of procedure.
2. Once a member has served three full consecutive terms, the member shall not serve on the Board of Adjustment again.
3. Term limit requirements may be waived by the Town Council.

D. QUORUM

A quorum of five members shall be necessary to transact the official business of the Board of Adjustment.

E. VOTING

1. The concurring vote of four-fifths of the Board of Adjustment members voting on a case shall be necessary to grant a variance.
2. A simple majority of the Board of Adjustment members present and voting on a case shall be required to decide an appeal.
3. Members who are recused from voting due to a conflict of interest shall not be counted towards a simple or super majority.

F. DISTINCTION REQUIRED

In no instance shall the Board of Adjustment undertake any official business as the Planning Board without adjourning as the Board of Adjustment beforehand.

1.10.6 THE TECHNICAL REVIEW COMMITTEE

The Technical Review Committee (TRC) is hereby established in accordance with Section 160D-306 of the North Carolina General Statutes and the following:

A. POWERS AND DUTIES

1. APPLICATION DECISIONS

The Technical Review Committee shall render final decisions regarding the following permit types:

- a. Limited subdivisions;
- b. Preliminary plats; and
- c. Transportation impact analyses.

2. APPLICATION REVIEWS

The Technical Review Committee shall review and provide a recommendation on the following:

- a. Concept plans associated with a conditional rezoning;
- b. Master plans associated with a planned development;

- c. Site plans associated with conditional rezonings, planned development districts, or special use permits.

3. OTHER POWERS AND DUTIES

To exercise other powers and authority provided to it by the Town Council, this Ordinance, or State law.

B. COMPOSITION

1. The Planning Director shall serve as the Chair of the Technical Review Committee and shall preside over committee meetings, prepare committee reports, and serve as liaison to the departments and agencies involved for clarification of issues and resolution of conflicts.
2. The Technical Review Committee shall be comprised of the following individuals or their designees: Town Manager, the Public Works Director, the Police Chief, the Fire Chief, the Town's staff or consulting engineer, and may also include representatives from NCDOT, County agencies, and utility providers.

C. MEETINGS

1. The Technical Review Committee shall establish a regular meeting schedule, though it may not meet if there are no items for consideration.
2. Technical Review Committee meetings are open to the public, though the opportunity to address the Committee during a meeting is at the sole discretion of the Chair.
3. The Planning Director may invite applicants to attend Technical Review Committee meetings, though applicant attendance is not required.

1.10.7 THE PLANNING DIRECTOR

A. POWERS AND DUTIES

The Planning Director shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

1. APPLICATION DECISIONS

The Planning Director shall render final decisions regarding the following permit types:

- a. Administrative adjustments;
- b. Determinations;
- c. Fence permits;
- d. Final plats;
- e. Floodplain development permits;
- f. Performance guarantee requests;
- g. Sign permits;
- h. Stormwater permits;
- i. Temporary use permits; and
- j. Zoning compliance permits.

2. APPLICATION RECOMMENDATIONS

The Planning Director shall review and provide a recommendation on the following applications:

- a. Annexation;
- b. Fee-in-lieu requests;
- c. Reasonable accommodations; and
- d. Vested rights certificates.

3. APPLICATION COMMENTS

The Planning Director shall review and provide comments and recommendations to other review authorities on the following applications:

- a. Conditional rezonings;
- b. Development agreements;

- c. Limited subdivisions;
- d. Planned developments;
- e. Rezoning;
- f. Special use permits; and
- g. Text amendments.

4. OTHER POWERS AND DUTIES

The Planning Director shall have the following other powers and duties:

- a. To serve as Zoning Administrator in accordance with State law;
- b. To serve as the Floodplain Administrator in accordance with these standards;
- c. To conduct pre-application conferences;
- d. To enforce the provisions of this Ordinance, including entering any building, structure, or premises, as provided by law, to perform any duty imposed by this Ordinance;
- e. To apply remedies for violations of this Ordinance in accordance with Section 5.4, Violations and Remedies;
- f. To maintain the Official Zoning Map and related materials;
- g. To process development applications and prepare staff reports as indicated in this Ordinance;
- h. To maintain public records pertaining to this Ordinance and to make those records available to members of the public upon request;
- i. To maintain rules of procedures for each review authority in this Ordinance;
- j. To provide technical assistance to review authorities, upon request; and
- k. To carry out any other powers and duties delegated by the Town Manager that are consistent with this Ordinance and State law.

1.11 SEVERABILITY

1.11.1 INVALIDATION

Should any section, sentence, clause, phrase, or word of this Ordinance be held invalid or unconstitutional by a court of competent jurisdiction, 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.

1.11.2 PREJUDICIAL APPLICATION

Should 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.

1.11.3 LAWFUL PRESUMPTION

There shall be a conclusive presumption when a review authority authorizes regulatory action, that the review authority would not have authorized the action except in the belief that such action was lawful.

1.12 TRANSITIONAL PROVISIONS

The standards in this subsection address existing violations, nonconformities, and applications in process at the time this Ordinance is made effective.

1.12.1 PRIOR VIOLATIONS

- A. Violations of the previous ordinance shall continue to be violations under this Ordinance, unless the development complies with this Ordinance and is no longer considered to be in violation, or the ability to address the violation has lapsed in accordance with Section 5.4.8, Statute of Limitations.
- B. Violations of this Ordinance shall be subject to the penalties and enforcement provisions in Section 5.4, Violations and Remedies.

1.12.2 EXISTING NONCONFORMITIES

If any use, structure, lot, or sign, legally existed on November 27, 2023, but does not fully comply with the standards of this Ordinance, the use, structure, lot, or sign, is considered nonconforming under this Ordinance and shall comply with the requirements in Chapter 6, Nonconformities.

1.12.3 PRIOR APPLICATION APPROVALS

- A. Any development approvals granted before November 27, 2023, shall remain valid until their expiration date.
- B. Developments with valid approvals or permits may be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval, provided the permit or approval is valid and has not expired.
- C. If an approval expires or is revoked (e.g., for failure to comply with the terms and conditions of approval), any subsequent development of the site shall be applied for in accordance with the procedures and standards of this Ordinance.
- D. An applicant shall be deemed to have initiated an approved development upon the subsequent application for and diligent pursuit of other required Town, State, or federal permits or approvals.
- E. Timelines for the commencement or expiration of development in accordance with an approved application shall be suspended in the event of legal challenge.
- F. To the extent a prior-approved application proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of in Chapter 6, Nonconformities.

1.12.4 PENDING APPLICATIONS

A. COMPLETE APPLICATIONS

Applications accepted as complete prior to November 27, 2023, may be decided in accordance with either the regulations in effect at the time the application was determined complete or the regulations in this Ordinance, as requested by the applicant in accordance with Section 5.3.8, Permit Choice.

B. IF APPROVED

To the extent such a complete application is approved and proposes development that does not comply with this Ordinance, the development, although permitted, shall be nonconforming and subject to the provisions of in Chapter 6, Nonconformities.

C. FILED, BUT NOT COMPLETE APPLICATIONS

Applications that have been filed prior to November 27, 2023, but not determined to be complete by the Planning Director as of that date shall be reviewed and decided in accordance with this Ordinance.

1.12.5 PRE-EXISTING CONDITIONAL USE PERMIT

Existing conditional use permits approved prior to November 27, 2023, are hereby converted to special use permits and shall continue to apply as approved. In the event an applicant seeks to revise development subject to a conditional use permit, all changes shall be considered in accordance with Section 5.2.21, Special Use Permit.

1.12.6 ESTABLISHED USES NOW REQUIRING A SPECIAL USE PERMIT

- A. If a use was a lawfully established permitted use before November 27, 2023, and is subsequently made a special use in Table 4.1, Principal Use Table, the use shall be considered by the Town as a lawfully established nonconforming use.
- B. Any modifications to the use or the site after November 27, 2023, shall require approval of a special use permit in accordance with Section 5.2.21, Special Use Permit.

2 D E F I N I T I O N S

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2.1 MEANING OF DEFINITIONS

2.1.1 WORDS DEFINED IN THE LMO

Unless otherwise expressly stated or unless clearly required by the context, the words and phrases defined in this chapter shall have the meaning indicated when used in the LMO.

2.1.2 WORDS NOT DEFINED IN THE LMO

All words and phrases not defined in this chapter shall have their common meaning.

2.2 DEFINITIONS

The definitions for all words defined in the LMO are contained in Table 2.1, Definitions below.

TABLE 2.1: DEFINITIONS	
A	
Abandon	To cease the regular use or maintenance of a lot, building, or structure.
Abutting	Having common property boundaries or lot lines that are not separated by a street, alley, or other vehicular right-of-way such as a railroad.
Accessory Dwelling Unit, Detached	A secondary dwelling unit not attached or connected to the principal single-family detached dwelling on a lot, meeting the standards of this Ordinance.
Accessory Dwelling Unit, Internal	A secondary dwelling unit connected to the principal single-family detached residential dwelling on a lot, meeting the standards of this Ordinance.
Accessory Structure or Use	A use or structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure. In no event will "accessory use" or "accessory structure be construed to authorize a use or structure not otherwise permitted in the district in which the principal use is located .
Adjacent	Either abutting or being directly across a street.
Administrative Decision	A decision made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this Ordinance or as provided for in G.S. Chapter 160D. These are sometimes referred to as ministerial decisions or administrative determinations.
Adult Establishment	Adult cabarets, adult bookstores, adult mini-motion picture theaters, and all other places contained in G.S. 14-202.10.
Adult Day Care Center	An individual, agency, or organization providing supervision or care on a regular basis; usually for more than 6 adults in a place other than their usual place of residence
Alley	A vehicular thoroughfare providing a secondary means of public access to abutting property, typically at the rear of a lot, and occasionally on the side of a lot.
Alteration of Watercourse	A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or 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.

CHAPTER 2: DEFINITIONS

Amateur Communications Equipment	Equipment related to the radio frequency spectrum used for the purposes of non-commercial exchange of messages, also known as ham radio.
Amendment	Any change by the Town Council to the text of these regulations or the official planning area maps.
Amphitheater (Outdoor)	An open-air theater, usually round, oval, or semi-circular, with or without fixed seating.
Animal Husbandry	The breeding, feeding, and tending of domestic animals, especially farm animals.
Antenna Collocation, Major	A major collocation includes placement of antennas, antenna-support structures, and related telecommunications equipment on any of the following: a building's roof; a building's wall; a vertical projection such as a water tank, electric transmission tower, or similar vertical projection not constructed for the sole purpose of providing telecommunications services; or an existing or replacement telecommunications tower where the collocation requires a substantial modification, as defined in this Ordinance and Section 160D-931 of the North Carolina General Statutes.
Antenna Collocation, Minor	A minor collocation includes placement of antennas, antenna-support structures, and related telecommunications equipment on an existing or replacement telecommunications tower, provided no substantial modification, as defined in this Ordinance and Section 160D-931 of the North Carolina General Statutes, is required. A minor collocation may also be referred to as an "eligible facility."
Arboretum or Formal Garden	A place where a variety of woody plants are cultivated for scientific, educational, and ornamental purposes.
Arborist	A professional in the field of arboriculture who provides expert advice about trees and other woody plants, their care, preservation, and value.
Arena	A structure or facility designed and intended to be used primarily for athletic events and containing seating for spectators of those events, but not including a raceway or drag strip.
Assisted Living Facility	A residential facility for the elderly, infirm, or disabled, in which housekeeping, meals, medical care, and other assistance is available to residents as needed.
Asphalt or Concrete Plant	A facility preparing asphaltic and/or concrete mixtures for delivery to construction sites or retail facilities.
Auditorium, Conference, Convention Center (Indoor)	A structure or facility designed, intended, or used primarily for public gatherings; indoor exhibitions, galleries, or conventions; or indoor spectator events.
Automated Teller Machine (ATM)	An electronic banking device that allows customers to complete basic transactions without the aid of a branch representative or teller.
Automotive Repair	A building and its premises used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint and body work. Minor repairs will be limited to battery and tire changes, light and fuse replacement, wiper blade changes and similar activities. Also referred to as vehicle repair.
Awning	A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not a canopy.
B	
Banner	A sign intended to be hung, consisting of a message or symbols applied to plastic or fabric of any kind, excluding such signs that meet the definition of flag as described in this Section.

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Bar or Cocktail Lounge	An establishment where alcoholic drinks are served, which would not be better described as another use within this Ordinance.
Base Flood	The flood having a one (1) percent chance of being equaled or exceeded in any given year.
Base Flood Elevation (BFE)	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 "Regulatory Flood Protection Elevation".
Bed and Breakfast	A use that takes place within a building that, prior to such an establishment, was a single-family residence, which consists of renting from one to eight dwelling rooms on a daily basis to tourists, vacationers, and business travelers, where meals are provided only to guests. The homeowner will reside on site and employment will not exceed two full time employees in addition to the owner(s).
Best Management Practices (BMPs)	<p>A structural or non-structural management-based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals.</p> <ul style="list-style-type: none"> • Non-structural BMPs: Non-engineered methods to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers. • Structural BMPs: Engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from the water supply. These may include wet detention ponds, detention basins, grass swales and ditches, and infiltration devices.
Billboard	See Sign, Off-Premises
Board of Adjustment	The Board of Adjustment of the Town of Elon.
Bottle Shop	An establishment selling alcoholic beverages in unopened containers for consumption elsewhere.
Block	An area formed by streets, or an area formed by streets and alleys.
Broadcasting Studio	A facility where television or radio programs are recorded and broadcast.
Bufferyard	A strip of land containing existing and/or planted vegetation, located between a structure or use and a side or rear property line, intended to spatially separate and visually obstruct the view of two adjacent land uses or properties from one another.
Buffer, Stormwater	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 is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.
Building	Any structure used or intended for supporting or sheltering any use or occupancy.
Building Face	The dominant structural feature of the elevation of any side of a building. For example, the building face of a two-story dwelling with one-story porch is the two-story elevation of the structure.

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Building Footprint	The outline of the total area covered by a building's perimeter at the ground level.
Building Height	The vertical distance between the floor of the main story (i.e., not including basements built below grade) to the eaves or the highest level of a flat roof. The following uses are not controlled by height limitation: belfries, spires, cupolas, domes, monuments, observation towers, chimney, smokestacks, water towers, conveyors, flag poles, television and radio masts, aerials, and towers.
Build-to Line	A line extending through a lot which is generally parallel to the front property line and marks the location from which the principal vertical plane of the front building elevation shall be erected, intended to create a Traditional Building Façade Line on a street.
Building Lines	Lines that are tangent to the exterior surface of buildings or structures, or the surfaces of cantilevered projections therefrom, parallel to front, side, and rear lot lines, and referred to as front, side, and rear building lines, respectively.
Building Site	(See also, Development.) An area of land, or property where development is undertaken.
Built-Upon Area (B.U.A.)	Built-upon areas which include that portion of a Development project that is covered by impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. "Built-Upon Area" does not include a slatted deck; the water of a swimming pool; a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over geotextile fabric; or a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour), or landscaping material, including but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle.
Bungalow Court	A type of multi-family development which features several small residential units arranged around a small garden.
Business Incubator	A facility where individual entrepreneurs and companies develop their businesses, which may include leasable office space, management training, and financial services.
C	
Caliper	A nursery industry standard trunk diameter measurement for trees. This measurement is taken six inches above the ground for up to and including four-inch caliper size, and twelve inches above the ground for larger sizes.
Car Wash or Automobile Detailing	A facility where motor vehicles are washed, cleaned, and/or waxed by hand or with manually-operated equipment or automatic machinery.
Campground	Establishments engaged in seasonal or overnight recreational housing and conducting a variety of educational and athletic activities. These establishments may provide accommodation facilities, such as cabins, fixed campsites, parking pads and utility connections for recreational vehicles, food services, on-site recreational facilities and equipment, and organized

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	recreational activities. Examples include but are not limited to: Religious institution camps or retreats, Boy Scout Camps, and Girl Scout Camps.
Canopy	A permanent structure, not enclosed and not retractable, attached or unattached to a building, for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall.
Canopy Tree	A species of tree which normally grows to a mature height of 35 feet or more with a minimum mature crown width of 30 feet and meets the specification of the most recent edition of the American Standard for Nursery Stock, published by the American Association of Nurserymen.
Cemetery, Columbarium, or Mausoleum	Land and facilities used for burial of the dead either meeting the requirements of a perpetual care cemetery under State law including any burial ground, mausoleum, or columbarium operated by an entity meeting licensing requirements of the State ; or land and facilities including municipal, private family, farm, church or animal cemeteries, which have not been licensed and do not meet the licensing requirements of a perpetual care cemetery under State law.
Change of Use	The change in the use of a structure or land, for which a certificate of occupancy is required. Change of use will include a change from one use to another use in the list(s) of permitted uses, and will also include a change from one use to another use within any broad category of uses, such as from one use listed in the commercial use category to another use listed in the commercial use category, as herein defined.
Child Day Care Center	An individual, agency, or organization providing supervision or care on a regular basis for children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adults; usually serving more than 10 children at a time.
Childcare, Incidental	A childcare or home day care for three or more children which is permitted as an accessory use to an occupied residential dwelling unit, which complies with Article 7 of Chapter 110 of the North Carolina General Statutes, and the Summary of North Carolina Child Care Laws and Rules pamphlet prepared by the NC Department of Health and Human Services.
Civic Space	An area within which pedestrians gather, such as a Town Commons, Plaza, Park, and/or Courtyard. A Civic Space may also include structures commonly associated with civic-related uses, such as government services offices, libraries or other cultural facilities, community centers, or assembly halls.
Coffee Shop	A dining establishment serving coffee and limited food items.
College or University	A use, whether privately-owned or publicly-owned, providing academic education beyond the high school level, except where said education is vocational in nature.
Commencement of Construction	The first placement of permanent evidence of a structure on a site pursuant to a duly issued building permit, such as the pouring of slabs or footings or any work beyond the stage of excavation, including the relocation of a structure. "Commencement of construction" does not include the installation of streets or walkways; nor the excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of temporary buildings, such as garages, sheds, or trailers, not part of the main structure nor occupied as dwelling units.
Community Garden	A garden established on public or private property for the purposes of cultivating crops for consumption by members of the community.

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Community/Youth/Senior Center	A public facility that is primarily used to host recreational or social activities for members of the general public, youth, or senior citizens, not better meeting the definition of any other use described in this Ordinance.
Comprehensive Plan	The Envision Elon 2040 Comprehensive Land Use Plan
Computer Services	An establishment providing personal or business services related to the use of a computer, the information stored in the computer, or the personnel supporting the computer, including data processing, and storage functions.
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.
Conservation Subdivision	A residential subdivision that devotes a significant amount of its total land area to commonly-owned, permanently-protected open space in exchange for increased development flexibility.
Continuing Care Retirement Community	A type of life care community that offers more than one level of care and accommodates residents as their care needs shift over time. Such a community usually provides both independent living and skilled nursing care.
Contractor Services	An establishment providing general contracting and/or building construction services for residential, farm, industrial, or commercial uses, and which typically does not involve outdoor storage of machinery or equipment.
Convenience Store (with gasoline sales or restaurant)	Any retail establishment offering for sale any combination of gasoline, diesel fuel, kerosene, automotive products, prepackaged food products, household items, and/or other goods commonly associated with the same and having a gross floor area of less than five thousand (5,000) square feet.
Convenience Store (without gasoline sales or restaurant)	A retail establishment offering for sale any combination of prepackaged food products, household items, and/or other goods commonly associated with the same and having a gross floor area of less than five thousand (5,000) square feet.
Co-Working Space	An establishment in which individuals or employees from various businesses share a common office space.
Copy	Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign display surface area.
Correctional Institution	A jail or other institutional facility used to confine and provide treatment or rehabilitation to violators of criminal laws, including facilities for persons who are participating in supervised work-release programs, whether such facilities provide confinement for all of each 24-hour period or only a portion thereof; but not including temporary holding facilities that are accessory to a police station.
Crosswalk	A pedestrian thoroughfare that is line striped or has pavers or a colorized pavement that links to sidewalks and provides a pedestrian circulation route across streets.
Cultural Facility, Library, or Museum	An establishment used primarily for the display, rather than the sale, of works of art or cultural artifacts; or for the storing and lending of books, newspapers, periodicals, and other media.
D	
Deciduous Plant	Those plants that annually lose their leaves.

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Dependent Living Facility	Nursing homes, rest homes, and homes for the aged facilities, which are designed for persons who need a wide range of health and support services, such as medical, nursing, and personal services care, central dining facilities, and transportation services.
Density, Gross Residential	The number of residential dwelling units per acre of land, determined by dividing the number of dwelling units by the total number of acres in the parcel to be developed.
Detached Garage or Carport	A roofed structure, which may be either enclosed or open, which is detached from the main structure on a parcel and is designed to accommodate one or more motor vehicles.
Determination	A written, final, and binding order, requirement, or determination regarding an administrative decision.
Developer	Any person seeking approval under these regulations for any form of development.
Development	<p>The conducting of any building activity, or the making of any material change in the use or appearance of any structure or land.</p> <p>A. Except as provided in subsection C hereof, for the purposes of these regulations the following activities or uses will be considered development: 1. The reconstruction, alteration of the size, or material change in the external appearance of a structure on land or water; 2. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land; 3. Alteration of the shore or bank of a pond, lake, river, or other waterway, 4. Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land; 5. Clearing of land, including clearing or removal of vegetation and including any significant disturbance of vegetation or soil manipulation; or 6. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.</p> <p>B. Development includes all other activity customarily associated with it. When appropriate to the context development refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this definition.</p> <p>C. For the purposes of these regulations the following operations or uses will not be considered development; some may, however, require a building permit: 1. Work involving the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the color or decoration of the exterior of the structure or interior alterations that do not change the use for which the structure was constructed. 2. Work involving the maintenance or replacement of existing landscaped areas and existing rights-of-way; 3. A change in use of land or structure from a use within a specified category of use to another use in the same category; 4. A change in the ownership or form of ownership of any parcel or structure; 5. The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land unless otherwise specifically required by law, or 6. The clearing of survey cuts or other paths of less than four feet in width.</p>

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Diameter at Breast Height (DBH)	The tree trunk diameter measured in inches at a height of 4.5 feet above the ground. Generally used for measuring existing trees.
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.
Dimensional Nonconformity	A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.
Discharge	The introduction, either directly or indirectly, of any man induced waste effluent into North Carolina surface waters.
Dish Antenna (Large)	A receiver or transmitter of electromagnetic energy, especially microwaves or radio waves, which consists of a reflector shaped like a shallow dish, which is greater than one (1) meter in diameter.
Disposal	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.
Dormitory, Private	A building which is occupied or intended to be occupied as the dwelling for more than six persons who are not related by blood, marriage, or adoption but who are enrolled in, affiliated with, or employed by the same educational, religious, or health institution. "Dormitory" will not include a boarding house, motel, hotel, home, or health institution.
Downtown	The central business district of the Town of Elon, as depicted in the current edition of the <i>Town of Elon Downtown Elon Master Plan</i> .
Downtown Elon Master Plan	The document approved by the Elon Town Council intended to guide development and redevelopment within the DTC and DTP Zoning Districts.
Drip Line	An imaginary vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.
Drug/Alcohol Treatment	A type of medical facility that provides treatment for drug/alcohol addiction and dependency on an in-patient or out-patient basis.
Duplex Dwelling	A residential building which contains two (2) dwelling units and which occupies one zoning lot.
Dwelling	Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home, mobile home, or recreational vehicle if used solely for a seasonal vacation purpose.
Dwelling Unit	A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
E	
Effective Date of This Ordinance	Whenever the LMO refers to the effective date of this ordinance, the reference shall be deemed to include the effective date of any amendments to this ordinance if the amendment, rather than this ordinance as originally adopted, creates a nonconforming situation.
Electric Vehicle Charging Station (Public)	An accessory use consisting of equipment, also known as a charge point or electric vehicle supply equipment (EVSE), that supplies electrical power for charging plug-in electric vehicles, for use by members of the general public.

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Electrical Substation	A facility which is part of an electrical generation, transmission, and distribution system which transforms electrical current from high-level transmission voltage to lower-level distribution voltage, or performs another related function.
Electrical/Plumbing Fabrication	An establishment primarily engaged in fabricating electrical or plumbing components or devices from various materials through the use of manufacturing processes.
Electronic Gaming Operation	A business enterprise where persons utilize electronic machines or devices, including, but not limited to, computers and gaming terminals, to conduct games of skill or chance, where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by the games played or by predetermined odds.
Elevated Building	A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
Encroachment	The advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
Equipment and Tool Rental	An establishment which rents or leases machinery, equipment and tools of various kinds and sizes for a limited period of time to businesses and individuals.
Equitable Remedy	A court decision which prescribes a method of 'equitable' compliance with the terms and conditions of the LMO.
Event Venue	A facility that may be rented by individuals or groups for private functions including banquets, fundraisers, weddings, parties, and other events. Said facility may include on-site food preparation or catering facilities.
Evergreen	Those plants that retain foliage throughout the year.
Evergreen Screen	Plants growing to a minimum 8 feet in height at maturity that retain foliage year-round and are planted to provide a dense vegetative screen for purposes of visual mitigation.
Existing Development	Projects that are built or projects that at a minimum have established a vested right under North Carolina planning law as of the effective date of the amendment incorporating Water Supply Watershed Regulations into the Elon Planning Ordinance based on at least one of the following criteria: <ul style="list-style-type: none"> • Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; • Having an outstanding valid building permit; or • Having expended substantial resources (time, labor, money) and having an approved site specific or phased development plan.
Existing Lot (of Record)	A lot which is part of a subdivision, a plat of which has been recorded in the Alamance County Register of Deeds prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

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Expenditure	A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.
Exterior Features	The architectural style, general design, and general arrangement of the exterior of a structure, including the kind, texture, and color of building materials, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures, and including the landscaping and natural features of the parcel containing the structure.
Extraterritorial Planning Area	That portion of the Town's planning jurisdiction that lies outside the corporate limits of the Town.
F	
Facade	Façade: The principal vertical surface of a building which is set along a frontage line. The elevation of a facade is the vertical surface area. Facades are subject to visual definition by building height, setback or build to lines, (a line prescribed for the full width of the facade above which the facade sets back; the location of a recess line is determined by the desired height to width ratio of the enfronting space or by a desired compatibility with existing buildings), and transition lines (a line prescribed for the full width of the facade expressed by a variation of material or by a limited projection such as a cornice or balcony).
Family	An individual, or two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit; or a group of not more than three persons not related by blood, marriage, or adoption living together as a single housekeeping unit.
Family Care Home	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 168A-3 (7a).
Family Health Care Structure	A transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person according to the standards of NCGS 160-915 and this Ordinance.
Farm, Bona Fide	Any tract of land used for agricultural activities as set forth in G.S. 160D-903. Except as provided in G.S. 106-743 for farms that are subject to a conservation agreement, bona fide farm purposes include the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106-581.1, and which may include facilities for the sale of such products from the premises where produced.
Farm Product Sale	Seasonal sale of farm products raised on the premises where products are sold only as an accessory to an agricultural use.
Fascia	The material on a building that covers the area where the top of a building wall joins the roof.
FEMA	The Federal Emergency Management Agency.

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Fenestration	The arrangement of windows and doors on a building's façade.
Financial Institution with Drive-Through Service	An establishment engaged in the business of providing financial services to customers who maintain a credit, deposit, trust, or other financial account or relationship with the institution, which includes a means of providing services to customers in motor vehicles.
Financial Institution without Drive-Through Service	An establishment engaged in the business of providing financial services to customers who maintain a credit, deposit, trust, or other financial account or relationship with the institution, which does not include a means of providing services to customers in motor vehicles.
Fire/EMS/Police Station	A facility established for public law enforcement purposes, emergency medical services purposes, or public fire protection and prevention purposes.
Fitness Center/Health Club	A commercial establishment where users pay a fee to use fitness facilities and equipment, not better described as another use within this Ordinance.
Flag	A piece of durable fabric attached to a permanent pole containing the insignia or emblems of any nation, organization of nations, state, city, county or any fraternal, religious, or civic organization .
Flagpole	A staff or pole used for displaying a flag.
Flex Space	An industrial facility containing both a public-facing office or retail space and a warehousing or manufacturing space with a loading dock or bay. Industrial flex space is often designed to allow users to easily move interior walls to accommodate various business types.
Flood or Flooding	A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; and/or the unusual and rapid accumulation of runoff of surface waters from any source.
Flood Fringe	An area lying outside the floodway, but which is still within the floodplain.
Flood Insurance	The insurance coverage provided under the National Flood Insurance Program.
Flood Insurance Rate Map	An official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.
Flood Insurance Study (FIS)	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 Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs).
Floodplain	A land area susceptible to being inundated by water from any source. A floodplain consists of the channel and area abutting a watercourse which would be covered with water during a one-hundred-year flood as designated by the Federal Emergency Management Agency (FEMA). A floodplain encompasses the floodway and flood fringe.
Floodplain Administrator	The individual appointed to make administrative decisions regarding floodplain management regulations referenced in this ordinance.
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. The permit remains valid provided such activity is commenced within one (1) year of the date of issuance. A permit expires if work or activity is discontinued for a period of one (1) year after work has commenced.

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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	The Flood Damage Prevention Standards, 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.
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 lumbers are acceptable flooring materials. Sheet-type flooring covers 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 available from FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.
Floodway	The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one 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 engineer using standard engineering methods and hydraulic models meeting the minimum requirements of the National Flood Insurance Program.
Flood Zone	A geographical area shown on a 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 the basement) such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.
Floor Area	The sum of the gross horizontal areas of each floor of the principal building' and any accessory buildings or structures, measured from the exterior walls or from the center line of party walls. The term does not include any area used exclusively for the surface parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space.
Floor Area Ratio (FAR)	The total floor area of the building or buildings on a lot or parcel divided by the gross area of the lot or parcel.

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Food Truck	A licensed, motorized vehicle or trailer that is designed and equipped in preparing and serving food and non-alcoholic beverages on private property to the general public on a recurring basis.
Fraternal Club or Lodge	A building or land used for the activities of a private club or social organization, and not adjunct to, or operated as, or in connection with a public tavern, cafe, or other place open to the general public.
Fraternity or Sorority House	A residence occupied by and maintained for the use of fraternal, sororal, social, honorary, or professional organizations.
Freeboard	The height added to the Base Flood Elevation (BFE) 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 openings, precipitation exceeding the base flood, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation plus the freeboard establishes the Regulatory Flood Protection Elevation.
Frontage	The lot boundary which coincides with a public thoroughfare or space. The facade of a structure facing the street.
Fuel Oil/Bottled Gas Distributor	An establishment engaged in the transportation, storage, and sales of gasoline, diesel fuel, propane, natural gas, or similar fuel, which operates between refining/importation and retail sales on the supply chain.
Funeral-Related Services	An establishment engaged in undertaking services, such as preparing the human dead for burial and in arranging and managing funerals. This definition includes crematories and mortuaries.
G	
Garage, Residential	A residential accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families residing upon the premises. Residential garages are not intended for the storage of commercial vehicles associated with a business, including a home occupation, or other nonresidential use.
General Retail	An establishment primarily engaged in general retail sales, where the majority of display and/or storage of merchandise being sold occurs within an enclosed structure. The definition for this use shall not encompass uses which would be better described as Retail, Bulky Item; Retail, Second Hand, Lawn and Garden Center, Large Format Retail, Grocery Store, or any other use within this Ordinance.
Golf Course	A facility designed for golf, including a Par 3 golf course, having at least nine (9) holes, each with a tee, fairway, green, and may include one or more hazards. A clubhouse, pool, practice facility, and other facilities associated with a country club built around a golf course are considered part of the golf course.
Golf Driving Range	A facility where golfers may practice their golf shots and swings, which may be equipped with distance markers, tee boxes, and a pro shop selling golf supplies and paraphernalia.
Government Office	A building, use, or facility serving as a governmental agency, but not including a vehicle storage yard, correctional facility, sanitary landfill, solid waste transfer or disposal facility, wastewater treatment facility, educational or health institution, university, group home, or housing for persons who are participating in work release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.
Grade	The elevation of the land or land level at a specific point.

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Grade, Street	The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel adjacent to the sign.
Greenhouse	A building, usually chiefly constructed of glass, in which the temperature or humidity is maintained within a desired range, used for cultivating tender plants or growing plants out of season.
Grocery Store	An establishment engaged in the sale of food, both fresh and prepackaged, as well as nonfood household goods, such as paper towels, toilet paper, cleaning products, personal care products and medicine. This use shall not include establishments better described as a Convenience Store or Large Format Retail.
Ground Cover	A prostrate plant growing less than 2 feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides.
Group Home or Halfway House	A residential home provided by an agency, organization, or individual for persons who need sheltered living conditions, but not including persons who are dangerous to others as defined in G.S., Sec. 122C-3(11)b, as amended. The use Group Home or Halfway House shall not include Family Care Homes, which are defined and regulated separately.
Guard House or Gatehouse	A structure located at the entrance to a development used to control access to said development.
H	
Habitable Floor	Any floor within a structure that is useable for living purposes, including working, sleeping, eating, cooking, or recreation, or any combination thereof. A floor used only for storage is not a habitable floor.
Hair, Nails, and Skin-Related Services	An establishment engaged in services related to the care and beautification of the hair, nails, and skin, including hair salons, barber shops, nail salons, manicurists, cosmetologists, makeup artists, massage therapists and tattoo artists. This use shall not include the offices of dermatologists, podiatrists, or similar medical providers.
Hardscape	Materials used to form the ground plane of a space, such as brick, flagstone, or other like type unit pavers, as well as patterned or scored concrete.
Hazardous Material	Any substance listed as such in: SARA section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).
Heavy Equipment Sales and Service	An establishment engaged in the sales and service of equipment such as backhoes, bulldozers, cranes, excavators, construction equipment, and similar equipment or vehicles.
Heavy Manufacturing	The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards; or that otherwise do not constitute "light manufacturing"; or any use where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing exceeds 25 percent of the floor area of all buildings on the lot.
Highest Adjacent Grade (HAG)	The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.
Home Occupation	A business, profession, occupation, or trade which is conducted within a residential building or accessory structure for the economic gain or support of a resident of the dwelling, and which is incidental and secondary to the

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	residential use of the building. A home occupation shall not be so insubstantial or incidental as to be regarded as an accessory use, but shall be conducted without any significantly adverse impact on the surrounding neighborhood.
Horse Farm	Any tract of land of three or more acres which is principally used for the breeding, training, riding, and/or maintenance of horses, and those uses which are accessory thereto, including up to one dwelling unit per each five acres and facilities for the sale of horses raised or maintained on the immediate premises.
Hospital	A health care facility the purpose of which is to provide for care, treatment, testing for physical, emotional, or mental injury, illness, or disability, and overnight boarding of patients, either on a for-profit or not- for-profit basis; but not including group homes.
Hotel or Motel	A building containing more than four individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception services, with entries to a room from an interior or exterior space
I	
Income Limits	The publication numbered PDR-99-02 and entitled "Transmittal of Fiscal Year (FY) 1999 Income Limits for the Public Housing and Section 8 Programs," as may be amended or superseded from time to time, which document is hereby incorporated by this reference. The applicable standard will include the "Low (80%) and (50%) Income Limit - 2 Persons" for Alamance County.
Independent Living Facility	Congregate living facilities, such as rest homes and homes for the aged, which are designed for older persons or disabled persons who do not require health and support services, such as medical and nursing care, central dining, and transportation service, located on the site. Each living unit may be self-contained and is physically accessible to older or disabled persons. Distinguished from apartment building(s) by the provision of some communal services.
Industrial Discharge	<p>The discharge of industrial process treated wastewater or wastewater other than sewage and includes:</p> <ul style="list-style-type: none"> • wastewater resulting from any process of industry or manufacture, or from the development of any natural resource; • wastewater resulting from processes of trade or business, including wastewater from Laundromats and car washes, but not wastewater from restaurants; • stormwater will not be considered to be an industrial wastewater, unless it is contaminated with industrial wastewater; or • wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.
Injunction	A court order that prohibits a party from doing something (restrictive injunction) or compels them to do something (mandatory injunction).

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Interconnected	Refers to streets which provide through access to other streets; interconnected street systems may be either rectilinear or curvilinear.
J	
Jail	A building, and all accessory uses and structures, used to confine, house, and supervise persons who are serving terms of imprisonment for violations of criminal laws or who are awaiting trial for alleged violations of criminal laws, but not including temporary holding facilities that are accessory to a police station and not including any housing or other facilities for persons who are participating in work-release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.
K	
Kennel, Commercial	A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.
Kennel, Indoor or Small Outdoor	An indoor or outdoor facility located on a tract of land no less than one acre in size but less than ten acres in size primarily used for the purpose of boarding animals. Such kennels may conduct incidental activities, including the sale, breeding, treatment, grooming or cleaning of animals, and the sale of pet supplies. This use shall also encompass animal day care services and training facilities.
Kennel, Large Outdoor	An outdoor facility located on a tract of land that is ten acres or more in size primarily used for the purpose of boarding animals. Such kennels may conduct incidental activities, including the sale, breeding, treatment, grooming or cleaning of animals, and the sale of pet supplies.
Kennel, Private	A structure used for the outdoor accommodation of small domestic animals and not operated on a commercial basis.
L	
Laboratory and Laboratory Services	An establishment primarily engaged in providing testing services such as calibration and certification of instruments, food testing services, forensic laboratories, metallurgical testing, testing of medical samples and specimens, and industrial X-ray inspection services.
Lamppost	A decorative type of street light that is pedestrian in scale, and in character with the small town character of Elon.
Land Clearing and Inert Debris (LCID) Landfill	<p>A landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth, or other solid wastes meeting the standards of the State of North Carolina. A clean fill operation which is conducted to improve or recontour land, using only soil, is not construed to be such a landfill.</p> <ul style="list-style-type: none"> On-site LCID landfill. A LCID landfill which is located within the confines of property being developed or in use, and used only for the disposal of acceptable materials which are generated on the property being developed or used; a disposal site that is dearily an accessory use to the development activity.

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	<ul style="list-style-type: none"> Off-site LCID landfill. A LCID landfill which is itself the principal use of a property and is used for the disposal of acceptable material.
Land Disturbing Activity	Any use of the land by any person that results in a change in the natural cover or topography and that may cause or contribute to sedimentation or soil compaction, which affects the critical root zone.
Landscaping	The installation and maintenance, usually of a combination of trees, shrubs, plant materials, or other ground cover, including grass, mulch, decorative stone, and similar materials, but excluding bare soil, uncultivated vegetation, impervious pavement materials, and gravel. Any live plant material such as trees, shrubs, ground cover, and grass areas left in their natural state.
Large Format Retail	Retail establishments, including but not limited to supermarkets, home improvement stores, department stores, and home decorating stores, greater than 50,000 square feet of gross floor area.
Laundry/Dry Cleaning	An establishment where clothes may be laundered using chemical solvents, soap and water, or similar methods. This use shall include facilities such as coin-operated laundromats, commercial dry-cleaners, and related facilities.
Lawn and Garden Center	A retail establishment where plants (which are primarily grown off-site), planting supplies, gardening tools, and similar products are sold directly to consumers.
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.
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 Letter of Map Amendment (LOMA); Letter of Map Revision (LOMR); Letter of Map Revision Based on Fill (LOMR-F); and Conditional Letter of Map Revision (CLOMR).
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 planimetric features.
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.
Light Manufacturing	The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place; where such processes are housed entirely within a building; or where the area occupied by outdoor storage of goods and materials used in such processes do not exceed 25 percent of the floor area of all buildings on the property.
Linear Frontage	The length of a property abutting a public right-of-way from one side lot line to another.
Live/Work Dwelling	An attached building type with small commercial enterprises uses on the ground floor and a residential unit above. Commercial space may be a home-based business or may be leased independently.

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LMO Administrator	The employee(s) or agent(s) designated by the Town of Elon to oversee the administration and enforcement of these Land Management Ordinance (LMO) regulations.
Logo	Business trademark or symbol.
Lot	A parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such accessways, parking area, yards, and open spaces required in these regulations.
Lot Coverage	The Built-upon Area of a lot, generally expressed as a percentage of the total lot area.
Lot of Record	A lot described by plat or by metes and bounds which has been recorded in the office of the Register of Deeds.
Lot Width	<ul style="list-style-type: none"> • The distance between the side lot lines measured along a setback line or build-to line; or • The distance between the side lot lines measured along an established setback line (when that line is greater than the setback or build-to line required by this ordinance) along the turnaround portion of a cul-de-sac street; or • If no setback is required for a lot according to this ordinance, and no setback has been established on a previously recorded plat, lot width is the distance measured between the side lot lines along the street right of way.
Lowest Adjacent Grade (LAG)	The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.
Lowest Flood	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 limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
M	
Maintained Easement	A recorded right of way made of crushed gravel, pavement, or graded and cleared of brush, so as to permit access by vehicles.
Makerspace	A collaborative workshop that supplies equipment and technology, such as 3D printers, soldering tools, industrial sewing machines, etc., for use by individuals working on creative projects.
Manufactured Dwelling	A dwelling unit, other than a modular home, fabricated in an off-site manufacturing facility for installation or assembly on the building site, which is at least eight feet in width and at least 32 feet in length, which bears a seal certifying that it was built to the standard adopted pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. Sec 5401 et seq., which is placed upon a permanent foundation which meets the installation and foundation requirements adopted by the N.C. Commissioner of Insurance, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles.

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Manufactured Home Park or Rental Community	Any parcel of land under single ownership where land is rented and utilities are provided for the installation or placement of manufactured homes.
Manufactured Home Subdivision	Any parcel of land which is subdivided, with utilities extended for the installation or placement of manufactured homes.
Manufacturing, Heavy	A manufacturing establishment whose operations, including storage of materials; processing, fabrication, or assembly of products; and loading and unloading of new materials and finished products may occur either inside an enclosed building or outside on the premises. Noise, odor, dust, vibration, or visual impacts, as well as potential public health problems in the event of an accident, could impact adjacent properties.
Manufacturing, Light, With or Without Accessory Sales	A manufacturing establishment whose operations, including storage of materials; processing, fabrication, or assembly of products; and loading and unloading of new materials and finished products occurs completely within an enclosed building or structure. This use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the zoning district in which it is located. This use may also include sales of products manufactured on-site.
Map Repository	The location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products have the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data the NC FRIS website (http://FRIS.NC.GOV/FRIS) is the map repository, and for historical flood hazard data the FloodNC website (http://FLOODNC.GOV/NCFLOOD) is the map repository.
Mass Grading	Mass grading typically involves dramatic changes to existing topography over a large area where slopes are cut and depressions are filled in order to establish a relatively level and flat development area. Such grading typically necessitates removal of all trees and significant revisions to existing drainage patterns.
Massage Therapy	Health massage or bodywork therapy, performed by a practitioner credentialed in one of the following ways: <ul style="list-style-type: none"> • Having a diploma or certificate from an institute or school of health massage, which has been accredited by either the American Massage Therapists Association, the National Therapists Association, or from an accredited college or university school of education for massage therapy; or • Providing verification and documentation of at least 500 hours of experience in the practice of health massage/bodywork therapy and three letters of reference from state licensed health care professionals or licensed therapists on their professional letterhead.
Massing	The shape and form a building or assemblage of buildings assumes through architectural design.
Master Plan	A Plan depicting the subdivision of land and proposed improvements and/or buildings. Such a Plan combines the subdivision and site plan process to show the proposed build-out of a property on one, combined plan.
Mean Sea Level	The National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on the Flood Insurance Rate Maps for Alamance County are referenced.
Medical/Dental Office	A use or structure intended or used primarily for the testing and treatment of human physical or mental disorders.

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Metal Fabrication	A manufacturing process involving the creation of metal structures through cutting, bending, welding, and other assembling processes.
Microbrewery or Microdistillery	A facility, no larger than twelve thousand (12,000) square feet of gross floor area, for the brewing of beer or the distilling of alcoholic beverages. Said facility may include a tasting room or taproom, as well as a retail space to sell the beer or liquor to patrons on site
Mobile Home	A movable or transportable dwelling unit, other than a modular home or manufactured home, of at least 8 feet in width and at least 32 feet in length, constructed to be transported on its own chassis and including one or more components for transporting the unit.
Mobile Home Park	Any site or parcel of land under single ownership where land is rented and utilities are provided for the installation or placement of mobile homes.
Mobile Home Subdivision	Any parcel of land which is subdivided, with utilities extended for the installation or placement of mobile homes.
Modular Home	A dwelling unit which is constructed in compliance with the State Building Code and composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation.
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 including apartments and condominiums.
N	
NFIP	The National Flood Insurance Program.
Nightclub or Dance Hall	Any commercial establishment serving alcoholic beverages and/or providing entertainment for patrons, including bars, lounges, taverns, cabarets, and similar establishments.
Nit	A standard measure of brightness or luminance, equal to one candela per square meter.
Nonconforming Lot	A lot that was lawfully established prior to the effective date of this Ordinance (and not created for the purposes of evading the restrictions thereof) that (i) was buildable pursuant to the ordinance under which it was created, and (ii) does not meet the minimum requirements of the district in which the lot is located.
Nonconforming Project	Any structure, development, or undertaking that has been permitted but is incomplete at the effective date of this Ordinance and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.
Nonconforming Sign	A sign that, on the effective date of this Ordinance, does not conform to one or more of the regulations set forth herein.
Nonconforming Situation	A situation that occurs when, on the effective date of this Ordinance, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this Ordinance, or because land or buildings are used for purposes made unlawful by this Ordinance.

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Nonconforming Structure	A structure or a portion thereof which was lawfully erected and which has been lawfully maintained prior to the adoption date of this Ordinance, but which is not in compliance with the requirements of this Ordinance for the district in which the structure is located
Nonconforming Use	A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with running a bakery in a residentially zoned area is a nonconforming use.)
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.
Nonresidential Development	All development other than residential development, agriculture, and silviculture.
Nursing Home	A facility or establishment which provides full-time convalescent or chronic care, or both, to 3 or more 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. Such congregate care facilities are classified as "dependent living facilities" or "independent living facilities" depending upon the degree of support services on site.
O	
Office	A room, suite of rooms, or building in which a person or persons transact the affairs of a business, profession, service, industry, or government. When listed as a permitted or special use, an office shall serve as the primary use of the property. Offices that are accessory to another permitted or special use shall not be included in this definition.
Outpatient Treatment Facility	A facility, located in or apart from a hospital, which provides either diagnosis or treatment, or both, to ambulatory patients in need of medical, surgical, or mental care.
Off-Street Parking	Parking which occurs on a lot and not on a street or other public right of way.
Open Space	Any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements.
Outdoor Dining or Seating	An adjacent, outside dining or seating area which is accessory to an establishment serving food or beverages.
Outdoor Display or Sales	An outdoor area devoted to the display or sale of goods associated with the business activity taking place on-site.
Outdoor Lighting	Any light source that is installed or mounted outside of an enclosed building, but not including street lights installed or maintained along public or private streets.

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Outdoor Storage	<p>Outdoor storage includes all goods and materials not returned to an enclosed building at the end of each business day; regardless of whether such goods or materials are kept on the premises for retail sale, wholesale sale, storage, or use by a business on or off the lot.</p> <p>To be classified as goods for sale and therefore exempt from regulation as outdoor storage, items must be placed within an enclosed building at the end of each business day.</p> <p>As defined here, outdoor storage includes up to two storage trailers placed on a single lot or in conjunction with a single principal use; includes all items awaiting or in process of repair except customary passenger vehicles awaiting repair which are not visibly damaged or are not used or intended to be used as “parts” vehicles; and includes vehicles with more than two axles, boats, manufactured homes, and trailers of tractor trailers awaiting or in process of repair.</p>
Outparcel	A parcel of land associated with a shopping center or multi-tenant development, which is designated on an approved site plan as a location for a free standing structure with an intended use such as, but not limited to, banks, savings and loans, dry cleaners, service stations, offices, restaurants, retail establishments, or combination of uses thereof, and adjoins the shopping center or multi-tenant development, or the parking and service drives associated with it, on any side adjacent to a public right-of-way.
Owner	Any full or part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety with legal title to the whole or to part of a structure or parcel of land.
P	
Packaging and Printing	A facility offering services related to any lithographic, letterpress, or other type of printing that results in identifying or beautifying paper, paperboard, or cardboard products to be used as containers, enclosures, wrappings, or boxes. This use shall also encompass facilities where printed or digital materials may otherwise be copied or printed.
Parapet	A low wall encircling the perimeter of a flat building roof, generally used to screen roof-mounted mechanical equipment.
Parcel	Any quantity of land and/or water capable of being described in definitive terms with respect to its location and boundaries. It may be established as distinct from other parcels which are designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.
Park (Public or Private)	Any land used for active or passive recreational purposes or as a refuge for wildlife.
Parking, On-Street	A line-striped space that is typically 7 feet wide and 22 feet long, parallel to and adjoining the curb, within which vehicles are stored for a temporary period of time.
Park and Ride Lot	A parking lot designed for drivers to leave their cars and use mass transit facilities beginning, terminating, or stopping within immediate walking distance of the park and ride facility.
Parking Lot	An area, not within a building, where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking. A parking area also includes all areas for storage and trash facilities.

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Parking of Heavy Trucks or Trailers	The parking and/or storage of motorized and non-motorized vehicles in excess of two axles or 10,000 pounds gross vehicle weight meeting the standards of this Ordinance.
Parking of Recreational Vehicles or Equipment	The parking and/or storage of vehicles including motor-powered recreational vehicles, recreational trailers or campers, and boats used solely for recreational purposes.
Parking Structure	A partially or wholly enclosed structure where motor vehicles may be parked on a temporary basis.
Pedestrian Oriented Development	Any development type which accommodates the needs of the pedestrian. Such development will have parking to the side or rear of a building, will mix uses and provide them in proximity to one another, will allow the pedestrian the option of accomplishing certain trips without automobile use, and will provide a variety of interesting and detailed streetscapes which balance the need of the pedestrian and car equally.
Performance Guarantee	A performance guarantee shall mean any of the following forms of guarantee: <ul style="list-style-type: none"> • A surety bond issued by any company authorized to do business in North Carolina; • A letter of credit issued by any financial institution licensed to do business in North Carolina; or • Any other form of guarantee that provides equivalent security to a surety bond or letter of credit.
Pier	A brick, stone or other masonry column-like structure that accentuates an entrance, or is used in combination with fencing to create an edge to the Streetscape.
Pharmacy	A retail establishment where drugs, prescription medicines, medicinal supplies and appliances, and pharmaceutical products are sold, not better defined as another use within this Ordinance.
Planning Board	The Town of Elon Planning Board, established by ordinance in accordance with NCGS 160D-301.
Planting Area	The landscape area prepared for the purpose of accommodating the planting of trees, shrubs, and groundcovers.
Planned Development	A tract of land under single, corporation, partnership, or association ownership, planned and developed as an integral unit in a single development operation or a definitely programmed series of development operations and according to an approved development plan.
Planting Strip	The area of land along the front property line parallel to a right-of-way reserved for tree planting and landscaping. Also called street tree planting easement.
Plat	A map or plan of a tract of land that depicts how the land has been or will be subdivided or recombined.
Plaza	An urban open space that is used as a pedestrian gathering area, constructed entirely or largely of hard-surfaced stone, brick, or similar materials, framed on at least two sides by the vertical rise of building walls; occasionally framed by closely planted large maturing trees in lieu of buildings; and sometimes used for occasional parking in front of a civic or public building.
Pocket Neighborhood	A group of smaller single-family detached dwellings (including manufactured dwellings) built in close proximity to one another around a small green or commonly owned open space with off-street parking areas to the rear or in common areas.

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Police/Fire Training Facility	A facility operated by the Town of Elon or Alamance County offering training for law enforcement or public safety personnel. Such facilities may include firearm shooting ranges, driving courses, and structures for practicing fire suppression techniques.
Pool Hall	An establishment where pool or billiards are played, where alcoholic beverages may be served.
Post-FIRM	Construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map.
Post Office	A facility or structure used for the collection, sorting, and distribution of mail within several zip code areas, having retail postal services for the general public, such as stamps, postcards, or postal insurance.
Pre-FIRM	Construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map.
Premises	A parcel of real property with a separate and distinct identifying number shown on a recorded plat, record of survey, parcel map, subdivision map, or a parcel legally created or established pursuant to applicable planning. Outparcels of shopping centers shall be considered on the premises of shopping center for the purpose of this ordinance.
Principal Building or Structure	A building or structure containing the principal use of the lot.
Principal Use	The primary purpose or function that a lot serves or is proposed to serve.
Principally Above Ground	At least 51% of the actual cash value of the structure is above ground.
Private Club (Not Classified as an Adult Use)	A bar, cocktail lounge, or other similar establishment, requiring membership, where alcoholic beverages are served.
Professional Office	A use or structure in which business or professional services are conducted or rendered.
Project Area	Any area of land and/or water, regardless of the number of individual parcels contained therein, on which development is proposed under these regulations.
Proposed Right-of-Way Line	The margin of a thoroughfare's right-of-way at its ultimate intended width determined by (1) the thoroughfare's classification and (2) dimensional requirements or locational criteria as established in LMO.
Protected Area	The area adjoining and upstream of the Critical Areas and encompassing the remainder of the watershed where risk of water quality degradation from pollution is less than in the Critical Area.
Public Art	Sculpture, statues, monuments, murals, fountains, and the like that accentuates a public space or streetscape.
Public Recreation Facility	Any facility owned by the Town of Elon or Alamance County intended for recreational use by the public or for support of such recreational use, not better described as another use contained in this Ordinance.
Public Space	See Civic Space

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Public Utility Structure	An electricity or gas substation, water or wastewater pumping station, telephone repeater station or similar structure used as an intermediary switching, boosting, distribution, or transfer station for electricity, water, wastewater, cable television, or telephone services between the point of generation and the end user, or a public or private wastewater treatment plant or water treatment plant, but not including satellite dish antennae, facilities for the handling of solid waste, or radio, television, or microwave transmission or relay towers.
Q	
Quadrangle	A rectangular area, such as a courtyard, enclosed by buildings.
Quarry	An operation for the dredging, digging, extraction, mining, or quarrying of stone, sand, gravel, or minerals for commercial purposes.
Quasi-Judicial Decision	A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation.
R	
Reach	A longitudinal segment of a stream or river, such as the segment between two bridge crossings or the mouths of two tributaries to the stream or river.
Reclassification of Land	A change in the planning area assigned to a lot pursuant to a public hearing before the Town Council and a subsequent decision by the Board. Reclassification of land is also referred to as a rezoning.
Reclassification of Land, Conditional Zoning District	A legislative zoning map amendment with site-specific conditions incorporated into the amendment.
Reclassification of Land, General Use District	A legislative amendment to the zoning map which changes the planning district applied to a site or area to another pre-established planning district. All requirements as stated in the new district assignment will apply to the property zoned to a general use district.
Recreational Vehicle (RV)	A vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projection; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.
Recycling Center	A facility at which recoverable resources, such as newspapers, glassware, and metal and aluminum cans, are collected, stored, flattened, crushed, or bundled within a completely enclosed building. This use does not include used motor vehicle parts.
Reference Level	The bottom of the lowest horizontal structure member of the lowest floor for structures within all Special Flood Hazard Areas. For the purposes of this definition, the reference level for slab construction is measured from the top of the lowest floor.
Regulatory Flood	A flood representative of large floods reasonably characteristic of what can be expected to occur on a particular stream, with an average recurrence interval of 100 years, determined from an analysis of floods on a particular stream and other streams in the same general region.
Regulatory Flood Protection Elevation	The Base Flood Elevation plus the Freeboard. In Special Flood Hazard Areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

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Religious Institution	A church, synagogue, temple, mosque, or other place of religious worship, including any customary accessory use or structure, such as a school, day care center, or dwelling, located on the same lot.
Repair Shop	An establishment where various items (such as jewelry, clocks or other antiques, outdoor power tools, and firearms) may be repaired. This use shall not encompass establishments better defined by other principal uses within this Ordinance, including Vehicle Repair and Servicing.
Research and Development	A building or facility which includes fixed-in-place machinery and equipment, used for research or experimentation to improve or develop current technology in biomedicine, electronics, or pre-commercial emerging industries.
Research Laboratory	A facility equipped for basic and applied research or experimental study, testing, or analysis in the natural sciences, including any educational activities associated with and accessory to such research, but not including a medical, dental, optical, or veterinary clinic, or a research facility located on the principal site of a health institution or university.
Restaurant	A building or operation, the purpose of which is to accommodate the consumption of food and beverages.
Restaurant with Catering Services	A building or operation, the purpose of which is to accommodate the consumption of food and beverages, which also includes facilities for catering.
Restaurant, Drive-Through/Drive Up Service	A building or operation, the purpose of which is to accommodate the consumption of food and beverages, which includes a means of delivering these items to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises. This use shall not include establishments which would be better defined as another restaurant use within this Ordinance, but which offer curbside pickup of food or beverages.
Restaurant, Indoor or Outdoor Seating	A building or operation, the purpose of which is to accommodate the consumption of food and beverages, which includes an indoor or outdoor seating or dining area, but which does not include drive-through service.
Restaurant, Walk-Up Only	A building or operation, the purpose of which is to accommodate the consumption of food and beverages, which does not include an inside seating or dining area, or drive-through service.
Retail, Bulky Item	An establishment engaged in the sale of bulky items such as home appliances, furniture, or similar large and heavy items.
Retail, Second Hand	A building, property, or activity the principal use or purpose of which is the sale of previously used goods, products, or merchandise directly to the consumer.
Riverine	Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
Roof Line	The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof, or to deck line of a mansard roof, or to the eaves of a gable, hip, or gambrel roof.
S	
Salvage or Junkyard	The use of land for outdoor storage and sales of inoperable or broken machinery, vehicles, construction equipment, used building materials, scrap metal, and similar items.

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Sanitary Landfill	A solid waste disposal facility designed to meet the minimum standards of the State of North Carolina wherein refuse and other waste defined by State standards is disposed of by utilizing acceptable landfill engineering technology.
Sawmill	A mechanized facility for cutting logs into timber for carpentry.
School, Elementary	A public or private school providing instruction to students in kindergarten through grade five (5).
School, High/Middle	A public or private school providing instruction to students in grades six (6) through twelve (12).
School, Vocational	A use, whether privately-owned or publicly-owned, that trains persons in specific trades or occupations such as mechanics, computers, or similar skills.
Screening	A fence, wall, or vegetated area provided to create a visual separation between certain land uses or site features.
Self-Storage, External Access	A building or buildings containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis, the doors to which shall open directly to the exterior of the building without an intervening space or corridor.
Self-Storage, Internal Access	A building or buildings containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis, the doors to which shall open to an interior corridor or other enclosed space.
Septic Tank System	A ground absorption sewage disposal system consisting of a holding or settling tank and a ground absorption field.
Service Lane	A vehicular thoroughfare, such as a local street or driveway, which provides vehicular access similar to an alley.
Setback, Established	The distance between a street line and the front building line of a principal building or structure, as constructed, projected to the side lot lines (See also, Yards).
Setback, Exterior Side	The shortest distance between the street side of the building and the side property line abutting a street or the distance from the street centerline where the right-of-way is undefined.
Setback, Front	The minimum required distance between the street right-of-way and the front facade of a structure on a lot.
Setback, Interior Side	The shortest distance from the side of a building and the property line abutting another lot or parcel.
Setback, Rear	The minimum required distance between the rear property line and the rear facade of a structure on a lot.
Setback, Side	The minimum required distance between a side property line and the side facade of a structure on a lot.
Short Term Rental	A residential dwelling, or portion thereof, which may be rented for periods of thirty days or less.
Shrub	<p>A woody, branching plant of relatively low height.</p> <ul style="list-style-type: none"> • Shrub, Small: A shrub growing to less than 5 feet in height at maturity that is planted for ornamental purposes. • Shrub, Medium: A shrub growing 5 feet to 10 feet in height at maturity that is planted for ornamental or screening purposes. • Shrub, Large: An upright plant growing 10 feet to 20 feet in height at maturity that is planted for ornamental or screening purposes.
Sight Triangle	The triangular area formed by a diagonal line connecting two points located on intersecting property lines (or a property line and the curb or a driveway), each point being 35 feet from the point of intersection.

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Sign	Any object, device, structure, or part thereof, situated outdoors, 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 words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, county, or of any fraternal, religious or civic organization; works of art which in no way identify a product; or scoreboards located on athletic fields
Sign, Awning	A sign attached to or painted or printed onto an awning.
Sign, Construction	A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project.
Sign, Directory	A sign which identifies multiple uses in a planned development on a single sign; may be used for shopping centers, shopping streets or arcades, office complexes, schools, churches, institutional or business campuses, and similar large complexes which have a variety of tenants and/or uses.
Sign, Electronic Message Board	A sign, or a portion of a sign, which displays an electronic image and/or video, which may or may not include text. Such signs include any sign, or a portion of a sign, which uses changing lights to form a sign message or messages or uses electronic means to change the sign message.
Sign, Flashing	A sign that uses an intermittent or flashing light source to attract attention.
Sign, For-Sale	A sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.
Sign, Free-Standing	A sign which extends from the ground or which has a support which places the bottom thereof less than 3 feet from the ground.
Sign, Incidental	A sign used in conjunction with equipment or other functional elements of a use or operation. These will include, but not be limited to signs on automatic teller machines, gas pumps, or vending machines; or newspaper delivery boxes. Such signs shall not be regulated by this Ordinance.
Sign, Inflatable	A sign that must be filled with air, helium, or another gas to maintain its shape.
Sign, Internally Illuminated	A sign that consists of a light source installed behind a translucent or semi-translucent panel containing a message. Such signs may also be known as cabinet signs.
Sign, Memorial or Plaque	A sign designating the name of a building and/or date of erection and other items such as architect, contractor, or others involved in the building's creation, cut into or attached to a building surface. Such signs shall not be regulated by this Ordinance.
Sign, Mobile	A sign that is not permanently attached to the ground, a structure, or a building, and which can easily be moved from one location or another. For example, a sign on wheels.
Sign, Off-Premises	A sign that directs attention to a business, commodity, or service, conducted, sold, or offered at a location other than the premises on which the sign is erected. Off-Premises signs include both smaller-scale signs and signs which would commonly be described as billboards.
Sign, On-Premises	A sign that directs attention to a business, commodity, or service, which is conducted, sold, or offered on the premises on which the sign is erected.
Sign, Political Campaign or Election	A sign that advertises a candidate or issue to be voted upon as described in NCGS 136-32.

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Sign, Projecting	A sign which is affixed to a building and supported only by the wall on which it is mounted.
Sign, Roof	A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.
Sign, Subdivision Entry	A sign that is located at the entrance to a residential or non-residential subdivision as provided for in this Ordinance.
Sign, Temporary	A sign which is not permanently installed in the ground or affixed to any structure or building, as allowed by this Ordinance.
Sign, Vehicular	Signs on parked vehicles visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property. For the purposes of this ordinance, vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other business purposes.
Sign, Wall	Any sign directly attached to an exterior wall of a building or dependent upon a building for its support. Signs directly painted on walls shall be considered wall signs.
Sign, Window	Any sign attached to or directly applied onto a window or glass door of a building intended for viewing from the exterior of the building.
Sign Structure	Any structure that supports or is capable of supporting a sign.
Single-Family Attached Dwelling	A residential building which contains two (2) dwelling units; each unit occupies one zoning lot.
Single-Family Detached Dwelling	A residential building which contains one dwelling unit and which occupies its own zoning lot.
Site Plan	A diagram to scale showing the development plans for a project.
Sleeping Unit	A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.
Small Maturing Tree	A tree whose height is less than 35 feet at maturity and meets the specifications of "American Standards for Nursery Stock "published by the American Association of Nurserymen.
Small Wireless Facility	A small, low-powered telecommunications facility meeting the standards of this Ordinance.
Solar Energy System (Small-Scale)	A solar energy system meeting the requirements described in Section 4.5 of this Ordinance.
Solar Farm	A facility where sunlight is converted into electricity by photovoltaic (PV), concentrating solar thermal devices (CST), or other conversion technology, for the principal purpose of wholesale sales of generated energy.
Solid Waste	<p>Any hazardous or nonhazardous garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, residential, agricultural, and land clearing operations.</p> <p>This term does not include the following:</p> <ul style="list-style-type: none"> • Fowl and animal fecal waste; • Solid or dissolved material in any of the following: a. Domestic sewage, and sludge generated by the treatment thereof, in sanitary sewage disposal systems which have a design capacity of more than

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	<p>3,000 gallons or which discharge effluents to the surface waters, b. Irrigation return flows; or c. Wastewater discharges, and the sludge incidental thereto and generated by the treatment thereof, which are point sources subject to permits granted under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. Sec. 1251 et seq.) and permits granted under G.S. 143-215.1 by the Environmental Management Commission;</p> <ul style="list-style-type: none"> • Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the North Carolina General Statutes; • Any radioactive material as defined by the North Carolina Radiation Protection Act (G.S. 104E- 1 through 104E- 23); or • Mining refuse covered by the North Carolina Mining Act (G.S. 74-46 through 74-68), and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290).
Special Use Permit	A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards.
Special Flood Hazard Area (SFHA)	The land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year.
Sports Facility, Indoor	Swimming pools, tennis courts, ball fields and ball courts which are enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. This use shall include any accessory uses, such as snack bars, pro shops, and club houses which are designed and intended primarily for the use of patrons of the principal use.
Sports Facility, Outdoor	Swimming pools, tennis courts, ball fields and ball courts which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. This use shall include any accessory uses, such as snack bars, pro shops, and club houses which are designed and intended primarily for the use of patrons of the principal use.
Stable (for horses)	A building in which horses are kept or fed, which may or may not include separate stalls for individual animals.
Stadium	A structure or facility designed, intended, or used primarily for athletic events or other performances and containing seating for spectators of those events, but not including a raceway or drag strip.
Storage Structure (Permanent)	An accessory structure incidental to the principal use on a property which provides additional storage space for the principal structure on the lot.
Storage of Unlicensed or Inoperable Vehicles	The storage of vehicles which are unable to move or be driven under their own power, or which does not have a valid license plate or registration.
Storm Drainage Design Manual	The most recent edition of the manual adopted by the Town Council setting forth standard details for the design and construction of stormwater management systems.
Story	That part of a building or structure above ground level between a floor and the floor or roof next above. A mezzanine will be considered a story if it exceeds one-third of the area of the floor immediately below. A penthouse will be considered a story if it exceeds one-third of the area of the roof.
Street Line	The outer boundary of a street right-of-way.

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Street Orientation	The direction of the architectural front facade of a building in relation to the street.
Street, Private	An interior circulation road designed and constructed to carry vehicular traffic from public streets within or adjoining a site to parking and service areas; it is not maintained nor intended to be maintained by the public.
Street, Public	A right-of-way or fee-simple tract of land which has been set aside for public travel, dedicated to the public by the recording of a subdivision plat, built to public street standards, and eligible for maintenance by either the Town of Elon or the State of North Carolina.
Street Right-of-Way	Street right-of-way will mean any public right-of-way set aside for public travel which is accepted or eligible to be accepted for maintenance by the State of North Carolina or the Town of Elon or Alamance County, if so authorized; or has been dedicated for public travel by the recording of a plat or a subdivision which has been approved or is subsequently approved by the Town of Elon; or has otherwise been established as a public street prior to the adoption of this ordinance.
Streets	Town street classification refers to the hierarchy of low speed, interconnected streets with buildings located close to sidewalks and street section which includes street tree planting and on both sides of the street. Specific street types are illustrated in the Streets and Greenways section of this ordinance and in the Downtown Elon Master Plan. The required street elements can be assembled in a variety of ways depending on the fronting uses and the function of the street. Streets meeting the Town of Elon standards are eligible for acceptance and maintenance by the town as public streets. Alleys may be accepted for public maintenance only if they serve a public purpose.
Streetscape	The visual elements of a street, including the road, adjoining buildings, street furniture, trees and open space that combine to form the street's character.
Streetyard	The portion of a parcel of land that is between a street right-of-way and an on-site parking area, where tree planting and landscaping is used to separate and partially screen the view of the property from the street.
Specialty Pavement	A type of hardscape that accentuates a crosswalk, gateway, plaza, town commons, courtyard or other like type space.
Structure	Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and similar accessory construction.
Swimming Pool / Hot Tub (Private)	An indoor or outdoor structure, chamber or tank containing a body of water for swimming, diving, or bathing, not accessible to members of the general public.

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Subdivider	Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.
Subdivision	<p>A subdivision shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development of any type and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets; provided, however, that the following will not be included within this definition:</p> <ul style="list-style-type: none">• The combination or recombination of portions of parcels platted and recorded prior to the effective date of this ordinance, or portions of lots platted in compliance with this ordinance after its effective date, where the total number of lots is not increased and the resultant lots are equal to the standards of this ordinance and the appropriate planning area classification.• The division of land into parcels greater than 10 acres where street right-of-way dedication or reservation is not involved.• The creation of strips of land for the widening or opening of streets, sidewalks, or greenways, or the location of public utility rights-of-way.• The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where street right-of-way dedication or reservation is not involved and where the resultant lots are equal to or exceed the standards of the appropriate planning area classification.• The division of land into plots or lots for use as a cemetery• The creation of a separate lot or property interest by a less than fee simple instrument, such as a lease, when the property interest created is divided from the original parcel for less than 10 years including option to renew.• The division of a tract or parcel into separate tracts or parcels, or the creation of interest in lots or parcels, by means of (a) a deed of trust, mortgage, or similar security interest solely for the purpose of securing any bona fide obligation (including transfers of such parcels or tracts pursuant to foreclosure or deeds in lieu of foreclosure) and (b) releases from the liens and operation of such deeds of trust, mortgages, or similar security interests.• Proceedings to partition interests in lots or parcels pursuant to NCGS 46 (or any successor statute) resulting in the division of a lot or parcel into two or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this Ordinance.• The division of a tract or parcel of land resulting from condemnation or deed in lieu of condemnation by either a public or private condemner.
Subdivision, Major	All subdivisions associated with a non-residential development proposal, or involving the subdivision and development proposal of land into five (5) or more single-family residential lots.
Subdivision, Minor	Development proposal involving the subdivision of land into less than five (5) single-family residential lots, or a subdivision of land where no development of the land has yet been proposed.

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Substantial Damage	Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
Substantial Improvement	Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds 50 percent of the assessed value of a structure as determined either before the expansion or improvement begins or before the damage occurred giving rise to the repair or reconstruction. Substantial improvement shall not include, however, - any repair or improvement required to bring the structure into compliance with existing state or Town health, sanitary, safety, or building code specifications necessary to ensure safe habitation of the structure.
T	
Technical Bulletin and Technical Fact Sheet	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.
Telecommunications Tower, Major	A tower facility, either roof or ground mounted, that includes, but is not limited to, radio and television transmission towers or similar utilities, microwave towers, and cellular telephone communication towers and similar structures for wireless communication, not otherwise meeting the definition of Telecommunications Tower, Minor or Concealed. This term shall not include radio transmission facilities for use by ham radio operators or two-way local radio facilities for business or governmental purposes.
Telecommunications Tower, Minor or Concealed	A telecommunications tower and associated equipment that is either designed to appear as something other than a traditional telecommunications facility, or to appear as a small-scale version of a traditional telecommunications facility.
Temperature Controlled	Having the temperature regulated by a heating and/or cooling system, built-in or appliance.
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.
Temporary Structure	Temporary Structure: A building placed on a lot for a specific purpose which is to be removed within a specified time period Examples of temporary structures are monitoring stations, mobile classrooms, construction trailers, and produce stands.
Terminated Street Vista	A view framed by buildings at the termination of the axis of a street or other thoroughfare.
Tennis Court, Private	a 60 foot by 120 foot surface composed of asphalt, concrete, composite, grass or other similar material which is constructed and maintained so as to permit the play of tennis on a regular basis, not accessible to members of the general public.

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Theatre (Film or Live Performance Not Classified as an Adult Use)	An indoor theater, auditorium, or other building or structure designed, intended, or used primarily for motion picture screening and exhibition; or for musical, dance, dramatic, or other live performances.
Thoroughfare	Any street on the adopted thoroughfare plan or any street which is an extension of any street on the thoroughfare plan and which extends into the area not covered by the Thoroughfare Plan.
Thoroughfare Plan	The most recent map adopted by the Elon Town Council and Burlington-Graham Metropolitan Planning Organization which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck, and transit transportation. The words thoroughfare plan and arterial street plan are used synonymously.
Town Attorney	The attorney for the Town of Elon, duly retained by the Town Council.
Town Commons	See Civic Space.
Town Manager	The Manager of the Town of Elon.
Townhouse	A residential building which contains three (3) or more dwelling units; each unit occupies a separate zoning lot, which may or may not include land beyond the building footprint.
Traditional Building Façade Line	The Building Façade Line as shown for new and renovation buildings in the Downtown Elon Master plan, which is intended to form a Build-To Line.
Traditional Neighborhood	A traditional neighborhood incorporates design principles that produce compact, mixed use, pedestrian scaled communities.
Transfer Station	A facility where solid waste is temporarily staged in the course of its eventual journey to a landfill, recycling facility, or waste-to-energy facility.
Transitional Setback or Yard	That area, if any, along a thoroughfare, which lies between (a) the minimum setback or yard line for the planning area measured from the existing street right-of-way line and (b) the minimum setback or yard line measured from the Proposed Right-of-Way Line. There will be no transitional setback or yard when the existing street right-of-way and the proposed right-of-way line are the same.
Transitional Use	A permitted use or structure that, by nature, level of activity, or physical scale, acts as a transition or intermediate use between two or more incompatible uses.
Tree, Canopy	Any large maturing tree which at maturity provides a crown width sufficient to shade a minimum of 1,200 square feet.
Tree, Large Maturing	A tree, usually deciduous, whose height is greater than 35 feet at maturity and meets the specification of "American Standards for Nursery Stock" published by the American Association of Nurserymen, which is planted to provide canopy cover shade. In the case of tree removal permits, the minimum size is 12" DBH. See also, Canopy Tree.
Tree, Small Maturing	A small to medium tree, growing 15 feet to 40 feet in height at maturity, which is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage. In the case of tree removal permits, the minimum size is 8" DBH.
Tree, Specimen	A tree that is unusually large or well-shaped or provides a focal point or point of interest.
Tree, Street	A tree planted along the street within the right-of-way except along the park side of the parkway, a rural road or alley.

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Tree Topping	An unacceptable method of pruning which involves the cutting of limbs back to a stub, bud, or a lateral branch not large enough to assume the terminal role and cause decay and spout production from the cut ends, resulting in a potentially hazardous situation.
Triplex/Quadplex	A residential building which contains three (3) or four (4) dwelling units and occupies one zoning lot.
Truck Terminal	Land and buildings used as a relay station for the transfer of a load of goods from one roadgoing vehicle to another or one party to another.
U	
Underground Storage Tank	A storage tank used to hold liquid or gaseous contents, including any underground piping connected to the tank, which has at least 10 percent of its volume underground
Upper Story Residential	A principal use allowing the upper floor(s) of a building containing non-residential uses to be utilized for one or more residential units.
Urgent Care	An outpatient medical facility providing treatment for acute and chronic illness and injury.
V	
Variance, Floodplain	A grant of relief from the requirements of Section 8.1 of this Ordinance.
Vehicle Painting/Body Shop	An establishment providing collision repair and paint-related services for automobiles, trucks, motorcycles, camping trailers, boats, or other recreational vehicles.
Vehicle Parts and Accessory Sales	An establishment selling parts and accessories for automobiles, trucks, motorcycles, camping trailers, boats, or other recreational vehicles.
Vehicle Repair and Servicing (Without Painting)	An establishment for automobiles, trucks, motorcycles, camping trailers, boats, or other recreational vehicles are repaired and serviced.
Vehicle Sales or Rentals	An establishment devoted to the sale or rental of automobiles, trucks, motorcycles, camping trailers, boats, or other recreational vehicles, including supplementary maintenance or sale of parts and accessories.
Vehicle Sports	An outdoor commercial recreation facility which incorporates vehicles such as go-karts, bumper boats, bumper cars, or similar vehicles.
Vehicle Towing and Storage Lot	A lot used for the temporary storage of vehicles which have been towed by a towing company or for impounded vehicles, but which does not include permanent vehicle storage or dismantling of vehicles.
Veterinary Clinic	A use or structure intended or used primarily for the testing and treatment of the physical disorders of animals; not principally used for the overnight boarding or grooming of wild animals; not permitting outdoor cages, pens, or runs for the confinement of animals unless expressly permitted in the district; and not used for the training of animals.
Vested Right	The right to undertake and/or complete a development and use of property under the terms and conditions of a local government-approved site plan.
Vines	A woody plant that has a spreading pattern of growth. Vines may be used on the ground, on walls and on trellises.
Violation, Floodplain	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 Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

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W	
Warehouse, Distribution	A facility where product is kept in between its arrival from its point of origin and its delivery to a retail business or customer.
Warehouse, Storage	The indoor storage of goods, materials, or merchandise for shipment to, or processing on, other property.
Water-Borne Structure	Any structure for which the use requires access to or proximity to or citing 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.
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.
Water Storage Facility	All facilities, including land, necessary for an above-ground or in-ground reservoir to store water. Such facilities may be publicly owned, privately owned, investor-owned, or cooperatively held.
Water Surface Elevation (WSE)	The height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of riverine areas.
Water Treatment Facility	A facility operated by a licensed utility, in compliance with all applicable state, county, and town regulations, and intended or used for the treatment and surface or subsurface disposal of wastewater and which serves more than one use or more than four dwelling units; or a facility intended or used for the treatment and subsurface disposal of wastewater which serves only one use or up to four dwelling units.
Watershed	The entire land area contributing surface drainage into a specific stream, creek, lake or other body of water.
Working Day	Any day on which the offices of the Town of Elon are officially open, not including Saturdays, Sundays, and other holidays designated by the Town Council.
Y	
Yard, Rear, Established	The distance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot, projected to the side lines of the lot on which the building or structure is located.
Yard, Rear, Required	When required by this ordinance or established through recorded plat, a minimum distance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot, projected to the side lines of the lot on which the building or structure is located.
Yard, Side, Established	The distance between the side lot line and the side building line, extending from the established setback to the established rear yard. For buildings not set back from the street right-of-way, the side yard will be defined as extending from the street line to the established rear yard.
Yard, Side, Required	When required by this ordinance or established by recorded plat, a minimum distance between the side lot line and the side building line, extending from the established setback to the required rear yard. For buildings not set back from the street right-of-way, the side yard will be defined as extending from the street line to the required rear yard.

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Z	
Zoning Compliance Permit	A permit issued by the LMO Administrator or his or her designee that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance.

3 ZONING DISTRICTS

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3.1 UNDERSTANDING THE ZONING DISTRICTS CHAPTER

3.1.1 ORGANIZATION OF DISTRICT STANDARDS

A. UNDERSTANDING THE ZONING DISTRICTS CHAPTER

This Chapter lays out the various districts that have been established for all lands within Elon's jurisdiction, organized as to whether the District is considered to be a Conventional, Conditional, or Planned Development District, and if an Overlay District also applies. Within each District section, a purpose and intent statement is included to serve as a general guide for the specifics that regulate the District. Where applicable, incentives for encouraging improvements that are not required, and the potential for flexibility in administration of the District requirements are also included.

Illustrations and diagrams related to the interpretation of the District requirements are for the purposes of providing examples and to illustrate the general intent of the District. Where conflict exists between the illustrative components of the Ordinance and the Ordinance text, the text shall control.

B. OFFICIAL ZONING MAP

Section 3.6, Zoning Map, establishes the Official Zoning Map and describes how it is updated and interpreted.

3.1.2 ZONING DISTRICTS DISTINGUISHED

All land within the Town's planning jurisdiction shall be in one or more of the following types of zoning districts:

- A.** All land subject to these standards shall be classified into at least one of the conventional, conditional, or planned development zoning districts identified in Table 3.1.3, Zoning Districts Established.
- B.** Land in any conventional, conditional, or planned development zoning district may also be classified into one or more overlay zoning districts.
- C.** In cases where land is within an overlay zoning district, the standards in the overlay district apply in addition to and may supersede the standards governing development in the underlying conventional, conditional, or planned development zoning district.
- D.** Conflicts between underlying and overlay zoning districts are addressed in accordance with Section 1.4, Conflict.
- E.** Land in the Town's planning jurisdiction shall be classified or reclassified into a conventional, conditional, or overlay zoning district only in accordance with the procedures and requirements set forth in Section 5.2.18, Rezoning, Section 5.2.5, Conditional Rezoning, or Section 5.2.16, Planned Development, as appropriate.

3.1.3 ZONING DISTRICTS ESTABLISHED

- A.** Table 3.1.3, Zoning Districts Established, sets out the conventional, conditional, planned development, and overlay zoning districts established by this Ordinance.
- B.** Dimensional standards, allowable uses, and any district-specific standards in a conditional zoning district are identical to those in the corresponding conventional zoning district, except where further modified by applicant-proposed and Town-accepted conditions. Additional information on the provisions applicable to a conditional zoning district may be found in Section 5.2.5, Conditional Zoning Districts.

TABLE 3.1.3: ZONING DISTRICTS ESTABLISHED

CONVENTIONAL ZONING DISTRICTS		CORRESPONDING CONDITIONAL ZONING DISTRICTS	
ABBR.	DISTRICT NAME	ABBR.	DISTRICT NAME
RUR	Rural Residential	RUR-C	Rural Residential-Conditional
SBR	Suburban Residential	SBR-C	Suburban Residential-Conditional
NBR	Neighborhood Residential	NBR-C	Neighborhood Residential-Conditional
UBR	Urban Residential	UBR-C	Urban Residential-Conditional
VMX	Village Mixed-Use	VMX-C	Village Mixed-Use-Conditional
DTC	Downtown Core	DTC-C	Downtown Core-Conditional
DTP	Downtown Periphery	DTP-C	Downtown Periphery-Conditional
GMX	General Mixed-Use	GMX-C	General Mixed-Use-Conditional
ONI	Office Institutional	ONI-C	Office Institutional-Conditional
UNV	University	UNV-C	University-Conditional
LND	Light Industrial	LND-C	Light Industrial-Conditional
HND	Heavy Industrial	HND-C	Heavy Industrial-Conditional
OVERLAY ZONING DISTRICTS			
PCO	Priority Corridor Overlay /1/		
HDO	High Density Overlay		
MHO	Manufactured Home Overlay		
SFHO	Special Flood Hazard Overlay		
PLANNED DEVELOPMENT DISTRICTS			
PDD	Planned Development /2/		
TABLE NOTES:			
/1/ Priority Corridor Overlay (PCO) districts may have one or more different sub-districts. Development within a particular sub-district shall be subject to the general requirements applied to all development in the PCO, the standards applicable within a specific PCO district, and the applicable standards from the applicable sub-district (see Section 3.4.2, Priority Corridor Overlay (PCO) Districts, for more details).			
/2/ Each planned development is unique and is subject to the master plan and terms and conditions document adopted with the individual planned development zoning district designation (see Sections 3.5 and 5.2.16, for more details).			

3.1.4 DISTRICT TRANSLATION

- A. On November 27, 2023, land zoned with a conventional zoning district classification from the previous Land Development Ordinance (LDO) shall be translated or reclassified to one of the conventional zoning district classifications in this Land Management Ordinance (LMO) as set forth in Table 3.1.4, Zoning District Translation. Conditional Zoning Districts that have been approved at the time of this Ordinance's adoption shall carry forward as approved. Rezoning applications that have been submitted and deemed complete, but are not yet approved at the time of this Ordinance's adoption, may proceed according to the provisions of Section 5.3.8, Permit Choice.
- B. The table summarizes the translation or reclassification of the zoning districts used in the previous ordinance to the conventional zoning districts used in this Ordinance. For example, the table shows that

CHAPTER 3: ZONING DISTRICTS

all lands classified as RR Rural Residential Planning District in the previous ordinance under the column titled "Corresponding Former Zoning District in Prior LDO" are now classified Rural Residential (RUR) as shown under the column titled "Conventional Zoning Districts in this LMO."

TABLE 3.1.4: ZONING DISTRICT TRANSLATION			
CONVENTIONAL ZONING DISTRICT IN THIS LMO		CORRESPONDING FORMER ZONING DISTRICT IN PRIOR LDO /1/	
CONVENTIONAL DISTRICTS			
RUR	Rural Residential	RR	Rural Residential Planning District
SBR	Suburban Residential	SR	Suburban Residential Planning District
NBR	Neighborhood Residential	NR	Neighborhood Residential Planning District
UBR	Urban Residential	UR	Urban Residential Planning District
VMX	Village Mixed-Use	NC	Neighborhood Activity Center District
		VC	Village Activity Center District
DTC	Downtown Core	TC-1	Town Center-1 Planning District
DTP	Downtown Periphery	TC	Town Center Planning District
GMX	General Mixed-Use	C	Commercial Planning District
ONI	Office Institutional	O&I	Office & Institutional Planning District
UNV	University	PI	Public Institutional
LND	Light Industrial	IND	Industrial Planning District
HND	Heavy Industrial	/2/	
CONDITIONAL DISTRICTS			
RUR-C	Rural Residential-Conditional	RR	Rural Residential Planning District
SBR-C	Suburban Residential-Conditional	SR	Suburban Residential Planning District
NBR-C	Neighborhood Residential-Conditional	NR	Neighborhood Residential Planning District
UBR-C	Urban Residential-Conditional	UR	Urban Residential Planning District
VMX-C	Village Mixed-Use-Conditional	NC	Neighborhood Activity Center District
		VC	Village Activity Center District
DTC-C	Downtown Core-Conditional	TC-1	Town Center-1 Planning District
DTP-C	Downtown Periphery-Conditional	TC	Town Center Planning District
GMX-C	General Mixed-Use-Conditional	C	Commercial Planning District
ONI-C	Office Institutional-Conditional	O&I	Office & Institutional Planning District
UNV-C	University-Conditional	PI	Public Institutional
LND-C	Light Industrial-Conditional	IND	/2/
HND-C	Heavy Industrial-Conditional	Industrial Planning District	
OVERLAY ZONING DISTRICTS			
PCO	Priority Corridor Overlay	/2/	
HDO	High Density Overlay	/2/	
MHO	Manufactured Home Overlay	MH-O	Manufactured Home Overlay
SFHO	Special Flood Hazard Area Overlay	/2/	

TABLE 3.1.4: ZONING DISTRICT TRANSLATION		
CONVENTIONAL ZONING DISTRICT IN THIS LMO		CORRESPONDING FORMER ZONING DISTRICT IN PRIOR LDO /1/
/3/		SPO Stream Protection Overlay /4/
/3/		TND-O Traditional Neighborhood Development Overlay /5/
PLANNED DEVELOPMENT DISTRICTS		
PDD	Planned Development /6/	/2/
<p>TABLE NOTES:</p> <p>/1/ Existing development rendered nonconforming by this zoning district translation shall be allowed to remain, subject to the applicable standards in Chapter 6, Nonconformities.</p> <p>/2/ There is no corresponding former zoning district in the prior LDO.</p> <p>/3/ This district has been removed in this Ordinance.</p> <p>/4/ The Stream Protection Overlay has been converted to a set of environmental standards applied in accordance with Section 8.2, Jordan Lake Buffer Protection Standards.</p> <p>/5/ The Traditional Neighborhood Development Overlay has been replaced by new design provisions in accordance with Section 7.1, Development Design Standards.</p> <p>/6/ Each individual planned development district bears a unique identifier in the district name (see the Official Zoning Map for examples).</p>		

3.1.5 GENERALLY APPLICABLE DIMENSIONAL STANDARDS

A. DEVELOPMENTS OF MULTIPLE BUILDINGS OR STRUCTURES

1. Developments that include multiple principal buildings as part of a single development, such as a multi-family, shopping center, or campus-style development, shall be subject to a perimeter setback from all boundary lot lines and are exempted from setbacks from lot lines internal to the development, except where required by applicable building or fire codes.

B. REDUCTIONS PROHIBITED

Except where otherwise authorized by this Ordinance:

1. No lot shall be reduced in area below the minimum area requirements for the district where located.
2. Lots created after November 27, 2023, shall meet the minimum dimensional requirements for the district where located.

C. REQUIRED LOT FRONTAGE

All buildable lots established after November 27, 2023, shall maintain the minimum required lot frontage on a street in accordance with the dimensional requirements for the zoning district where located.

D. REQUIRED BUILDING FRONTAGE

All buildings on lots in the DTC and DTP established after November 27, 2023, shall maintain the minimum required building frontage adjacent to the street right-of-way in accordance with the dimensional requirements for the zoning district where located.

E. REQUIRED YARDS

1. The land area between a lot line and the boundary of a required setback is considered to be a required yard.
2. The location of street (front), side, or rear yards on irregularly shaped lots shall be determined by the Planning Director. Wherever possible, the Planning Director shall interpret these boundaries in ways that minimize nonconformities.
3. Except where otherwise allowed by this Ordinance, required yards shall not be subject to encroachment by a building, structure, or outdoor use area.

F. SETBACK FROM STREETS

No building shall be located closer to any street right-of-way or private street pavement edge than the minimum street setback line established by this Ordinance.

G. SPLIT ZONING

Wherever a single lot is located within two or more different zoning districts, each portion of the lot shall be subject to all the regulations applicable to the zoning district where it is located.

3.1.6 INCENTIVES AND ALTERNATIVES

A. DENSITY

Unless otherwise indicated in this Ordinance, the maximum density of a conventional or conditional zoning district may be increased beyond the amount listed in the Dimensional Requirements table for each district in Section 3.2 in accordance with the following and pursuant to approval by the Town Council:

1. Voluntary compliance with Section 7.1.3, Residential Design Standards, as applied to one-family and two-family residential uses;
2. Inclusion of an open space set-aside exceeding the standard requirement for any particular district or type of development, in accordance with a conditional zoning or planned development district approval; and
3. Inclusion of an open space set-aside exceeding 40 percent of the total development area in a conservation subdivision within the Rural Residential District.

B. DIMENSIONAL STANDARDS

Required dimensional standards on lots in conventional, conditional, or overlay districts may be modified or revised in accordance with the following:

1. Section 5.2.1, Administrative Adjustment;
2. Section 5.2.6, Conservation Subdivision;
3. Section 5.2.16, Planned Development;
4. Section 5.2.26, Variance;
5. Section 7.2.2.D, Alternative Parking Study;
6. Alternative proposals for required landscaping elements in accordance with Section 7.3.

C. ALLOWABLE USES

1. Some residential use types not typically allowed within a particular conventional or conditional zoning district may be authorized based upon a lot's inclusion within a particular overlay district. For example, individual manufactured homes on their own lots are permitted when the lot is located within the Manufactured Home Overlay (MHO) district.
2. Some higher density forms of residential development, like multi-family or attached residential dwellings, are permitted on lots within the High-Density Overlay (HDO) district, even if those uses are not typically permitted on a lot within a conventional or conditional zoning district located outside of the HDO.
3. Some portions of the Town's planning jurisdiction further limit the range of allowable uses, such as lands located within the Priority Corridor or the Special Flood Hazard Overlay Districts, despite the range of uses permitted in the underlying conventional, conditional, or planned development district(s). This provision shall also apply to lands governed under state or federal laws and regulation, such as Section 8.2, Jordan Lake Buffer Protection Standards.
4. Additional detail on the range of allowable use types permitted within a particular overlay district are identified in the zoning district information in Section 3.4, Overlay Zoning Districts, and Table 4.2.1, Principal Use Table.

3.2 CONVENTIONAL ZONING DISTRICTS

3.2.1 GENERAL PURPOSE AND INTENT STATEMENTS

The following general purpose and intent statements describe the Town's goals and reasons for establishing and applying the conventional zoning districts in this Ordinance to land in the Town's planning jurisdiction. These general statements are supplemented by more specific purpose and intent statements for each conventional zoning district.

A. BUSINESS DISTRICTS

The business zoning districts (DTC, DTP, GMX, HND, LND, and VMX) are intended to ensure a wide range of office, retail, service, industrial, and mixed uses necessary to meet resident and visitor needs, and more specifically to:

1. Provide appropriately located lands for the full range of business uses needed by the Town's residents, businesses, workers, and the University;
2. Create appropriate amounts of flexibility to foster redevelopment, infill, and revitalization in the downtown area;
3. Increase the opportunities for urban development in areas already well-served by public infrastructure;
4. Avoid the establishment of low intensity development in peripheral areas in ways that interrupt the efficient utilization of land, endanger sensitive natural resources, interfere with the established rural character, or that result in inefficient allocation of Town resources;
5. Accommodate various types of mixed-use development in ways that establish functioning neighborhoods where people can live, work, shop, and recreate without travelling extensive distances;
6. Provide employment opportunities close to home for residents of the Town and surrounding areas; and
7. Ensure new development promotes and protects the Town's desired community character.

B. INSTITUTIONAL DISTRICTS

The institutional zoning districts (ONI and UNV) are intended to recognize those portions of the Town's jurisdiction that are unique or that require special consideration in order to:

1. Create appropriate locations for office and institutional forms of development that provide employment and important services to community members;
2. Establish a zoning district capable of addressing the unique needs of the University in terms of its long-range master plan, large size, and educational mission;
3. Provide functional transitions between residential and non-residential land uses to mitigate potential negative impacts of one land use type upon another; and

C. RESIDENTIAL DISTRICTS

The residential zoning districts (NBR, RUR, SBR, and UBR) are proposed to provide a comfortable, healthy, safe, and pleasant environment in which to live and recreate. More specifically, they are intended to:

1. Provide appropriately located lands for residential development that are consistent with the goals, objectives, and direction in the Town's adopted policy guidance;
2. Ensure adequate light, air, privacy, and open space areas for each dwelling, and protect residents from potential negative effects of noise, excessive population density, traffic congestion, flooding, and other significant adverse environmental impacts;
3. Protect residential areas from fires, explosions, toxic fumes and substances, and other public safety hazards;
4. Provide for residential housing choice and diversity with varying housing densities, types, and designs so that people may reside within the Town regardless of their life stage;
5. Promote bicycle-, and pedestrian-friendly neighborhoods that are well-served by sidewalks, trails, and greenways; and

6. Protect Elon's community character while accommodating new development and redevelopment in ways that are consistent with the Town's goals and objectives.

3.2.2 DOWNTOWN DISTRICT

A. DISTRICT CHARACTER
<p>The Downtown District is the cultural and commercial heart of Elon. It contains the oldest commercial structures in Town, is surrounded by compact and diverse residential neighborhoods, and is located adjacent to the University's main entrance. The heart of downtown is a blend of low-rise commercial, multi-family, and institutional uses, most with surface parking lots. Downtown is surrounded by a series of single-family residential neighborhoods and institutional buildings on tree-lined streets at densities of around two units an acre. The entire area is well-served by public utilities, a fine-grained street grid, and a host of shopping and recreational options. All development in the district shall be in accordance with the dimensional requirements in this section and the standards in Chapter 4: Uses.</p>
B. DISTRICT INTENT
<p>These Downtown district standards are intended to:</p> <ol style="list-style-type: none"> 1. Diversify the Town's tax base by encouraging new commercial and employment uses; 2. Limit the establishment of single-use multi-family residential uses in favor of new mixed-use development that provides a range of housing options for Town residents, employees, and retirees; 3. Accommodate and incentivize the establishment of retail floor area that is small and scalable to accommodate new business start-ups and allow existing commercial establishments to grow without leaving the district; 4. Encourage a wide range of transportation options to reduce automobile dependence, foster community health, and promote a pedestrian-scaled downtown; and 5. Ensure new development and significant redevelopment is in harmony with Elon's existing small-town character.
C. SUB-DISTRICTS DISTINGUISHED
<p>Based on its established character, the Downtown District is divided into two different subdistricts: the Downtown Core (DTC) and Downtown Periphery (DTP). Each sub-district has its own range of allowable uses (see Table 4.2.1: Principal Use Table) and development standards which are set out in this section. The boundaries of the DTC and DTP Districts shall be delineated on the Official Zoning Map.</p>
D. SUBDISTRICT INTENT
<p>The Downtown Core (DTC) sub-district is proposed to preserve and protect existing development within the area while at the same time promoting beneficial redevelopment and infill at higher densities and intensities commensurate with an urban core. Mixed-use development is strongly preferred in the DTC area along with an overall increase in the number of residential dwelling units generally. Emphasis is placed on use types and building configurations that promote and encourage pedestrian activity along the area's sidewalks and public spaces. Pedestrian activity is facilitated by the provision of outdoor dining, outdoor display of products, storefront windows on ground floors of buildings, the provision of urban forms of recreational resources like outdoor gathering areas and seating, human-scaled building façade design, and a reduced need for automobile-oriented signage and off-street parking located in front of building entrances.</p> <p>The Downtown Periphery (DTP) sub-district is proposed to allow the current range of land uses and densities to continue while at the same time creating opportunities for new development and redevelopment at higher densities and intensities. Mixed-use development is permitted by right in the area. Civic or institutional uses are permitted but are expected to serve as community anchors through the provision of high-quality architecture and generous public amenities such as gathering areas, public art, shaded seating, fountains, and facilities for recreation.</p>

CHAPTER 3: ZONING DISTRICTS

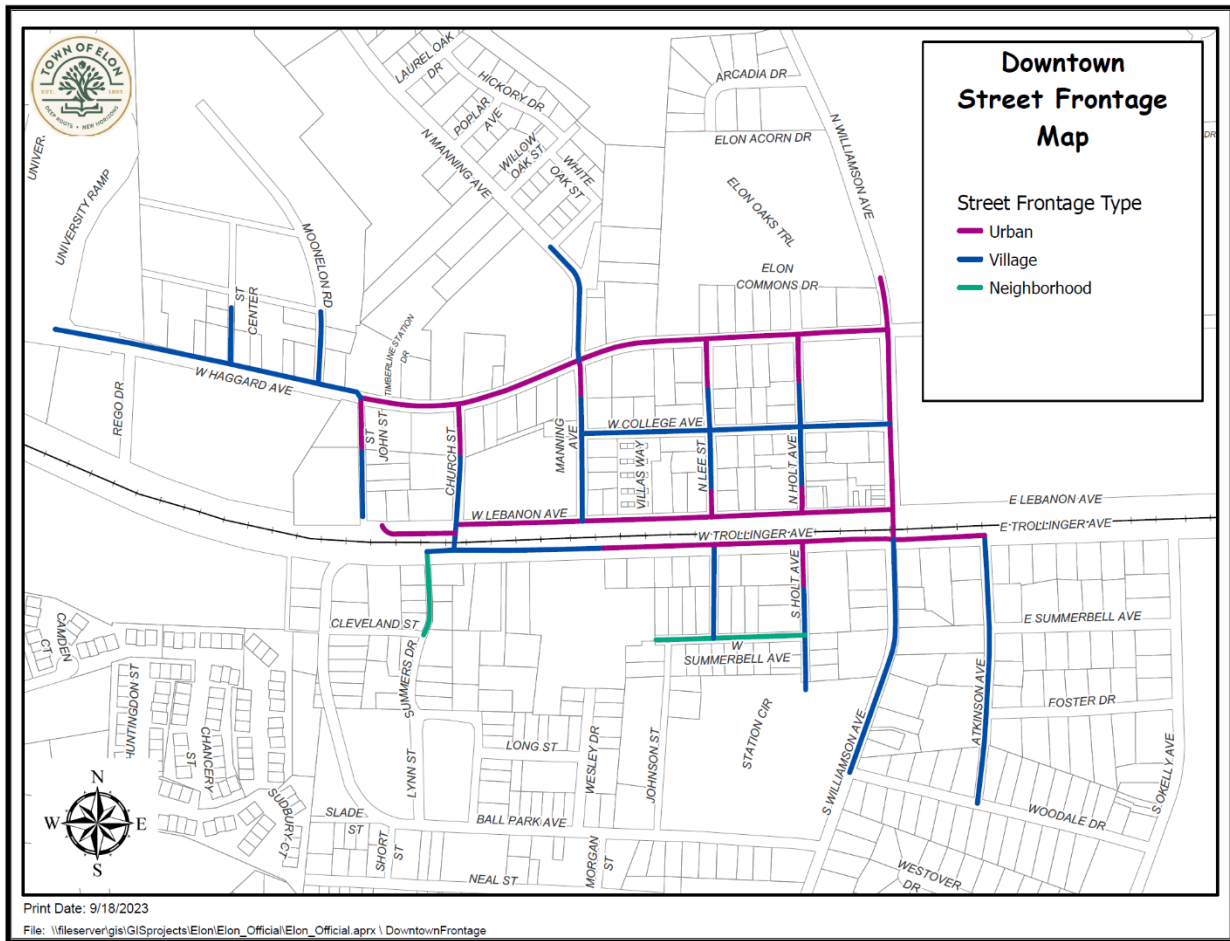
E. DIMENSIONAL REQUIREMENTS								
#	Standard /1/	Downtown Core (DTC) Sub-District	Downtown Periphery (DTP) Sub-District					
			Single-family Detached	Duplex	Bungalow Court	Pocket Neighborhood	Mixed Use or Multi-family Dwelling	All Other Uses
1	Maximum Residential Density (units/acre)	26	8 /3/	6 /4/	6 units total	12 units total	24	N/A
2	Minimum Lot Area (square feet)	None	5,445 /5/	7,260 /6/	None /7/	None /8/	30,000 /9/	7,500
3	Minimum Lot Width (linear feet)	20	20 /10/	30 /10/	40 /11/	40 /11/	50 /10/ /11/	40
4	Maximum Lot Coverage (% of lot area)	100	60	50	70 /11/	70 /11/	60	75
5	Minimum Rear Setback (feet)	None /12/	10	10	15	15	10 /2/	15
6	Min. Building Height (feet)	15	/12/	/12/	/12/	/12/	23	15
7	Max. Building Height (stories)	4 /13/	3	3	3	3	3	3
8	Min. Spacing Between Principal Buildings on the Same Lot (feet)	None /12/	N/A	N/A	N/A	N/A	10	None
9	Minimum Required Open Space Set-Aside (% of lot area)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
F. DIMENSIONAL REQUIREMENTS TABLE NOTES								
<p>All setbacks are subject to applicable streetyard and bufferyard requirements as provided for in Section 7.3.</p> <p>Minimum Lot Areas and Minimum Lot Widths shall not apply to lots platted prior to the November 27, 2023.</p> <p>/1/ Development shall also comply with the applicable street frontage requirements in Section 3.2.2.H below.</p> <p>/2/ Minimum of 20 feet from a lot line shared with a single-family detached dwelling.</p> <p>/3/ Density may be increased to 9 units per acre in cases where the subdivider or landowner consents to compliance with Section 7.1.3, Residential Design Standards or where the subdivider or landowner agrees to offer, and Town Council agrees to accept, voluntary alternative design standards.</p> <p>/4/ Density may be increased to 7 units per acre in cases where the subdivider or landowner consents to compliance with Section 7.1.3, Residential Design Standards or where the subdivider or landowner agrees to offer, and Town Council agrees to accept, voluntary alternative design standards.</p> <p>/5/ May be reduced by an additional 605 square feet per lot in cases where the subdivider or landowner consents to compliance with Section 7.1.3, Residential Design Standards or where the subdivider or landowner agrees to offer, and Town Council agrees to accept, voluntary alternative design standards.</p> <p>/6/ May be reduced by an additional 1,037 per duplex in cases where the subdivider or landowner consents to compliance with Section 7.1.2, Residential Design Standards or where the subdivider or landowner agrees to offer, and Town Council agrees to accept, voluntary alternative design standards.</p> <p>/7/ Development configuration shall be in accordance with Section 4.3.15, Bungalow Court.</p> <p>/8/ Development configuration shall be in accordance with Section 4.3.75, Pocket Neighborhood.</p>								

CHAPTER 3: ZONING DISTRICTS

- /9/ This is a minimum development size, not a minimum lot size.
- /10/ Measured at the interior edge of the street setback or front setback.
- /11/ Applied to the entire development, not individual lots.
- /12/ Subject to applicable fire code requirements.
- /13/ Buildings greater than 4 stories require the issuance of a special use permit.

G. STREET FRONTAGE DESIGNATION

Each lot in the Downtown District shall also be subject to one of the following street frontage requirements. Street frontage requirements address the relationship between a building and the adjacent street(s), as well as how the site is configured with respect to pedestrian orientation. Street frontages shall be either Urban, Village, or Neighborhood as depicted in the map below. Compliance with street frontage requirements is applied at the time of new development on vacant land and redevelopment that involves the removal of all or substantially all of an existing structure. Buildings in existence prior to November 27, 2023, shall not be subject to the street frontage requirements. The Planning Director shall interpret the street frontage boundaries in accordance with Section 5.2.7, Determination. Revisions to street frontage boundaries, including determination of street frontage type on new streets, shall only be considered in accordance with Section 5.2.18, Rezoning.



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H. STREET FRONTAGE REQUIREMENTS			
Feature	Urban Frontage	Village Frontage	Neighborhood Frontage
Building Setback from Street ROW /1/	Must be built to the sidewalk or to an outdoor dining or gathering area adjacent to the ROW. This setback shall be no farther than 20' from the ROW when outdoor dining or gathering areas are utilized.	May be no farther than 30' from the ROW (may be closer)	20' minimum setback from the ROW
Building Frontage along Front Lot Line /2/	75% of lot width	55% percent of lot width	None required
Minimum Side Setback /3/	None is required, but buildings shall maintain compliance with applicable fire codes	5 feet	5 feet on one side, a total of 15 feet for both sides
Ground Floor Fenestration /2/	50% of street-facing facades	30% of street-facing facades	None required
Upper Floor Fenestration /2/	30% of street-facing facades	15% of street-facing facades	
Primary Entrance Orientation /2/	Must face primary street	Must face primary street	Encouraged to face primary street
Off-Street Parking Location	Must be setback farther from the street ROW than the primary building plane of the principal building façade facing a street	Must be located to the side or rear of the principal building(s)	May be located in front of a single-family detached dwelling, otherwise to the side or rear of the principal building(s)
Minimum Sidewalk Width	8 feet unless adjacent to wider sidewalk	6 feet	5 feet
Ground Floor Configuration /2/	Must be comprised of commercial, office, personal service, light industrial, or institutional use types /4/	No requirement	No requirement
Allowable forms of Signage /6/	Wall, Window, Projecting, Suspended, Sidewalk	All signage types permissible in the Urban Frontage and Monument signs	All signage types permissible in the Village Frontage

I. STREET FRONTAGE REQUIREMENTS TABLE NOTES

- /1/ In no instance shall an accessory building be closer to a primary street than a principal building.
- /2/ Applied to principal buildings only.
- /3/ Applied to principal and accessory buildings.
- /4/ Buildings with ground floor footprints of 1,000 square feet or more shall be configured to accommodate at least two separate individual proprietors or non-residential establishments of up to 150 square feet in floor area each. Such areas shall be accessible from the building's primary entrance or have an individual entrance facing a sidewalk or off-street parking area. Signage associated with these areas shall not be counted towards the total maximum amount of signage allowed for the building.
- /5/ Ground floor areas configured to accommodate separate individual proprietors or non-residential establishments of up to 150 square feet in floor area each shall ensure such areas are accessible from the building's primary entrance or have an individual entrance facing a sidewalk or off-street parking area. Such areas are exempt from applicable off-street parking requirements, and signage associated with these areas shall not be counted towards the total maximum amount of signage allowed for the building.
- /6/ Signs shall be subject to the applicable standards in Section 7.4, Signage Standards.

J. DISTRICT STANDARDS

1. STREETS

- a. Development shall continue existing streets or establish a grid street pattern where no street segment shall extend more than 500 feet without another street intersection, alley intersection, or mid-block pedestrian accessway.
- b. New development shall dedicate and construct new streets in accordance with the requirements in this Ordinance, other applicable Town requirements, or NCDOT requirements.
- c. Private streets are prohibited within the DTC or DTP sub-districts.
- d. Rear- or side-loaded alleys shall be provided and dedicated to the Town, wherever possible.
- e. In cases where a rear- or side-loaded vehicular alley is not feasible to construct, new development shall provide a mid-block public pedestrian accessway with a minimum width of 12 feet to facilitate the movement of pedestrians and non-motorized forms of transportation.

2. OFF-STREET PARKING AND LOADING

- a. No minimum off-street vehicular parking is required for lots in the DTC, but if provided, it shall comply with the standards in Section 7.2, Off-Street Parking, and the tree shading requirements in Section 7.3.5, Parking Lot Landscaping Requirements, but other forms of parking lot landscaping shall not be required.
- b. Lots in the DTP District shall comply with all applicable off-street parking and associated parking lot landscaping requirements.
- c. Off-street loading facilities are not required for sites in the DTC District, but if provided, they shall comply with the standards in Section 7.2.6, Loading and Unloading Areas.

3. LANDSCAPING

- a. Except for the provision of street trees in accordance with Section 7.3.8, Street Tree Requirements, and for lots in the DTP that abut lots in different districts, landscaping is not required.
- b. Lots located in the DTP district that abut lots in different zoning district other than DTC or PDD shall provide a perimeter buffer in accordance with Section 7.3.7, Bufferyard Requirements.

4. DESIGN STANDARDS

All new development and redevelopment shall be configured in accordance with the following:

- a. All new development and redevelopment shall be configured in accordance with the applicable design standards in Section 7.1, Development Design Standards.

- b.** Drive-up or drive-throughs for all uses within the DTP and DTC sub-districts shall be permitted only in accordance with Table 4.2.1, Principal Use Table and, where permitted, shall comply with the requirements of Section 72.5, Drive-Through Stacking Lanes.

5. COMPATIBILITY STANDARDS

New non-residential or mixed-use development in the DTP that abuts or is across a street from a single-family detached dwelling located in a different zoning district (other than DTC or PDD) shall be configured in accordance with the following standards:

- a.** The building shall maintain a maximum height of 25 feet or less within 150 linear feet of a lot line subject to these compatibility standards;
- b.** The use shall not include speakers that produce music or other noise that is in violation of the Town's noise ordinance;
- c.** Surface off-street parking areas that abut a lot line subject to these compatibility standards shall be screened by an opaque fence or privacy wall with a minimum height of six feet above grade in addition to any other applicable landscaping requirements;
- d.** Service areas, mechanical equipment, loading areas, and similar functional elements shall be located as far as possible from lot lines subject to these compatibility standards, or shall be configured in a manner that prevents any negative impacts (visual, auditory, or otherwise); and
- e.** Refuse collection, recycling, and other waste-related activities shall be located as far as possible from a lot line subject to these standards.

K. DEVELOPMENT EXAMPLES

Urban Street Frontage Development Example



CHAPTER 3: ZONING DISTRICTS

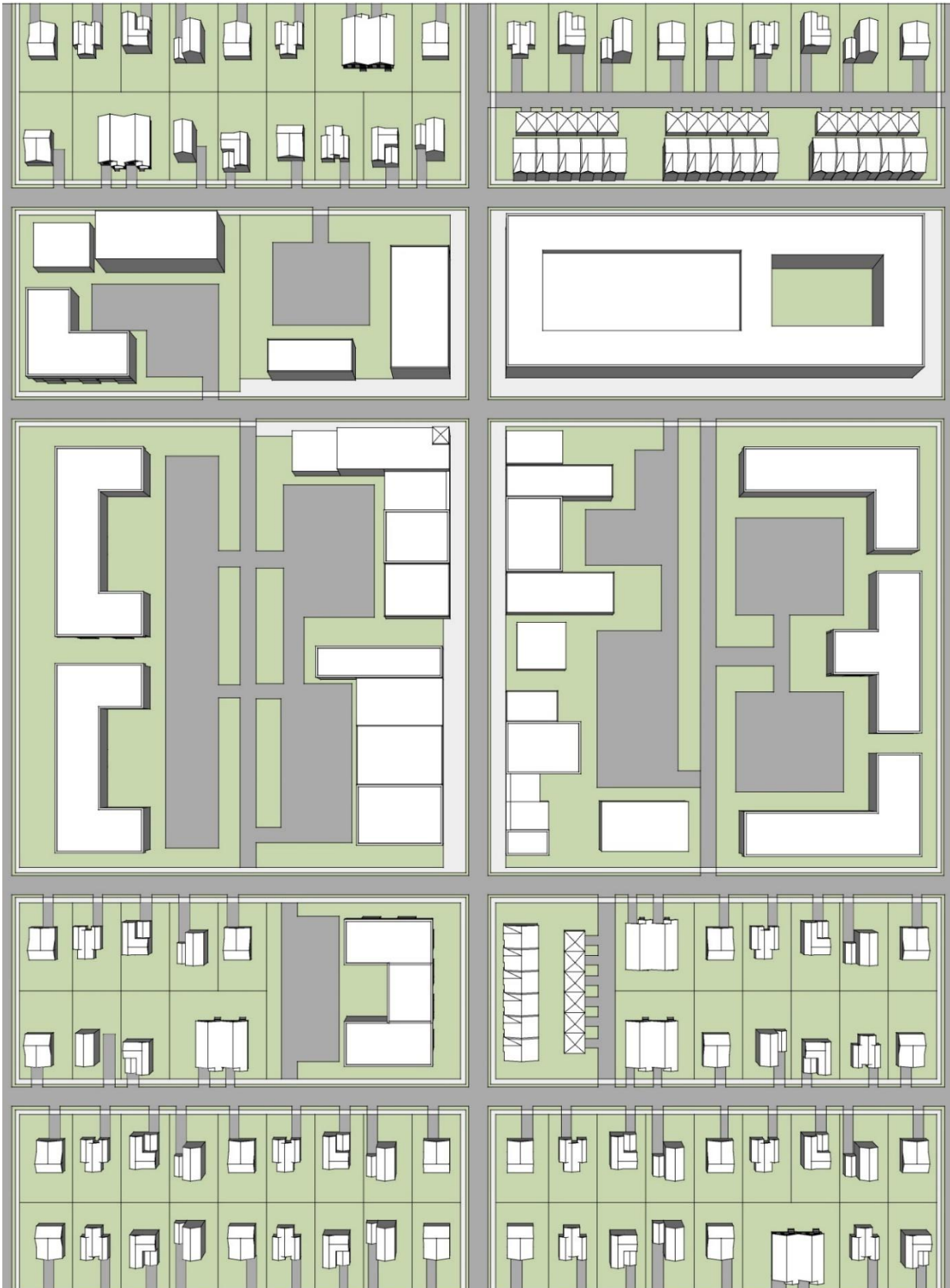
Village Street Frontage Development Example



Neighborhood Street Frontage Development Example



Downtown District Development Example



3.2.3 GENERAL MIXED-USE (GMX) DISTRICT

A. PURPOSE AND INTENT

The General Mixed Use (GMX) district accommodates mixed-use, institutional, and commercial land uses on lands well-served by public utilities. GMX areas are generally located within the core portions of the Town and along primary transportation corridors. The district is intended to foster functional neighborhoods where Town residents and visitors can live, work, shop, and recreate without travelling large distances between differing uses. Buildings are built close to the sidewalk and close to one another without suburban-style setbacks and heavy landscaping areas between them. Mixed and non-residential sites should incorporate public gathering areas that create places for people to congregate and interact. Off-street parking and service areas are located to the sides and rears of buildings to help ensure a continuity of building facades along street edges and to avoid areas that are unsafe or undesirable for pedestrians. Buildings may be up to 40 feet in height. The district encourages a fine-grained network of streets and pedestrian ways that allow a wide freedom of movement and choices in transportation mode. The district allows live/work dwellings and upper-story residential units but does not permit single-family detached homes or other forms of residential unless the land is also located within the High-Density Overlay (HDO) district. The district accommodates a wide variety of institutional use types and commercial uses, as well as low-impact industrial uses like flex space and research and development. Buildings should incorporate human-scale design and incorporate architectural aspects along street-facing facades that provide visual interest for pedestrians. All development in the district shall be in accordance with the dimensional requirements in this section and the applicable use standards in Chapter 4: Uses.

B. DEVELOPMENT EXAMPLES



Mixed-Use



Mixed-Use



Mixed-Use



Multi-Family




Multi-Family




Live/Work


CHAPTER 3: ZONING DISTRICTS



Commercial



Commercial



Institutional

C. DIMENSIONAL REQUIREMENTS

#	Standard /1/	Mixed Uses	All Other Uses
1	Maximum Residential Density (units/acre)	18	N/A
2	Minimum Lot Area (sq. ft.)	20,000 /2/	25,000
3	Maximum Lot Area (sq. ft.)	N/A	N/A
4	Minimum Lot Width (feet) /3/	50 /2/	50
5	Minimum Road Frontage (feet)	35	35
6	Maximum Lot Coverage (% of lot area)	90	80
7	Minimum Street Setback (feet) /4/	20	30
8	Maximum Street Setback (feet) /4/	30	None
9	Minimum Rear Setback (feet)	15	15
10	Minimum Side Setback (feet) /5/	10	10
11	Minimum Perimeter Setback for Multi-Building Developments (feet) /6/	20	30
12	Minimum Principal Building-to-Principal Building Setback for Multi-Building Developments (feet)	5	5
13	Minimum Accessory Building Setbacks (feet) /7/	10	10
14	Minimum Open Space Set-Aside	N/A	N/A
15	Maximum Principal Building Height (stories)	3	3
16	Maximum Accessory Building Height (feet)	20	12

D. DIMENSIONAL REQUIREMENTS TABLE NOTES

/1/ Use types permitted only when land is also located within the HDO (such as multi-family or single-family attached dwellings) shall be subject to the dimensional standards in Section 3.4.3, High Density Overlay (HDO) District.

/2/ Applied to the whole development, not individual lots within the development.

/3/ Measured at the interior edge of the street setback or front setback.

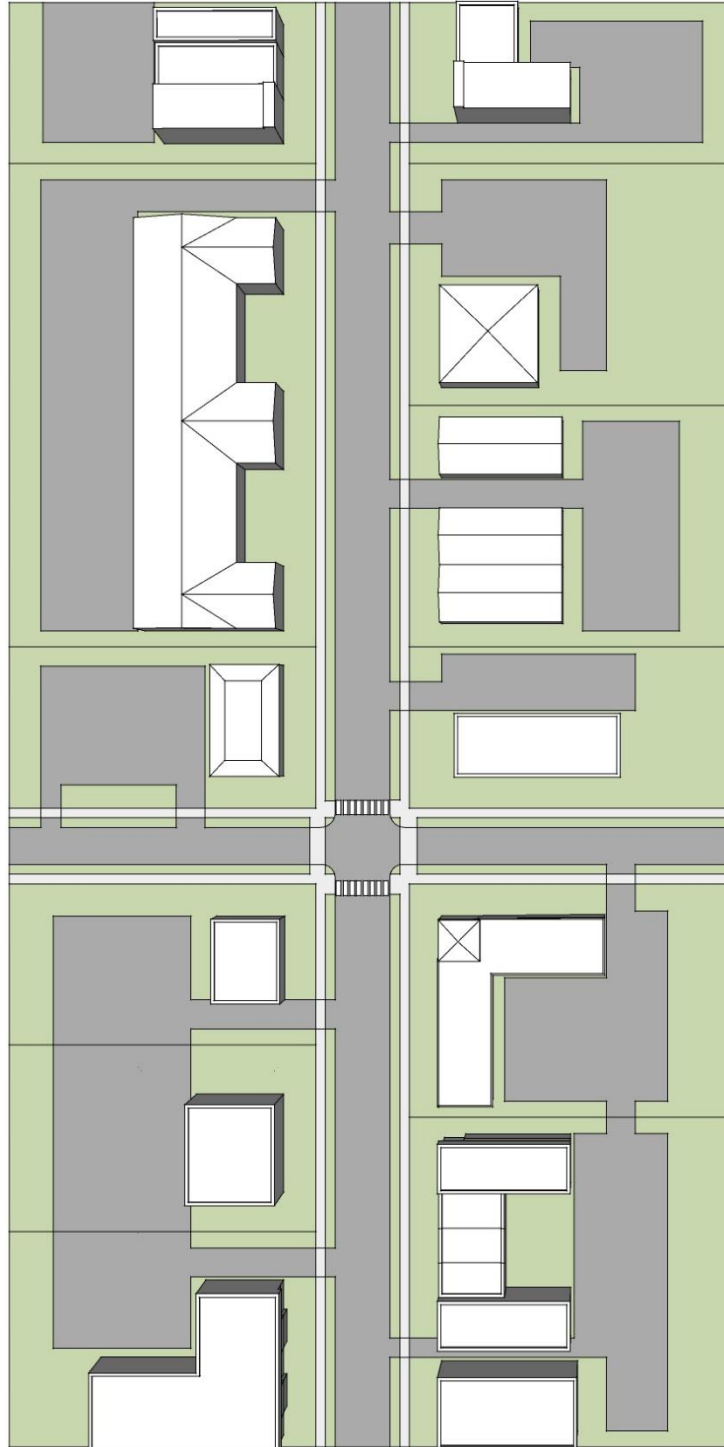
/4/ Infill of new buildings on vacant lots between existing developed lots on the same block face and redevelopment involving reconstruction of existing structures may comply with these standards or be within 150 percent of the average street setback existing for the lots on the same block face.

/5/ May be reduced to zero or in accordance with applicable fire and building codes when abutting mixed-use or non-residential development.

/6/ Applied to multi-building developments on a single lot in lieu of individual street, side, or rear setbacks.
/7/ In cases where an accessory structure abuts a lot line shared with a street, the street setback shall apply.

E. DEVELOPMENT CONFIGURATION

General Mixed Use Development Example



3.2.4 HEAVY INDUSTRIAL (HND) DISTRICT

A. PURPOSE AND INTENT

The Heavy Industrial (HND) district is established to provide industrial and similar high impact uses associated with manufacturing, energy production, and utilities. HND areas are typically found on larger lots in areas proximate to major roadways and rail access and located away from residential and environmentally sensitive areas. The district is intended to provide employment opportunities to Town residents and to help the community maintain a diversified tax base. Buildings tend to be large, single-story structures with a utilitarian design and minimal architectural embellishment except for the ground-, wall-, and roof-based mechanical equipment and facilities associated with the industrial purpose of the site. Heavy industrial buildings are often surrounded by accessory activity areas such as bulk outdoor storage, trailer and container staging areas, typically surrounded by security fencing. District standards are intended to prevent the establishment of any use types that would interrupt or interfere with industrial operations. The district accommodates uses and activities with extensive movement of vehicles, materials, and goods, truck traffic and greater potential for adverse environmental and visual impacts on neighboring lands. The district also allows limited forms of heavier commercial uses as well as public safety and similar institutional use types, but lighter commercial and residential development are prohibited (except for caretaker quarters as an accessory use). Uses in the industrial district should include adequate setbacks from less intense land uses and methods for mitigating the impacts of noise, lighting, and dust such as extensive landscaping buffers or areas of undisturbed vegetation. All development in the district shall be in accordance with the dimensional requirements in this section and the applicable use standards in Chapter 4: Uses.

B. DEVELOPMENT EXAMPLES



CHAPTER 3: ZONING DISTRICTS

C. DIMENSIONAL REQUIREMENTS		
#	Standard	All Uses
1	Maximum Residential Density (units/acre)	N/A
2	Minimum Lot Area (sq. ft.)	87,120
3	Maximum Lot Area (sq. ft.)	N/A
4	Minimum Lot Width (feet) /1/	300
5	Minimum Road Frontage (feet)	100
6	Maximum Lot Coverage (% of lot area)	75
7	Minimum Street Setback (feet)	50
8	Maximum Street Setback (feet)	None
9	Minimum Rear Setback (feet) /2/	30; 50 from residentially zoned land
10	Minimum Side Setback (feet) /2/	30; 50 from residentially zoned land
11	Minimum Perimeter Setback for Multi-Building Developments (feet) /3/	50
12	Minimum Building-to-Building Setback for Multi-Building Developments (feet)	20 unless larger distance required by applicable fire codes
13	Minimum Accessory Building Setbacks (feet) /4/	25 for structures up to 15 feet in height; 30 for structures taller than 15 feet
14	Minimum Open Space Set-Aside	N/A
15	Maximum Principal Building Height (stories)	3
16	Maximum Accessory Building Height (feet)	20
D. DIMENSIONAL REQUIREMENTS TABLE NOTES		
/1/ Measured at the interior edge of the street setback or front setback. /2/ Buildings are not required to be setback from rail siding or other active rail facilities serving the use even if located within required setbacks. /3/ Applied to multi-building developments on a single lot in lieu of individual street, side, or rear setbacks. /4/ In cases where an accessory structure abuts a lot line shared with a street, the street setback shall apply.		

E. DEVELOPMENT CONFIGURATION EXAMPLE

Heavy Industrial Development Example



LIGHT INDUSTRIAL (LND) DISTRICT

A. PURPOSE AND INTENT

The Light Industrial (LND) district accommodates a wide range of light industrial and commercial uses on lands well-served by public infrastructure, including water, sewer, and good transportation access. The district provides employment opportunities and contributes to the Town's non-residential tax base. Buildings tend to be one or two-story structures that are smaller than the buildings occupied by heavy industrial uses. Uses allowed in the district do not require large amounts of land or large building areas for operation nor large yard areas for isolation or protection from adjoining premises or activities. Buildings may be closer to streets and allow up to one row of off-street parking spaces between the primary building entrance(s) and the street it faces, though most parking is located to the side or rear of the principal building(s). Activities take place almost entirely indoors and result in minimal exterior movement of vehicles, materials, and goods in areas around the district. Buildings are situated so as to have minimal visual impacts and are well-screened from adjacent lots in lower intensity zoning districts with perimeter landscaping buffers. Compatibility with surrounding lower intensity uses and lots in lower intensity districts is addressed through community character standards applied to commercial and industrial uses. The LND district is suitable for light manufacturing and similar light industrial uses such as assembly, fabrication, processing, distribution, storage, and wholesales sale of finished or semi-finished products from previously prepared materials. The district also accommodates a wide variety of commercial use types as well as a limited array of institutional uses. Live/work uses are also permitted. Heavy industrial uses and uses with significant adverse impacts on adjoining lands, most forms of residential, and other low intensity uses are prohibited in the LND district. All development in the district shall be in accordance with the dimensional requirements in this section and the applicable use standards in Chapter 4: Uses.

B. DEVELOPMENT EXAMPLES



Light Industrial



Flex Space



Live/Work

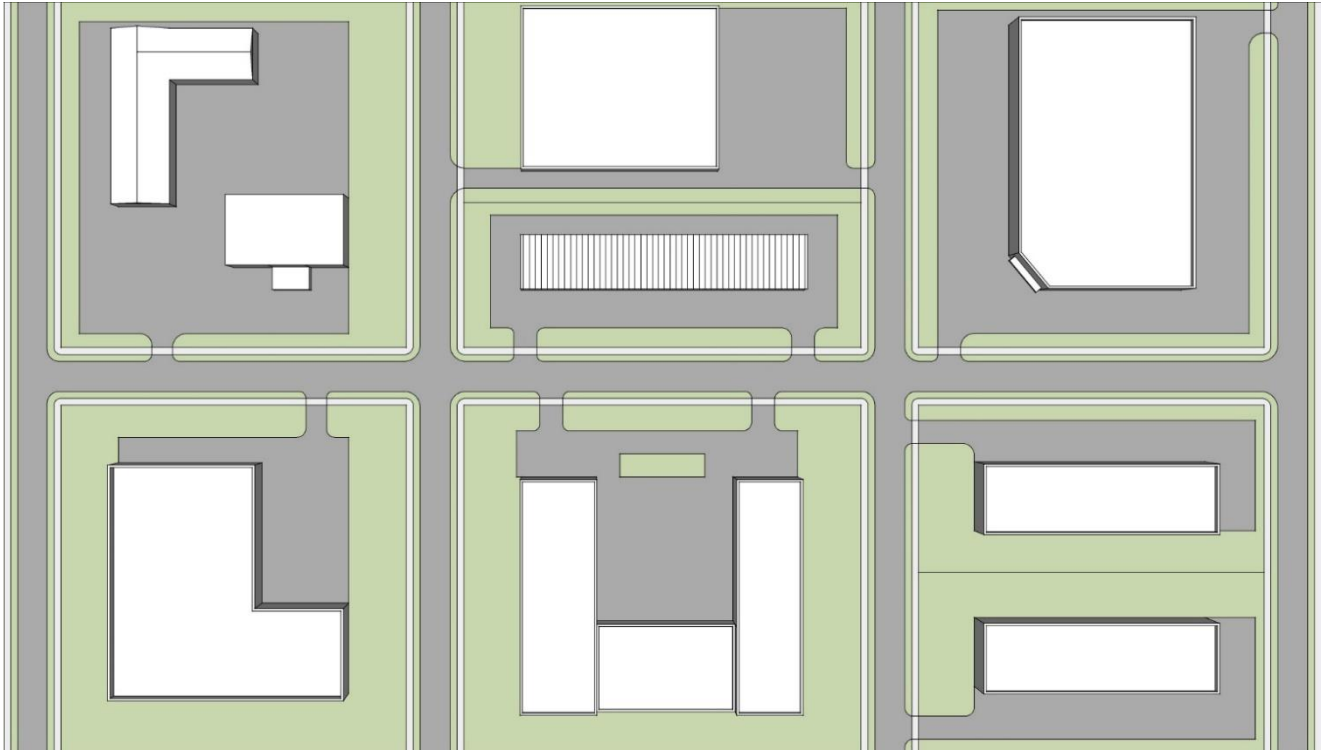


Commercial

CHAPTER 3: ZONING DISTRICTS

C. DIMENSIONAL REQUIREMENTS		
#	Standard	All Uses
1	Maximum Residential Density (units/acre)	4
2	Minimum Lot Area (sq. ft.)	43,560
3	Maximum Lot Area (sq. ft.)	N/A
4	Maximum Floor Area per Lot (sq. ft.)	90,000
5	Minimum Lot Width (feet) /1/	300
6	Minimum Road Frontage (feet)	100
7	Maximum Lot Coverage (% of lot area)	75
8	Minimum Street Setback (feet)	50
9	Maximum Street Setback (feet)	30 for live/work units only
10	Minimum Rear Setback (feet)	30
11	Minimum Side Setback (feet)	30
12	Minimum Perimeter Setback for Multi-Building Developments (feet) /2/	50
13	Minimum Building-to-Building Setback for Multi-Building Developments (feet)	15
14	Minimum Accessory Building Setbacks (feet) /3/	15
15	Minimum Open Space Set-Aside	N/A
16	Maximum Principal Building Height (stories)	3
17	Maximum Accessory Building Height (feet)	20
D. DIMENSIONAL REQUIREMENTS TABLE NOTES		
/1/ Measured at the interior edge of the street setback or front setback.		
/2/ Applied to multi-building developments on a single lot in lieu of individual street, side, or rear setbacks.		
/3/ In cases where an accessory structure abuts a lot line shared with a street, the street setback shall apply.		
E. DEVELOPMENT CONFIGURATION EXAMPLE		

Light Industrial Development Example



NEIGHBORHOOD RESIDENTIAL (NBR) DISTRICT

A. PURPOSE AND INTENT

The Neighborhood Residential (NBR) district is established to accommodate single-family detached residential neighborhoods within the Town's designated growth areas primarily to the north and west of the Town Center. Developments are typically served by public or centralized water and sanitary sewer service. Residential uses are configured at moderate densities of around seven units an acre on relatively small lots though densities may be increased to eight units an acre without need for rezoning in cases where the developer complies with the voluntary residential design guidelines. To foster increased connection, public safety, and ease of travel, residential developments include streets, sidewalks, greenways (where identified in Town policy) and open space areas that connect with similar facilities in adjacent neighborhoods. Mass grading is discouraged and there are incentives for retention of existing trees. While the district is intended primarily for single-family detached residential uses, it does allow a wider variety of residential use types like pocket neighborhoods, multi-family development, or manufactured homes when the land is also located in the High-Density Overlay (HDO) district or the Manufactured Home Overlay (MHO) district. Development of these uses is subject to the dimensional requirements and development standards applicable in the overlay zoning district. The district also allows for limited forms of complementary uses like elementary schools, religious institutions, and various forms of institutional open space. Conservation subdivisions and uses that interfere with the development of residential neighborhoods or that are detrimental to the residential nature of the district are prohibited. All development in the district shall be in accordance with the dimensional requirements in this section and the applicable use standards in Chapter 4: Uses.

B. DEVELOPMENT EXAMPLES



CHAPTER 3: ZONING DISTRICTS

C. DIMENSIONAL REQUIREMENTS			
#	Standard	Residential Uses /1/	All Other Uses
1	Maximum Residential Density (units/acre)	7.26 /2/	N/A
2	Minimum Lot Area (sq. ft.)	6,000 /3/	20,000
3	Maximum Lot Area (sq. ft.)	10,000	N/A
4	Minimum Lot Width (feet)	60 /4/	60
5	Minimum Road Frontage (feet)	20	30
6	Maximum Lot Coverage (% of lot area)	45	45
7	Minimum Street Setback (feet)	20	20
8	Maximum Street Setback (feet)	N/A	N/A
9	Minimum Rear Setback (feet)	25 /5/	25 /4/
10	Minimum Side Setback (feet)	8 /5/	8; 12 when abutting a single-family detached dwelling /5/
11	Minimum Perimeter Setback for Multi-Building Developments (feet)	N/A	20 /6/
12	Minimum Building-to-Building Setback for Multi-Building Developments (feet)	N/A	10
13	Minimum Accessory Building Setbacks (feet) /7/	3 for 1-story buildings; 6 for 2-story buildings	6
14	Minimum Open Space Set-Aside /8/	15	15
15	Maximum Principal Building Height (stories)	2	2
16	Maximum Accessory Building Height (feet)	26	26
D. DIMENSIONAL REQUIREMENTS TABLE NOTES			
<p>/1/ Use types permitted only when land is also located within the HDO (such as multi-family or single-family attached dwellings) shall be subject to the dimensional standards in Section 3.4.3, High Density Overlay (HDO) District.</p> <p>/2/ Density may be increased to 8.26 units per acre for single-family detached dwellings in cases where the subdivider or landowner consents to comply with Section 7.1.2, Residential Design Standards or where the subdivider or landowner agrees to offer, and Town Council agrees to accept, voluntary alternative design standards.</p> <p>/3/ Minimum lot area may be reduced an additional 726 square feet per single-family detached lot in cases where the subdivider or landowner consents to comply with Section 7.1.2, Residential Design Standards or where the subdivider or landowner agrees to offer, and Town Council agrees to accept, voluntary alternative design standards.</p> <p>/4/ Measured at the interior edge of the street setback or front setback.</p> <p>/5/ May be reduced to as low as zero feet in cases where a lot abuts an open space set-aside area of at least 50 feet in width on an adjacent lot or site.</p> <p>/6/ Applied to multi-building developments on a single lot in lieu of individual street, side, or rear setbacks.</p> <p>/7/ In cases where an accessory structure abuts a lot line shared with a street, the street setback shall apply.</p> <p>/8/ Open space shall meet the requirements of Section 7.7, Open Space Standards.</p>			

E. DEVELOPMENT CONFIGURATION EXAMPLE

Neighborhood Residential Development Example



3.2.5 OFFICE INSTITUTIONAL (ONI) DISTRICT

A. PURPOSE AND INTENT

The Office Institutional (ONI) district is established to accommodate office uses, institutional facilities, educational uses, research and development facilities, and mixed uses in high quality single-building and multi-building developments. Buildings have a wide range of sizes and heights, based on their function. Land uses typically associated with the office and institutional zoning benefit from a proximate location to one another, and as such this Ordinance encourages the establishment of concentrated areas of ONI zoning rather than a highly dispersed pattern. Buildings within the ONI district may be either stand-alone single structures on individual lots, or multi-building development established in campus settings. The district also accommodates the ancillary personal services and commercial uses necessary to support the predominant office and institutional development but is not intended as a retail district. Retail, personal service, and other commercial uses permitted as accessory to an office or institutional use should not occupy more than ten percent of the floor area and should be configured to minimize visibility from off-site areas. The ONI district often serves as a transition area between higher intensity commercial uses and nearby lower density single-family residential neighborhoods. Higher intensity institutional uses that support activity after 5:00PM should be located on collector or arterial streets and should avoid the creation of traffic on residential neighborhood streets. Development in the district is subject to design standards to ensure it maintains compatibility with its surroundings. All development in the district shall be in accordance with the dimensional requirements in this section and the applicable use standards in Chapter 4: Uses.

B. DEVELOPMENT EXAMPLES

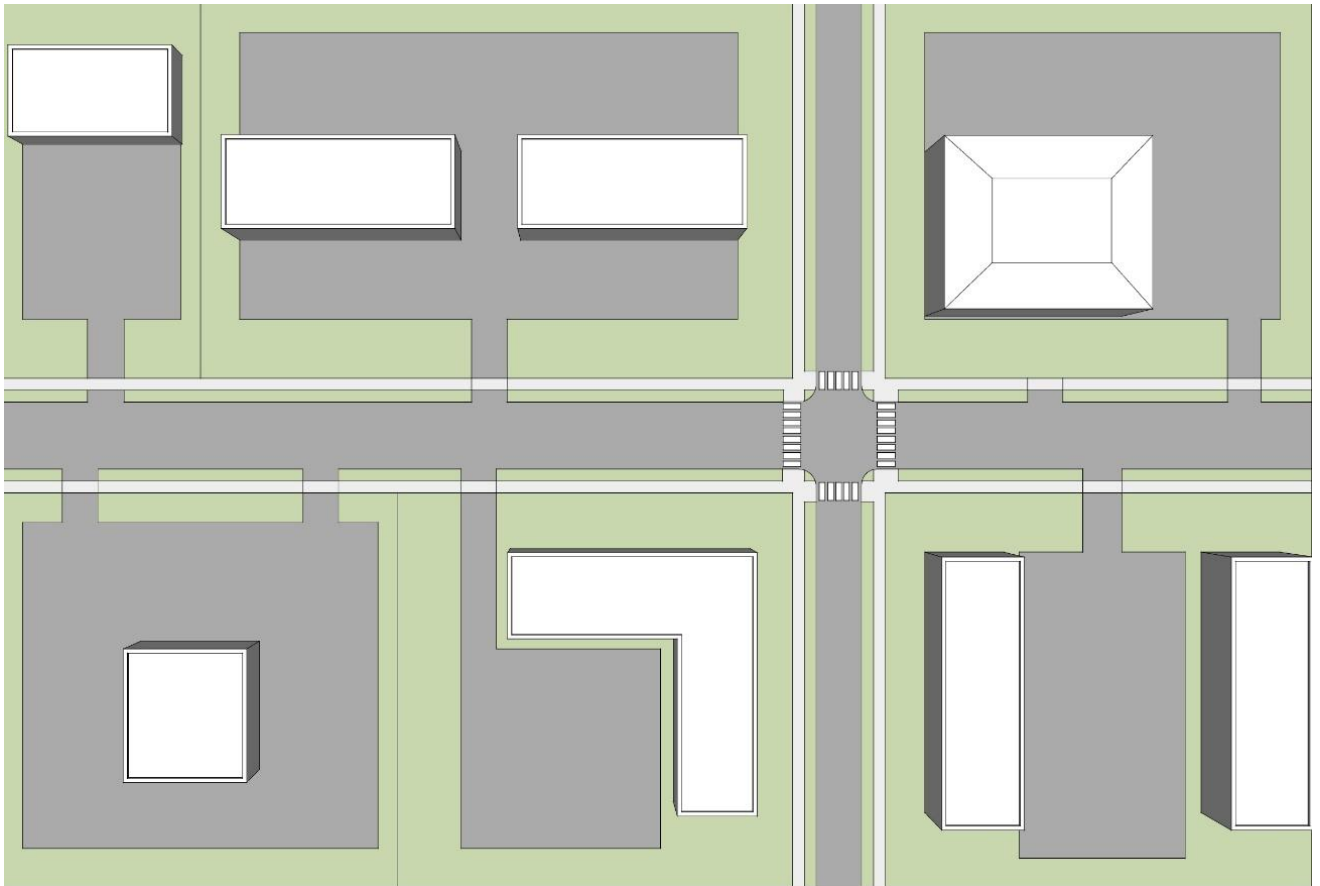


CHAPTER 3: ZONING DISTRICTS

C. DIMENSIONAL REQUIREMENTS			
#	Standard	Mixed Uses	All Other Uses
1	Maximum Residential Density (units/acre)	16	N/A
2	Minimum Lot Area (sq. ft.)	10,000 + 2,722 per residential unit	20,000
3	Maximum Lot Area (sq. ft.)	N/A	N/A
4	Minimum Lot Width (feet) /1/	50	50
5	Minimum Road Frontage (feet)	35	35
6	Maximum Lot Coverage (% of lot area)	65	50
7	Maximum Portion of Floor Area Devoted to Supporting Use Types (% of principal building floor area) /2/	15	10
8	Minimum Street Setback (feet)	30	30
9	Maximum Street Setback (feet)	N/A	N/A
10	Minimum Rear Setback (feet)	15; 30 when abutting single-family detached dwellings	15; 30 when abutting single-family detached dwellings
11	Minimum Side Setback (feet)	10; 20 when abutting single-family detached dwellings	10; 20 when abutting single-family detached dwellings
12	Minimum Perimeter Setback for Multi-Building Developments (feet) /3/	30	40
13	Minimum Building-to-Building Setback for Multi-Building Developments (feet)	10	10
14	Minimum Accessory Building Setbacks (feet) /4/	10	15
15	Minimum Open Space Set-Aside	N/A	N/A
16	Maximum Principal Building Height (stories)	3	3
17	Maximum Accessory Building Height (feet)	20	12
D. DIMENSIONAL REQUIREMENTS TABLE NOTES			
<p>/1/ Measured at the interior edge of the street setback or front setback.</p> <p>/2/ Supporting uses include eating establishments, recreational uses, and retail uses (see Table 4.2.1, Principal Use Table).</p> <p>/3/ Applied to multi-building developments on a single lot in lieu of individual street, side, or rear setbacks.</p> <p>/4/ In cases where an accessory structure abuts a lot line shared with a street, the street setback shall apply.</p>			

E. DEVELOPMENT CONFIGURATION EXAMPLE

Office and Institutional Development Example



3.2.6 RURAL RESIDENTIAL (RUR) DISTRICT

A. PURPOSE AND INTENT

The Rural Residential (RUR) district is established to protect rural and undeveloped land from premature development at densities that are inconsistent with the Town's adopted policy guidance for the Rural Living future land use classification. The district is also intended to protect established and future agricultural and forestry activities. Protection of rural character and appearance is a central goal of the district, and as such, all residential subdivisions of six or more lots are configured as a conservation subdivision (see Section 5.2.6, Conservation Subdivision) unless each lot in the subdivision is 10 acres in area or larger. A limited range of supporting institutional and agricultural land uses are permitted and uses requiring public utilities like potable water and sewer service are discouraged. All development in the district shall be in accordance with the dimensional requirements in this section and the applicable use standards in Chapter 4: Uses.

B. DEVELOPMENT EXAMPLES



Conservation Subdivision – Concept



Conservation Subdivision - Example

CHAPTER 3: ZONING DISTRICTS

C. DIMENSIONAL REQUIREMENTS				
#	Standard	Single-Family Detached	Conservation Subdivision /1/	All Other Uses
1	Maximum Residential Density (units/acre)	0.5 /2/	40% open space: 1 50% open space: 1.5 60%+ open space: 2	N/A
2	Minimum Lot Area (sq. ft.)	65,000 /3/	6,000 per unit	43,560
3	Maximum Lot Area (sq. ft.)	N/A	N/A	N/A
4	Minimum Lot Width (feet) /4/	150	20	150
5	Minimum Road Frontage (feet)	50	20	50
6	Maximum Lot Coverage (% of lot area)	35	85	40
7	Minimum Street Setback (feet)	50	20; 5 along lot lines without a driveway	50
8	Maximum Street Setback (feet)	N/A	N/A	N/A
9	Minimum Rear Setback (feet)	50	/5/	50
10	Minimum Side Setback (feet)	15	/5/	15
11	Minimum Perimeter Setback for Multi-Building Developments (feet)	N/A	/6/	50 /7/
12	Minimum Building-to-Building Setback for Multi-Building Developments (feet)	N/A	/5/	15
13	Minimum Accessory Building Setbacks (feet) /8/	10; 20 from an alley	/5/	10; 20 from an alley
14	Minimum Open Space Set-Aside (% of entire development site) /9/	15	40	15
15	Maximum Principal Building Height (stories)	2	2	2
16	Maximum Accessory Building Height (feet)	26	26	26 /10/

D. DIMENSIONAL REQUIREMENTS TABLE NOTES

/1/ All single-family detached residential subdivisions of six or more lots shall be configured as a conservation subdivision unless all lots in the subdivision are 10 acres in area or larger.

/2/ Density may be increased to 1 unit per acre for single-family detached dwellings in cases where the subdivider or landowner consents to comply with Section 7.1.3, Residential Design Standards or where the subdivider or landowner agrees to offer, and Town Council agrees to accept, voluntary alternative design standards..

/3/ Minimum lot area may be reduced an additional 21,446 square feet per single-family detached lot in cases where the subdivider or landowner consents to comply with Section 7.1.3, Residential Design Standards or where the subdivider or landowner agrees to offer, and Town Council agrees to accept, voluntary alternative design standards..

/4/ Measured at the inward edge of the street or front setback.

/5/ In accordance with all applicable fire and building codes, but never less than three feet.

/6/ Minimum needed to ensure compliance with applicable screening requirements.

/7/ Applied to multi-building developments on a single lot in lieu of individual street, side, or rear setbacks.

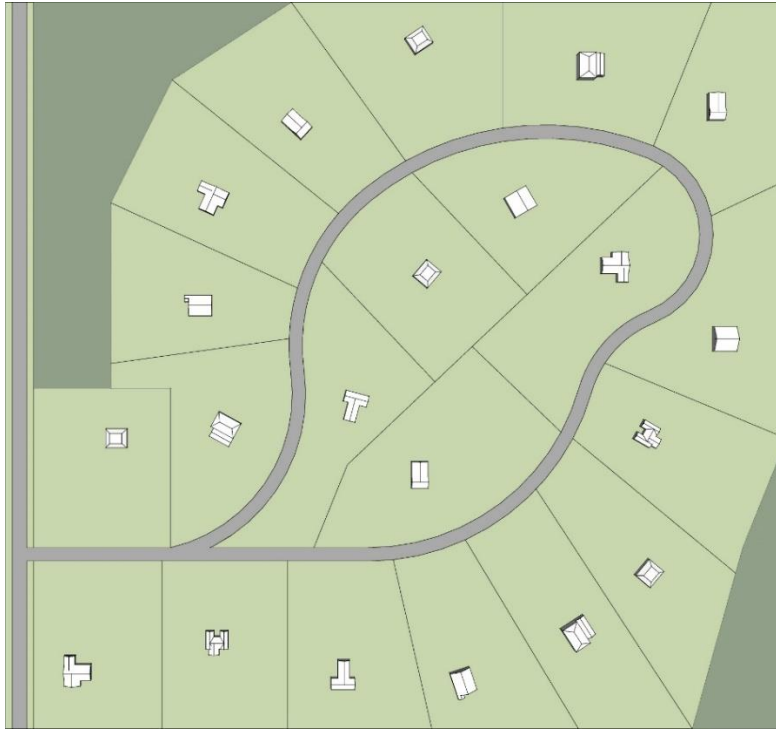
/8/ In cases where an accessory structure abuts a lot line shared with a street, the street setback shall apply.

/9/ Open space shall meet the requirements of Section 7.7, Open Space Standards.

/10/ Not applied to agricultural accessory structures such as barns, silos, and product elevators.

DEVELOPMENT CONFIGURATION EXAMPLE

Rural- Single Family Detached Development Example



Rural-Conservation Subdivision Development Example



3.2.7 SUBURBAN RESIDENTIAL (SBR) DISTRICT

A. PURPOSE AND INTENT

The Suburban Residential (SBR) district is established to accommodate moderate-density single-family detached residential development and complimentary uses on lots served by public utilities in the suburban portions of the Town's jurisdiction. The district is intended to protect the quiet residential character of these areas in accordance with the Town's adopted policy guidance. The vast majority of SBR lots are around 10,000 square feet in area and contain a single-family detached dwelling located in the center of a landscaped yard. Off-street parking takes place on a driveway in front of or to the side of the dwelling. Most homes are 20 to 35 feet tall and over 1,200 square feet in size. While the district accommodates single-family detached homes at densities around four units an acre, it also allows a density bonus of up to five units an acre for new single-family detached developments that comply with the Residential Design Standards of this Ordinance (see Section 7.1.3) or where the landowner or developer agrees to offer, and Town Council agrees to accept, voluntary alternative design standards. Manufactured homes on individual lots are permitted when also located in the Manufactured Home Overlay (MHO) district. A wide variety of "small-lot" residential developments such as bungalow courts, pocket neighborhoods, and single-family attached development (townhouses) are permitted when land in the SBR district is located in the Town's High-Density Overlay (HDO) district. The conservation subdivision option is also available to accommodate single-family detached development in the district. The district also accommodates a limited range of institutional uses but almost no commercial or industrial use types. Development in the SBR should include open space set-asides, parks, greenways, and sidewalks as a means of connecting residential neighborhoods with nearby shopping and employment areas. All development in the district shall be in accordance with the dimensional requirements in this section and the standards in Chapter 4: Uses.

B. DEVELOPMENT EXAMPLES



Single-Family Detached



Single-Family Detached



Single-Family Detached



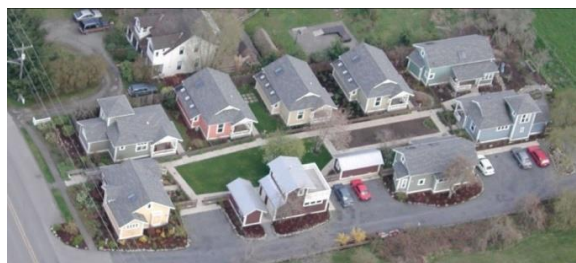
Bungalow Court (in HDO)



Duplex (in HDO)



Single-Family Attached (in HDO)



Pocket Neighborhood (in HDO)



Manufactured Home (in MHO)

CHAPTER 3: ZONING DISTRICTS

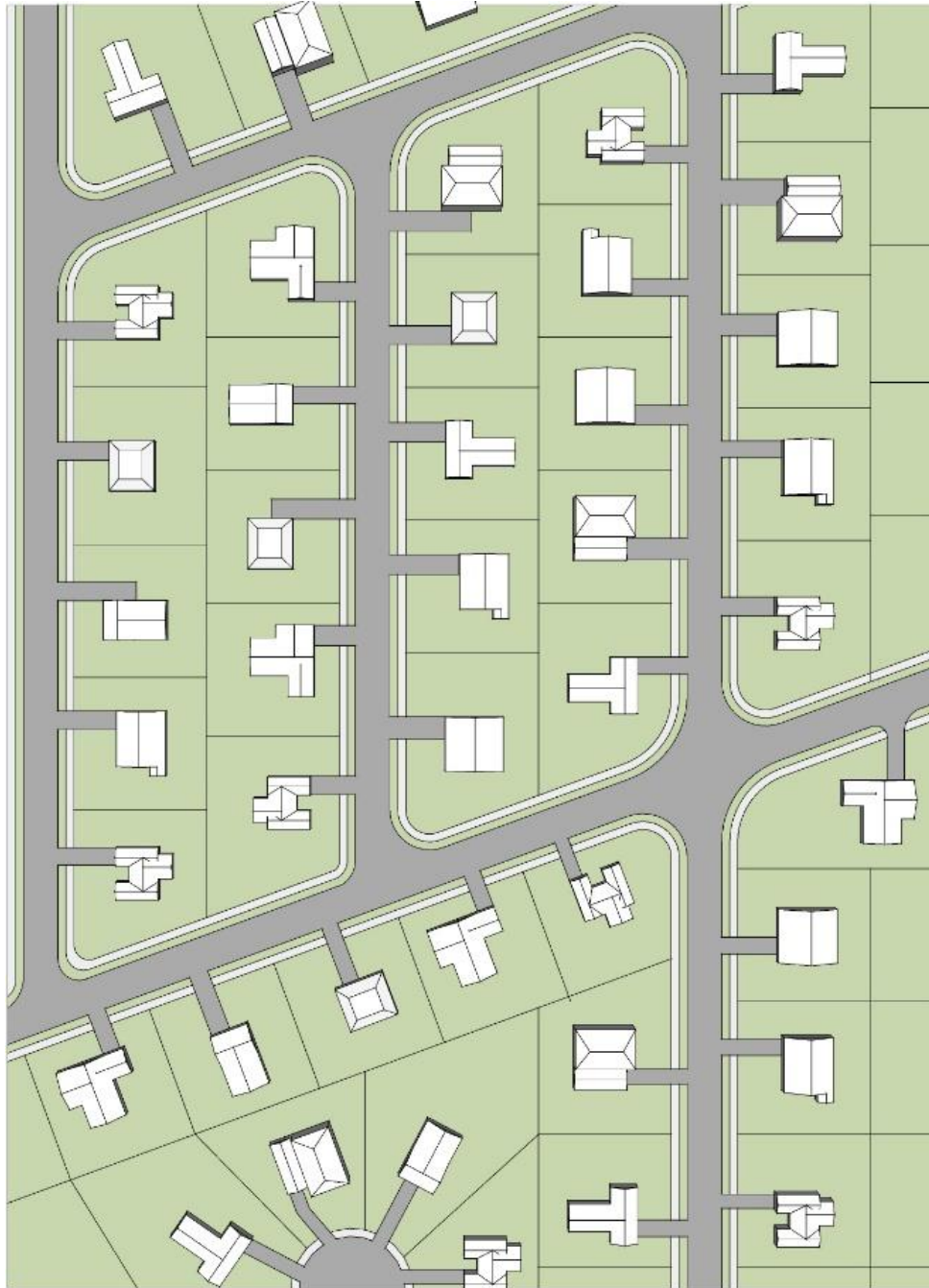
C. DIMENSIONAL REQUIREMENTS				
#	Standard /1/	Single-Family Detached	Conservation Subdivision /2/	All Other Uses
1	Maximum Residential Density (units/acre)	4.35 /3/	7	N/A
2	Minimum Lot Area (sq. ft.)	10,000 /4/	6,000	43,560
3	Maximum Lot Area (sq. ft.)	N/A	N/A	N/A
4	Minimum Lot Width (feet) /5/	75	20	75
5	Minimum Road Frontage (feet)	25	20	25
6	Maximum Lot Coverage (% of lot area)	40	85	40
7	Minimum Street Setback (feet)	25	20; 5 along lot lines without a driveway	25
8	Maximum Street Setback (feet)	N/A	N/A	N/A
9	Minimum Rear Setback (feet)	25	/6/	25
10	Minimum Side Setback (feet)	10	/6/	10
11	Minimum Perimeter Setback for Multi-Building Developments (feet) /7/	N/A	/8/	25
12	Minimum Building-to-Building Setback for Multi-Building Developments (feet)	N/A	/6/	/7/ /10/
13	Minimum Accessory Building Setbacks (feet) /9/	10	/6/	10
14	Minimum Open Space Set-Aside (% of entire development site) /10/	15	40	15
15	Maximum Principal Building Height (stories)	2	2	2
16	Maximum Accessory Building Height (feet)	26	26	26
D. DIMENSIONAL REQUIREMENTS TABLE NOTES				
<p>/1/ Use types permitted only when land is also located within the HDO (such as pocket neighborhoods, bungalow courts, multi-family, or single-family attached dwellings) shall be subject to the dimensional standards in Section 3.4.3, High Density Overlay (HDO) District.</p> <p>/2/ Only single-family detached residential subdivisions of six or more lots may be configured as a conservation subdivision.</p> <p>/3/ Density may be increased to 5.35 units per acre for single-family detached, single-family attached, and duplex dwellings in cases where the subdivider or landowner consents to comply with Section 7.1.3, Residential Design Standards or where the subdivider or landowner agrees to offer, and Town Council agrees to accept, voluntary alternative design standards..</p> <p>/4/ Minimum lot area may be reduced an additional 1,857 square feet per single-family detached lot in cases where the subdivider or landowner consents to comply with Section 7.1.3, Residential Design Standards or where the subdivider or landowner agrees to offer, and Town Council agrees to accept, voluntary alternative design standards..</p> <p>/5/ Measured at the interior edge of the street setback or front setback.</p> <p>/6/ In accordance with all applicable fire and building codes, but never less than three feet.</p> <p>/7/ Applied to multi-building developments on a single lot in lieu of individual street, side, or rear setbacks.</p>				

CHAPTER 3: ZONING DISTRICTS

- /8/ Not applied to conservation subdivisions, but setbacks shall be sufficient to accommodate required screening of the development from adjacent roadways and existing residential development.
- /9/ In cases where an accessory structure abuts a lot line shared with a street, the street setback shall apply. Accessory structures shall be setback at least 20 feet from the edge of pavement in an alley.
- /10/ Open space shall meet the requirements of Section 7.7, Open Space Standards.

E. DEVELOPMENT CONFIGURATION

Suburban Residential- Single Family Detached Development Example



Suburban Residential- Conservation Subdivision Development Example



3.2.8 URBAN RESIDENTIAL (UBR) DISTRICT

A. PURPOSE AND INTENT

The Urban Residential (UBR) district is established to accommodate high-density forms of residential development and complimentary uses on lots served by public utilities in the urban portions of Town. The district is intended to provide a wide range of housing choices to Town residents as well as to create sufficient residential densities to support the Town center and various mixed-use areas throughout the Town's planning jurisdiction. Residential uses in the UBR district are well-connected with surrounding areas via connected streets, sidewalks, greenways, and trails. Off-street parking takes place on a driveway in front of or to the side of individual dwellings and in shared surface lots for other residential uses. While the district accommodates residential densities around 14 units an acre, it also allows a density bonus of up to 15.5 units an acre for new single-family detached developments that comply with the Residential Design Standards of this Ordinance (see Section 7.1.3) or where the landowner or developer agrees to offer, and Town Council agrees to accept, voluntary alternative design standards. Manufactured homes on individual lots are permitted when also located in the Manufactured Home Overlay (MHO) district. A wide variety of "small-lot" residential developments such as bungalow courts and pocket neighborhoods comprised of single-family detached dwellings are permitted by right. Multi-family and single-family attached development (townhouses) are also permitted, subject to approval of a special use permit (see Section 5.2.21, Special Use Permit). The district allows a wide range of institutional uses and low intensity office uses, but most forms of commercial development and conservation subdivisions are not permitted. All development in the district shall be in accordance with the dimensional requirements in this section and the applicable use standards in Chapter 4: Uses.

B. DEVELOPMENT EXAMPLES



Single-family Detached



Single-family Detached



Bungalow Court



Pocket Neighborhood



Single-Family Attached



Duplex

CHAPTER 3: ZONING DISTRICTS

C. DIMENSIONAL REQUIREMENTS						
#	Standard	Single-Family Detached	Bungalow Court & Pocket Neighborhood	Duplex, Triplex, Quadplex	SF Attached & Multi-Family	All Other Uses
1	Maximum Residential Density (units/acre)	14.52 /1/	/2/	10.89	14.52	N/A
2	Minimum Lot Area (sq. ft.)	3,000	/2/	4,000 per unit	43,560 /3/	43,560
3	Maximum Lot Area (sq. ft.)	6,000	131,000 /4/	N/A	N/A	N/A
4	Minimum Lot Width (feet) /5/	40	75; 20 for individual lot	85; 25 for individual lot	85; 20 for individual lot	75
5	Minimum Road Frontage (feet)	20	40	35	40	25
6	Maximum Lot Coverage (% of lot area)	50	85	50	50	40
7	Minimum Street Setback (feet)	20 /6/	20	25	30; 20 from internal streets	25
8	Maximum Street Setback (ft)	30	N/A	N/A	N/A	35
9	Minimum Rear Setback (feet)	25	10	25	25; 0 for SF attached	25
10	Minimum Side Setback (feet)	8	5	10	25; 0 for SF attached	10
11	Minimum Perimeter Setback for Multi-Building Developments (feet) /7/	N/A	10	25	25	25
12	Minimum Building-to-Building Setback for Multi-Building Developments (feet)	N/A	10	5	10	10
13	Minimum Accessory Building Setbacks (feet) /8/	3	5	10	10	10
14	Minimum Open Space Set-Aside (% of entire development site) /9/	15	15	15	15	15
15	Maximum Principal Building Height (stories)	2	2	2	2	2
16	Maximum Accessory Building Height (feet)	26	26	26	26	26
<p>/1/ Density may be increased to 15.52 units per acre in cases where the subdivider or landowner consents to compliance with Section 7.1.3, Residential Design Standards or where the subdivider or landowner agrees to offer, and Town Council agrees to accept, voluntary alternative design standards..</p> <p>/2/ No single bungalow court may include more than 6 dwelling units, and no pocket neighborhood may include more than 12 dwelling units. Development configuration shall be in accordance with Section 4.3.15, Bungalow Court or Section 4.3.75, Pocket Neighborhood, as appropriate.</p> <p>/3/ This is a minimum development size, not a minimum lot size per dwelling unit.</p> <p>/4/ This is a maximum development size, not a maximum lot size.</p> <p>/5/ Measured at the interior edge of the street setback or front setback.</p> <p>/6/ May be reduced to 10' for local streets and alleys.</p>						

- /7/ Applied to multi-building developments on a single lot in lieu of individual street, side, or rear setbacks.
- /8/ In cases where an accessory structure abuts a lot line shared with a street, the street setback shall apply.
- /9/ Open space shall meet the requirements of Section 7.7, Open Space Standards.

E. DEVELOPMENT CONFIGURATION EXAMPLE

Urban Residential Development Example



3.2.11 UNIVERSITY (UNV) DISTRICT

A. PURPOSE AND INTENT

The University (UNV) district is proposed to address the unique needs and conditions associated with large-scale educational institutions over fifty acres in area located within the Town's planning area. The district accommodates institutional, educational, and residential use types along with a wide variety of accessory uses necessary to protect public safety and ensure that the educational and community mission of the district may be fulfilled. Lands designated UNV are located within the core of Elon around the Town center and are surrounded by low- and moderate-density residential neighborhoods and downtown. The district is intended to provide locations where students and faculty may congregate in a campus setting. Classrooms, administrative buildings, residence halls, and other buildings share a common architectural vernacular and a high level of design quality that is consistent with the classic collegiate character that has come to define Elon University. Structures are organized around common areas, squares, greens, and open spaces that allow a wide variety of pedestrian movements and gathering opportunities throughout the campus area. Utility facilities and maintenance/operational aspects are separated from pedestrian areas and adjacent uses and configured to avoid negative impacts on lands outside the district. The district is served by a fine-grained street and pedestrian network that is well connected to public streets, sidewalks, and greenways in other parts of Town and areas beyond, allowing students and residents to move around the campus without the use of a personal automobile. The district regulations are configured to allow for a wide degree of flexibility in building configuration and placement while at the same time providing for an increased focus on land use compatibility along UNV district boundaries and UNV lands proximate to adjacent zoning districts. Allowable uses are listed as either Principal or Accessory Uses as listed in Table 4.2.1, Principal Use Table or Table 4.5.4, Table of Common Accessory Uses. Use types not identified in either of these tables that were established prior to the establishment of the UNV district designation are permitted to remain in accordance with the standards in Chapter 6: Nonconformities. All new development and redevelopment in the district shall be consistent with the Town's adopted policy guidance, the dimensional requirements and architectural standards in this section, and any applicable use standards from Chapter 4: Uses. It is expected that development in the district will also demonstrate consistency with Elon University's most recently adopted Master Plan.

B. DEVELOPMENT EXAMPLES



Campus Arrangement



Open Spaces & Unified Architecture

CHAPTER 3: ZONING DISTRICTS

C. DIMENSIONAL REQUIREMENTS		
#	Standard	Minimum Requirement
1	Minimum District Size - Contiguous	None
2	Minimum District Size - Noncontiguous	5 Acres
3	Maximum Residential Density /1/	14 dwelling units per acre
4	Minimum Lot Area	None, provided compliance with district size is maintained
5	Minimum Lot Width	None
6	Minimum Road Frontage	None
7	Maximum Lot Coverage	80% of lot (parcel) area
8	Minimum Street Setback	10 feet; 20 feet when abutting residential use or zoning
9	Minimum Rear/Side Setback	10 feet; 25 feet when abutting residential use or zoning
10	Minimum Building-to-Building Setback for Multi-Building Developments	Minimum Required by Building Code
11	Minimum Accessory Building Setback	10 feet
12	Minimum Off-Street Parking Setback /2/	20 feet from any public street
13	Minimum Open Space Set-Aside	0%, provided compliance with Maximum Lot Coverage is maintained
14	Maximum Building Floor Area (Principal Building)	70,000 square feet (Buildings may be increased in size if minimum setbacks described elsewhere in this table are increased at a rate of 1 foot for every 1,000 square feet of additional building size)
15	Maximum Building Floor Area (Accessory Building)	3,000 square feet
16	Maximum Principal Building Height (Building not adjacent to residential use or zoning)	4 stories
17	Maximum Principal Building Height (Building adjacent to residential use or zoning) /3/	3 stories
18	Maximum Accessory Building Height	2 stories

D. TABLE NOTES

/1/ Applied to allowable forms of residential use. Dormitories are excluded from this requirement.

/2/ Accessible parking spaces and temporary loading/unloading spaces are exempted from the off-street parking setback.

/3/ A building is considered to be adjacent to residential uses or zoning if no other principal building or formal open space, such as a quadrangle, is located between the proposed building and the adjacent residential used or zoned property.

E. DISTRICT-SPECIFIC STANDARDS

1. OFF-STREET PARKING STANDARDS

- a. Off-street parking areas shall comply with the location standards for the UNV district and meet or exceed the configuration standards in Section 7.2.6, Loading and Unloading Areas.
- b. Off-street parking shall meet the calculation requirements of Table 7.2.2, Parking Calculation Requirements, which shall be calculated as a campus-wide parking count rather than calculated for individual parcels or buildings.

- c.** Off-street parking lots of five or more spaces shall provide shade trees in accordance with Section 7.3.5, Parking Lot Landscaping Requirements.

2. STANDARDS ADDRESSING RELATIONSHIP OF BUILT ENVIRONMENT TO ADJACENT STREETS AND ADJOINING PROPERTIES

a. Building Placement

- i.** Principal buildings may be oriented towards an internal non-vehicular circulation network or common areas, but shall appropriately address the street from which they derive their street address by including architectural features on the street-side façade as described in Section F.2.b, below.
- ii.** Accessory structures shall be located to the side of the principal building or to the yard that is not located between the principal building and the street.

b. Building Facades Facing Other Districts or Detached Residential Uses

Building facades facing public streets, other districts or detached residential dwellings shall:

- i.** Be configured to avoid a long un-interrupted monolithic appearance.
- ii.** Orient porches, balconies, outdoor activity space, and other exterior site features such as vending machines, away from adjacent uses of lower density or intensity.

c. Service and Loading Area Location and Screening

- i.** Service and loading areas shall be located on building facades other than the façade(s) facing property not zoned UNV.
- ii.** All service and loading areas shall meet the requirements in Sections 7.2.6, Loading and Unloading Areas, 7.3.9, Outdoor Storage Area Screening, and 7.3.10, Mechanical Equipment Screening, as applicable.

d. Landscaping

Perimeter landscaping buffers shall be subject to the minimum buffer width and minimum plant counts as identified in Section 7.3.7, Bufferyard Requirements, and its associated tables.

e. Outdoor Activity Areas

Outdoor dining and other outdoor gathering areas that generate noise shall be located away from lower intensity uses to the greatest extent practicable.

f. Exterior Lighting

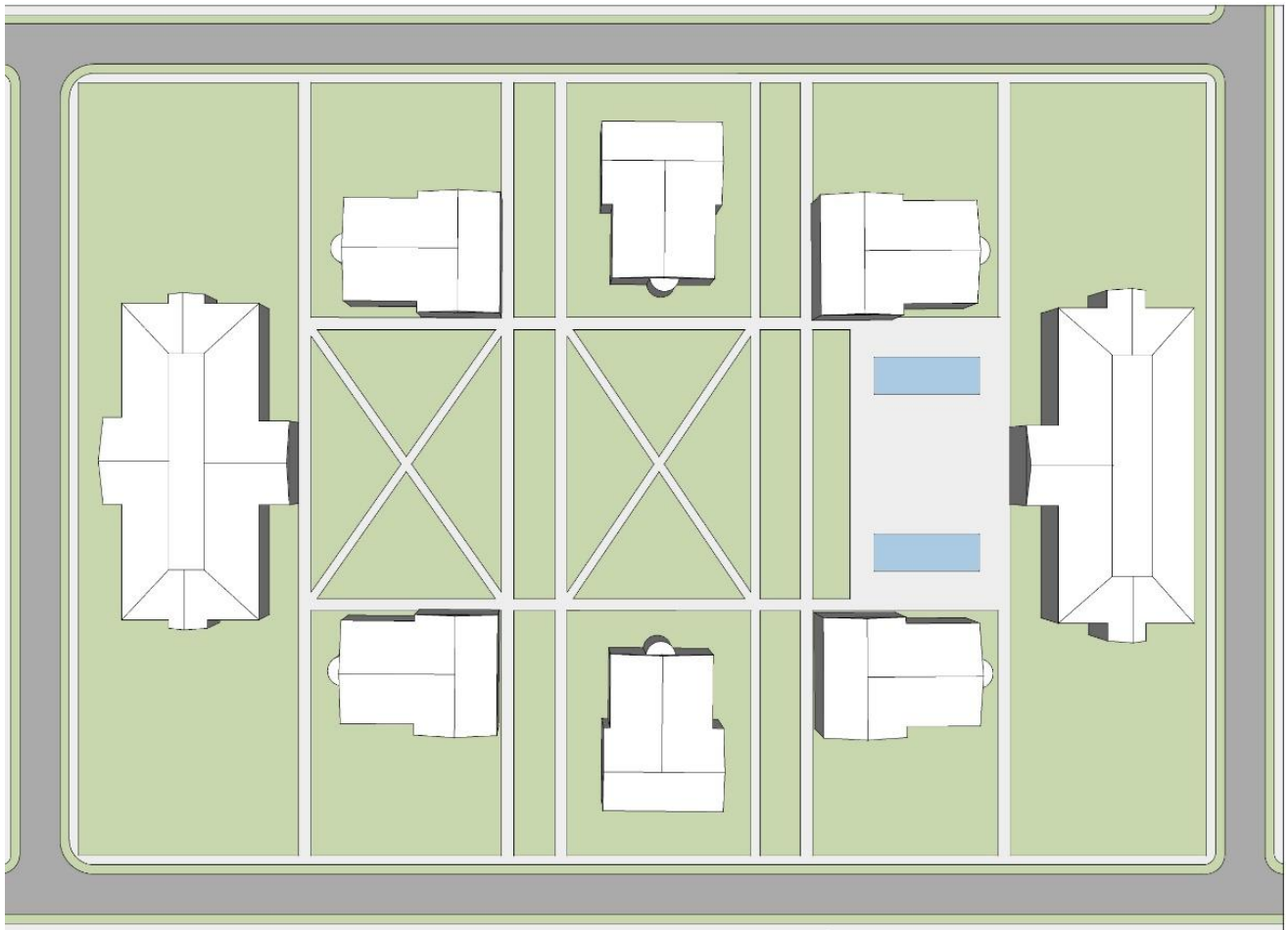
Exterior lighting shall comply with Section 7.6, Lighting Standards.

g. Signage

Signs on lots subject to these standards shall comply with the standards in Section 7.4, Signage Standards.

F. DEVELOPMENT EXAMPLES

University District Development Example



3.2.12 VILLAGE MIXED-USE (VMX) DISTRICT

A. PURPOSE AND INTENT

The Village Mixed Use (VMX) district is intended for low intensity, neighborhood-serving commercial and mixed-use development around significant roadway intersections located along the edges of neighborhoods. Non-residential buildings are low-rise, small-scale, with small footprints, and with building heights typically between 20 and 35 feet. Buildings are close to the street edge and off-street parking is located to the side or rear of buildings. Development in the district is human-scaled and designed to promote visual interest for pedestrians. Ground-level retail and personal service uses that promote pedestrian activity along the street are highly encouraged. New development in the district is located close to the street, provides passers-by with clear views into the building's ground floor, and fosters sidewalk dining, outdoor seating, and interaction among pedestrians. The district provides employment, shopping, personal service, and entertainment uses for the benefit of nearby residents in a compact, pedestrian-oriented, and walkable context. The district allows offices, personal services, and small-scale retail and a variety of institutional uses. As a means of providing additional housing options, the district allows live/work dwellings and upper story residential over ground-floor non-residential uses. Industrial uses, high density residential uses, and monolithic automobile-oriented development is not permitted. District regulations discourage uses that are too intense or that draw the majority of their patrons from outside the immediate area. All development in the district shall be in accordance with the dimensional requirements in this section and the applicable use standards in Chapter 4: Uses.

B. DEVELOPMENT EXAMPLES



Mixed Use



Mixed Use



Non-residential Use



Non-residential Use



Single-Family Detached



Single-Family Detached

CHAPTER 3: ZONING DISTRICTS

C. DIMENSIONAL REQUIREMENTS				
#	Standard /1/	Single-Family Detached	Mixed Uses	All Other Uses
1	Maximum Residential Density (units/acre)	7 /2/	14	N/A
2	Minimum Lot Area (sq. ft.)	6,222 /3/	30,000 /4/	30,000
3	Maximum Lot Area (sq. ft.)	N/A	60,000	87,120
4	Minimum Lot Width (feet) /5/	16	24	35
5	Minimum Road Frontage (feet)	16	24	24
6	Maximum Lot Coverage (% of lot area)	60	70	75
7	Minimum Street Setback (feet)	20	10	10
8	Maximum Street Setback (feet)	25	25	25
9	Minimum Rear Setback (feet)	10	10 /6/	10 /6/
10	Minimum Side Setback (feet)	5 /7/	10 /6/	10 /6/
11	Minimum Perimeter Setback for Multi-Building Developments (feet) /8/	N/A	20	20
12	Minimum Building-to-Building Setback for Multi-Building Developments (feet)	N/A	10	10
13	Minimum Accessory Building Setbacks (feet) /9/	5	5	5
14	Maximum Floor Area (square feet) /10/	N/A	3,500 /11/	2,000
15	Minimum Open Space Set-Aside /12/	15	15	15
16	Maximum Principal Building Height (stories)	2	3	2
17	Maximum Accessory Building Height (feet)	12	12	12

D. DIMENSIONAL REQUIREMENTS TABLE NOTES

- /1/ Use types permitted only when land is also located within the HDO (such as group living uses) shall be subject to the dimensional standards in Section 3.4.3, High Density Overlay (HDO) District.
- /2/ Density may be increased to 8 units per acre for single-family detached dwellings in cases where the subdivider or landowner consents to comply with Section 7.1.3, Residential Design Standards or where the subdivider or landowner agrees to offer, and Town Council agrees to accept, voluntary alternative design standards..
- /3/ Minimum lot area may be reduced an additional 777 square feet per single-family detached lot in cases where the subdivider or landowner consents to comply with Section 7.1.3, Residential Design Standards or where the subdivider or landowner agrees to offer, and Town Council agrees to accept, voluntary alternative design standards..
- /4/ Applied to the whole development, not individual lots within the development.
- /5/ Measured at the interior edge of the street setback or front setback.
- /6/ Increased to a minimum of 20 feet from any lot line shared with a single-family detached residential use in a residential zoning district.
- /7/ May be reduced to as low as zero feet in cases where a lot abuts an open space set-aside area of at least 50 feet in width on an adjacent lot or site.
- /8/ Applied to multi-building developments on a single lot in lieu of individual street, side, or rear setbacks.
- /9/ In cases where an accessory structure abuts a lot line shared with a street, the street setback shall apply.
- /10/ Applied to each principal structure.

/11/ Only applied to the non-residential portion of a building.

/12/ Open space shall meet the requirements of Section 7.7, Open Space Standards.

E. DISTRICT SPECIFIC STANDARDS

All non-residential development, including any non-residential portions of allowable mixed-use development, shall comply with the following standards:

1. Outdoor storage is prohibited.
2. Ground floor non-residential floor area shall be configured to appear as one or more individual storefronts with glazing or fenestration of at least 50 percent of the ground floor façade.
3. All off-street parking shall be located to the side or rear of the building it serves. Off-street parking areas are strongly encouraged to be accessed via an alley or driveway located to the rear of the structure.
4. Drive-through or drive-up facilities shall only be allowed in conjunction with financial institutions and restaurants.
5. Exterior lighting shall be configured in accordance with Section 7.6, Lighting Standards, except no exterior lighting shall be located higher than 15 feet above ground or pavement.
6. Signage shall be configured in accordance with Section 7.4, Signage Standards.

F. DEVELOPMENT EXAMPLES

Village Mixed Use Development Example



3.3 CONDITIONAL ZONING DISTRICTS

3.3.1 GENERAL PURPOSE AND INTENT

In addition to the Conventional Zoning Districts described in Section 3.2, this Ordinance also includes parallel Conditional Zoning Districts for all zoning classifications.

Conditional Zoning districts allow for the establishment of certain uses, which, because of their nature or scale, have particular impacts on both the immediate area and the community as a whole. The development of these uses cannot be predetermined or controlled by general district standards. The Conditional Zoning District option allows for the development and use of a particular property, subject to specific standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district, and mutually agreed-upon by both the Town and the applicant(s).

3.3.2 ESTABLISHMENT

The Conditional Zoning process is described in greater detail in Section 5.2.5, Conditional Rezoning. Property may be placed in a conditional zoning district only in response to a petition by the owners or their agents of all of the property proposed to be included in the conditional zoning district. Conditional versions of all Zoning Districts exist within the Ordinance.

3.3.3 CLASSIFICATION AND RELATIONSHIP TO UNDERLYING ZONING DISTRICTS

All descriptions and definitions which apply to a general use zoning district also apply to the corresponding conditional zoning district, and modification of specific general use zoning district provisions may be permitted through the legislative decisions of Town Council.

Conditional zoning districts are not intended to resolve situations which would be more appropriately addressed through the variance process.

3.4 OVERLAY ZONING DISTRICTS

3.4.1 GENERALLY

A. PURPOSE

Overlay zoning districts are superimposed over either all or a portion of one or more underlying conventional zoning districts or conditional zoning districts with the intent of supplementing generally applicable development regulations with additional development regulations that address special area-specific conditions, features, or plans while maintaining the character and purposes of the underlying zoning district.

B. ESTABLISHMENT

1. Table 3.1.3, Districts Established, sets out the overlay zoning districts established by this Ordinance.
2. Some overlay district boundaries are depicted on the Official Zoning Map, though sub-areas within individual overlay districts may be shown on other maps or diagrams which are made a part of this Ordinance and maintained by the Town.

C. CLASSIFICATION

Land shall be classified or reclassified into an overlay zoning district only in accordance with the procedures and requirements set forth in Section 5.2.18, Rezoning, and this section.

D. RELATIONSHIP TO UNDERLYING ZONING DISTRICTS

1. Regulations governing development in an overlay zoning district shall apply in addition to the regulations governing development in the underlying conventional or conditional zoning district, unless otherwise expressly stated.
2. Conflicts between underlying districts and overlay districts are addressed in accordance with the standards in Section 1.4, Conflict.

3.4.2 PRIORITY CORRIDOR OVERLAY (PCO) DISTRICT

A. PURPOSE AND INTENT

The Priority Corridor Overlay (PCO) district regulations are intended to enhance the visual appeal of certain roadway corridors in the Town, and to:

1. Enhance the quality and compatibility of development along key roadways that include important gateways to the town in order to create aesthetically pleasing and welcoming entryways and travelways for residents and visitors;
2. Encourage appropriate redevelopment and investment in underutilized, outdated, or otherwise challenged corridors in the town; and
3. Address development issues of special concern along these roadways, with specific requirements which relate to use, development form, traffic movement, access, environment, landscaping, visual quality, image, and aesthetics.

B. ESTABLISHMENT OF A PRIORITY CORRIDOR OVERLAY SUB-DISTRICT

New PCO sub-districts may only be established in accordance with Section 5.2.24, Text Amendment, and Section 5.2.18, Rezoning.

C. GENERAL STANDARDS APPLICABLE TO ALL PRIORITY CORRIDOR SUB-DISTRICTS

PCO district standards are designed to address specific existing conditions and development/redevelopment expectations for a specific priority sub-district. However, each PCO district shall, at a minimum, address the following elements:

1. The name and boundaries of the overlay district.

2. The development activities along the corridor to which the overlay district applies (typically all new development and certain expansions and remodels).
3. Any variations from the requirements of the underlying general zoning district(s).
4. The uses allowed in the district, if they deviate from uses allowed in the underlying district(s).
5. The development and form standards of the overlay district where these standards are intended to deviate from those of the underlying district(s). Such standards may include some or all of the following:
 - a. Dimensions (height, setbacks, build-to-lines, etc.);
 - b. Streetscape landscaping;
 - c. Sidewalks and pedestrian circulation features;
 - d. Off-street parking, including location;
 - e. Site landscaping and tree preservation/reforestation;
 - f. Screening of service areas;
 - g. Open space set-asides;
 - h. Signage;
 - i. Exterior lighting;
 - j. Building design and form; and
 - k. Road access and traffic circulation.
6. The extent to which any general or overlay district-specific standard may be modified, if such modifications are allowed.

D. UNIVERSITY DRIVE PRIORITY CORRIDOR OVERLAY DISTRICT (UD-PCO)

1. PURPOSE AND INTENT

The University Drive Priority Corridor Overlay is intended to create regulations and processes that enhance the quality and compatibility of development, establish a harmonious design language to guide development along the corridor, and promote mixed-use development that accommodates growth that is compatible with surrounding neighborhoods and uses. Specifically, the UD-PCO is designed to achieve the following objectives identified in the Envision Elon 2040 Future Comprehensive Land Use Plan (Envision 2040):

- a. Provide the framework for a unified aesthetic along the corridor, encourage high-quality development focusing on mixed-use, small-scale office, specialty retail, employment uses, and increased housing variety while incorporating open space and multi-modal transportation opportunities.
- b. Encourage a focus on the protection of the aesthetic character of the corridor by limiting encroachment and degradation resulting from unplanned and incompatible development.
- c. Use land supply wisely to diversify and boost the Town's tax base.
- d. Preserve traffic-carrying capacity.
- e. Foster efficient and appropriate development of the land along a well-traveled corridor that provides important gateways for the Town.
- f. Prevent piecemeal, commercial strip development and disconnected land use patterns.
- g. Provide ingress/egress options that facilitate safe and efficient transitions between the roadway and development adjacent to the roadway.

2. BOUNDARIES

The boundaries of the University Drive PCO shall be defined as the full extent of University Drive and Cook Road within The Town of Elon's jurisdiction and as depicted on the Official Zoning Map.

3. APPLICABILITY

These standards shall apply to parcels and portions of parcels located within a line parallel to and 300' from both sides of the University Drive public right-of-way for all areas within the boundaries described in subsection 3.4.2.D.2. above.

4. DEVELOPMENT APPROVAL PROCESS AND ALLOWABLE USES

Development proposals for property subject to the University Drive PCO shall be processed as either Small Scale Developments (where the disturbed area does not exceed two acres) or a Planned Development District (PDD), which shall be applicable to all development not classified as Small-Scale Development.

a. UD-PCO Priority Uses

While Small Scale Development proposals are subject to the allowable uses in the underlying zoning district, rezoning proposals, including Planned Development District rezoning proposals for larger developments shall focus on priority uses that have been established through public input during the Envision 2040 plan development. Priority uses for properties within and adjacent to the boundaries of the UD-PCO are:

- i. Mixed-use Developments, defined as pedestrian-friendly forms of development which include a combination of no fewer than two of the following uses: commercial, office, institutional, light industrial, and residential.
- ii. Small-scale Office, which is considered to be buildings containing offices, either as a principal use or an accessory use, of no more than 10,000 square feet in size.
- iii. Specialty Retail, which is considered to be a retail operation that specializes in one type of merchandise or of closely related types of merchandise. Such operations may include but are not limited to apparel stores, jewelry stores, bookstores, shoe stores, stationary stores, home good stores, antique stores, specialty foods, and similar establishments.
- iv. Employment Uses, which are considered to be uses that promote the concentration of activities that offer employment opportunities in the industry and office sectors.
- v. Uses that promote increased housing variety, including high-end condominiums and multi-family housing.

b. Small Scale Development Proposals

The Small-Scale Development option shall apply to all development proposals where the disturbed area will not exceed two (2) acres. Such development proposals shall be categorized as Small Scale based on the development expectations for the entire parcel(s) and not based on phases of a proposed development. The proposed uses shall comply with the underlying zoning district of the property unless a rezoning is proposed but may also include Priority Uses as described in Section 3.4.2.D.4.a. for all areas subject to the UD-PCO. A proposal for a Small-Scale Development within the UD-PCO District shall follow the process for other land use approvals as provided in all applicable sections of this Ordinance, and shall also be subject to the requirements of the UD-PCO.

c. Planned Development District Proposals

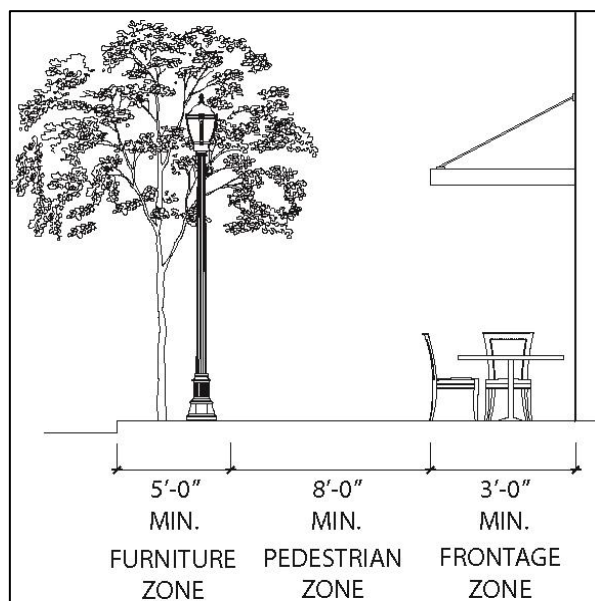
All development proposals within the UD-PCO District that exceed a combined two (2) acres in disturbed area for all phases shall require rezoning to a Planned Development District (PDD) and shall be processed pursuant to the requirements in Section 3.5, Planned Development District, excepting any conflicts with the requirements of this section, which shall rule. The allowable uses, dimensional requirements, density/intensity, open space, transportation circulation system, utility and stormwater systems, buffers and landscaping designs, and other specific expectations for a development proposed under the requirements of this section shall be described in the PDD zoning master plan documents and shall meet the minimum requirements of Section 3.4.2.D.5. and Table 3.4.2. Planned Development District (PDD) proposals provide for greater latitude for innovative design and site planning considerations for larger developments. Due to their potential

for greater impact to the aesthetics and safe flow of traffic along the corridor, such development proposals are subject to additional review and public input through the process for zoning district reassignment to a PDD.

5. MINIMUM DEVELOPMENT REQUIREMENTS FOR ALL DEVELOPMENT WITHIN THE UNIVERSITY DRIVE PCO DISTRICT

- a.** Access to a development shall be from side streets with the exception that right in/right out access may be permitted along the University Drive corridor pursuant to NCDOT approval and improvement requirements. The location of such access points from the corridor are predetermined by or negotiated with NCDOT.
- b.** Development within the corridor shall be designed to ensure the continued flow of traffic along University Drive and shall make connections where opportunities are available to existing development.
- c.** Projects shall provide alternative traffic flow opportunities within and between development within the corridor overlay and adjacent neighborhoods to limit unnecessary ingress and egress onto existing roadways to the greatest degree practicable. While seeking such inter-parcel connectivity opportunities, the proposed transportation system design shall also recognize existing topographical and environmental challenges and shall consider the potential impacts to surrounding uses, both positive and negative. Where project property size and zoning allow, the proposal shall encourage a mix of land uses and opportunities for forms of travel other than by motor vehicle.
- d.** All stormwater management systems shall be located so as to limit their visibility from the University Drive Corridor and adjacent properties as much as is feasible; any components of such systems visible from the Corridor or from adjacent residential development areas shall be effectively screened or designed as a landscape feature.
- e.** Reverse-fronting lots are required for residential subdivisions or residential portions of mixed-use developments where no street is designed to be located between the residential units and the corridor.
- f.** All development shall provide for safe and convenient access for bicyclists and pedestrians. Sidewalks and/or multi-use paths are required along all existing and proposed streets and shall be installed at the time of street construction unless a performance guarantee is provided pursuant to Section 5.2.15, Performance Guarantee. This shall include a multi-use path designed according to the requirements of Section 9.5, Greenway Design Principles and Section 9.6, Greenway Design Standards, installed to the full extent of the property frontage on University Drive for any particular development site. The location of the path may be within the required corridor buffer or between the buffer and the developed area of the site but shall be outside of the NCDOT right-of-way. The land associated with the path shall be credited toward open space requirements.
- g.** Any outside communication devices such as public announcement speakers or drive-through communication devices shall be directed away from adjacent residential uses.
- h.** The developer of any land within the UD-PCO shall submit a circulation and access plan as part of a site plan or in the case of a subdivision, as part of the preliminary plat. The plan shall identify all off-site entrances and access points to both sides of the corridor within 500 feet and median crossings within 1,000 feet, as well as all entrances to streets other than the corridor and all existing cross-easement accesses for all adjacent properties. The plan shall demonstrate the ability to provide adequate internal circulation as to not impede traffic on a public street by including provisions such as but not limited to the following:
 - i.** Access to surrounding properties via cross-easement agreement(s), shared entrances, inter-parcel connections and travelways, as further described in Section 7.2.4, Cross-Access Requirements;

- ii. On-site service drives that connect adjacent properties and/or business entities on the same property;
- iii. Access to properties via secondary public streets;
- iv. Internal vehicular and pedestrian connections between adjacent parking lots.
- i. Development within the UD-PCO shall be designed such that cut and fill are minimized and existing tree canopy is protected to the greatest extent practicable.
- j. New installations of chain link fencing shall not be permitted in areas visible from University Drive.
- k. Except as amended by this section or pursuant to an approved rezoning to a Planned Development District, development within the UD-PCO shall meet all applicable requirements of Chapter 7, Development Standards, Chapter 8, Environmental Standards, and Chapter 9, Infrastructure Standards, as well as the following additional requirements:
 - i. Loading docks, overhead doors, and loading and service areas (not to include doors primarily for pedestrian access) shall be effectively screened so as to substantially mitigate the view from residential development and the Corridor.
 - ii. Screening/buffers must be either preserved vegetation or planted to have a natural appearance, using a variety of plant types and species to reasonably mimic the appearance of natural vegetation. Preserved vegetation may be credited towards buffer landscaping requirements as provided for in Section 7.3.4, Requirements and Process for Tree Preservation.
 - iii. The design shall incorporate a series of spaces between active building facades and adjacent parking and/or roadways to facilitate pedestrian movement, landscaping, and outdoor seating. The following configuration is expected, at a minimum, but alternative designs may be proposed and considered as part of the PDD process.



a) Frontage Zone. The Frontage Zone consists of a zone extending at least three (3) feet in depth from the building. Where this area is covered by an awning, gallery or arcade, customer dining areas may be established, provided that tables and chairs do not extend into the pedestrian zone.

b) Pedestrian Zone. A Pedestrian Zone consists of a paved walkway of no less than eight (8) feet in depth from the Frontage Zone and parallel to the front of the building, which shall be kept open and free of any obstructions.

c) Furniture Zone. A Furniture Zone is located between the pedestrian zone and the curb of the adjacent street or vehicular use area, with a minimum depth of five (5) feet. The Furniture Zone accommodates lighting, landscaping, bike racks, waste receptacles and street furniture.

- l. Notwithstanding any other provision of these standards, parcels of land existing at the time the UD-PCO is created shall not be denied access to a public street if no reasonable joint or cooperative access is possible at the time of development.

Table 3.4.2, Minimum University Drive PCO District Dimensional Requirements sets forth the minimum dimensional requirements for all development within the UD-PCO. Development proposed

CHAPTER 3: ZONING DISTRICTS

under the Planned Development District category shall set standards specific to the development as provided for in Section 3.5 Planned Development District. Small Scale Developments shall be designed to be consistent with the intended character of the University Drive corridor, primarily as established by the setbacks and buffering requirements from the corridor in this section. Development proposals for both Small Scale and PDD categories shall be regulated according to their established zoning designation for areas not subject to the overlay.

TABLE 3.4.2: MINIMUM UNIVERSITY DRIVE PCO DISTRICT DIMENSIONAL REQUIREMENTS

STANDARD	UD-PCO DEVELOPMENT TYPE	
	Small Scale Developments	Planned Development Districts
Maximum Residential Density (units/acre)	Determined by the underlying zoning district requirements or as amended if subject to a High Density Overlay District	Determined through the PDD Rezoning process but shall not exceed the densities established in Table 3.4.3 High Density Overlay Dimensional Requirements
Minimum Lot Size and Width	Determined by the underlying zoning district requirements or as amended if subject to a High Density Overlay District	Determined through the PDD Rezoning process
Building Setbacks from Corridor	50 feet	75 feet
Parking Area Setbacks from Corridor	50 feet	75 feet
Landscape Buffer Width Along Corridor	30 feet	50 feet
Perimeter Landscape Buffer Width Against Adjacent Residential Uses /1/	/2/	50 feet
Perimeter Landscape Buffer Width Against Adjacent Non-residential Uses /1/	/2/	25 feet /3/
Maximum Lot Coverage (% of lot area)	Determined by the underlying zoning district requirements	Determined through the PDD Rezoning process but shall not exceed the maximum lot coverages established in Table 3.4.3 High Density Overlay Dimensional Requirements
Minimum Perimeter Setback from Residential Uses /1/	Determined by the underlying zoning district requirements	50 feet
Minimum Perimeter Setback from Non-residential Uses /1/	Determined by the underlying zoning district requirements	25 feet
Minimum Perimeter Accessory Building Setbacks /1/ /4/	Determined by the underlying zoning district requirements	25 feet
Maximum Principal Building Height (stories)	Determined by the underlying zoning district requirements	4

TABLE 3.4.2: MINIMUM UNIVERSITY DRIVE PCO DISTRICT DIMENSIONAL REQUIREMENTS

STANDARD	UD-PCO DEVELOPMENT TYPE	
	Small Scale Developments	Planned Development Districts
Maximum Accessory Building Height (feet)	Determined by the underlying zoning district requirements	25 feet
Minimum Open Space Requirements /5/	Determined by the underlying zoning district requirements	20%
Parking Requirements /6/	Determined by the underlying zoning district requirements	Mixed Use Developments shall provide a minimum of 1 space per 400 square feet of non-residential gross floor area and a maximum of one space per 250 square feet of non-residential gross floor area plus meet the minimum parking requirements for residential uses as established in Table 7.2.2 Parking Calculation Requirements
Access Driveways		

NOTES:

/1/ Perimeter setback and buffer requirements shall apply to all portions of side and/or rear property lines that are contained within the UD-PCO boundary and shall serve to guide design decisions for side and/or rear property lines that fall outside of the UD-PCO boundary.

/2/ Pursuant to Section 7.3.7, Bufferyard Requirements

/3/ Shall comply with the Type III Bufferyard Type designated for 20' bufferyards as described in Table 7.3.7.2, Bufferyard Planting Requirements.

/4/ In cases where an accessory structure abuts a lot line shared with a street, the street setback shall apply.

/5/ Landscape buffer requirements may be counted towards the minimum open space calculations. For Small Scale Developments where the underlying zoning district requires no open space, the minimum buffer requirements shall still apply.

/6/ With the exception of single-family residential uses, on-street parking directly fronting a lot shall count toward fulfilling minimum parking requirements for development on that lot. If parking is created through vertical means, up to 1 space per 175 square feet of non-residential gross floor area may be provided.

6. SITE CONFIGURATION REQUIREMENTS FOR PDD PROPOSALS WITHIN THE UD-PCO DISTRICT

a. Vehicular Access, Circulation, and Parking

- i. Access and internal circulation shall be designed so as to not impede traffic on a public street. Internal circulation shall be designed to prevent direct access onto adjacent public roadways from out-parcels which are part of a larger, coordinated development site or shopping center and shall instead connect to the primary development site such that accesses to adjacent roadways serve both the primary development site and its associated out-parcels. Access via the following means shall be included, or their exclusion shall be justified, in the circulation and access plan:

- a) By provision of shared entrances, inter-parcel connections and travelways, and/or on-site service drives connecting adjacent properties;
- b) By access from a secondary public street rather than University Drive; and

- c) By the internal streets of the proposed development.
 - ii. All primary travel lanes and private streets designed to allow vehicular access between properties shall be located in recorded ingress/egress easements, which are reciprocal in nature and address the shared cost of construction and ongoing maintenance. Such easements or dedicated public rights-of-way shall be extended to the property line where inter-parcel access or dedicated public rights-of-way are required.
 - iii. On-street parking for both user convenience and traffic calming purposes may be proposed as part of any PDD submittal.
 - iv. No parking shall be located between the corridor and the closest building(s) to the corridor. Parking shall be located internal the development, to the side of the building(s) or along the façade of the building(s) opposite the corridor. Shared use of parking between buildings, land uses, and parcels is encouraged.
- b. Pedestrian and Bicycle Accommodations**
- i. Sidewalks and trails shall be constructed to optimize pedestrian movement between buildings, adjoining parcels, and parking, and shall connect with existing pedestrian sidewalks and trails where they currently exist or are recommended by the Town of Elon Bicycle, Pedestrian, and Lighting Plan.
 - ii. Safe and convenient pedestrian crossings shall be provided across access drives and internal travelways.
 - iii. Bicycle parking shall be included in accordance with Section 7.2.9, Bicycle Parking and Table 7.2.2, Parking Calculation Requirements.
- c. Signage**
- i. Project entrance signs shall be limited to free-standing, monument style signs. Such signs shall include as the primary material(s) brick, stone, stucco, wood, or metal, consistent with the architecture and exterior treatment of the building(s) within the development. All other requirements for signage in the UD-PCO District are as provided for in Section 7.4, Signage Standards.

7. BUILDING CONFIGURATION AND DESIGN

- a. Except as otherwise approved by Town Council as part of the PDD approval, all structures proposed within the UD-PCO shall be subject to the standards of Chapter 7, Development Standards.
- b. Proposals for buildings exceeding 150,000 square feet shall require the approval of a special use permit pursuant to Section 5.2.21, Special Use Permit.
- c. Back-lit awnings, roof-mounted lights, and roof-mounted flag poles are prohibited in the UD-PCO District.
- d. Buildings shall be oriented to and located close to the street frontages within the development, with parking lots on the side or rear unless deviations from this standard are approved by Town Council during consideration of the PDD proposal. Such allowances shall be made on the basis of lot configuration or topographical challenges that make such design undesirable or impractical.
- e. At least one active building elevation with public access shall face an internal street.

8. ALLOWABLE DEVIATIONS

- a. The construction, rehabilitation, restoration, repair of a non-residential structure, interior renovations or interior finishes within an existing structure, or addition to an existing non-residential structure that was permitted prior to the adoption of this Ordinance shall not be subject to the provisions of the UD-PCO, provided that such construction is on a lot of record and

does affect a change to more than 20 percent of the existing permitted structure or 5,000 square feet, whichever is less.

- b.** A relief from height restrictions shall only be granted by the Town Council pursuant to PDD approval. In deciding whether to grant a height increase, the Town Council shall consider the following factors:
 - i.** Proximity and relationship of the proposed building to other buildings that exceed height standards.
 - ii.** The impact of the proposed building on single-family residences on nearby tracts.
 - iii.** Topography and vegetation that screen the view of the proposed building.
 - iv.** On-site screening and/or landscape buffers.
 - v.** Provision of public open space in exchange for increased building height.
 - vi.** The effect of additional building height on traffic congestion.
 - vii.** Access of the site to Collector Streets or Thoroughfares as defined in Section 9.3, Street Types.
 - viii.** Economic development opportunities for the community.
 - ix.** The necessity of greater building height to the function of the proposed use.
 - x.** The quality of the architectural design and its compatibility with its surroundings.
 - xi.** The inclusion of particular uses, such as affordable housing, in the project mix.

3.4.3 HIGH DENSITY OVERLAY (HDO) DISTRICT

A. PURPOSE AND INTENT

The High-Density Overlay (HDO) overlay district is proposed as a means of accommodating high density housing in locations proximate to existing transportation facilities, lands well-served by Town services, and urban attractions such as the downtown and University areas. More specifically, the HDO is intended to:

- 1.** Provide urban-style high density housing options intended to serve University students and Town residents seeking a more urban environment;
- 2.** Provide a land use framework to support the establishment of mixed-use centers in areas proximate to but outside of the Town center; and
- 3.** Protect established single-family detached neighborhoods from incompatible use of existing housing stock.

B. LOCATION

The location of the HDO is shown on the Official Zoning Map, and interested parties are encouraged to contact the Town to determine the most up-to-date district boundaries.

C. BOUNDARY MODIFICATIONS

Applications to revise existing HDO district boundaries or establish a new HDO district shall be treated as a zoning map amendment and shall follow the procedures in Section 5.2.18, Rezoning.

D. RELATIONSHIP TO UNDERLYING ZONING DISTRICT

The requirements of the HDO district are applied in addition to any applicable underlying zoning district requirements. Conflicts between HDO standards and applicable underlying zoning district requirements are addressed in accordance with Section 1.4, Conflict.

E. ALLOWABLE USES

- 1.** Principal uses allowed in an underlying zoning district(s) remain unaffected by a HDO district designation.

2. Uses identified in Table 4.2.1, Principal Use Table, as permitted within the HDO shall be allowable in areas where the HDO designation is applied regardless of use limitations associated with the underlying zoning district.
3. In cases where a particular use is prohibited by an additional overlay district applied to lands designated as HDO, such uses shall not be permitted within the HDO.

F. RESIDENTIAL DENSITY

1. Residential densities within the HDO are capped at 32 dwelling units per acre regardless of any additional incentives, alternatives, or other methods of permitting additional densities beyond those allowed in a particular zoning district.
2. In cases where the total density of a residential use type is further regulated by applicable use-specific standards (see Section 4.3, Supplemental Use Requirements), the use-specific standards for the particular use type shall prevail.
3. In cases where land is subject to an additional overlay zoning district designation that further limits the maximum allowable density, the maximum residential density shall be limited in accordance with the most restrictive overlay zoning district provisions.

G. HOUSEHOLD SIZE

Land located within the HDO may include dwelling units with up to six unrelated individuals residing in a single household unit.

H. DIMENSIONAL REQUIREMENTS

1. Use types permitted by the underlying zoning district are subject to the dimensional requirements for the zoning district where located.
2. Use types permitted in an underlying zoning district only when the land is also subject to the HDO shall be configured in accordance with Table 3.4.3, HDO Dimensional Requirements.

TABLE 3.4.3: HDO DIMENSIONAL REQUIREMENTS

STANDARD	USE TYPE					
	Duplex	Triplex or Quadplex	Bungalow Courts and Pocket Neighborhoods	Private Dorm., Fraternity, or Sorority House	Single-Family Attached	Multi-Family
Maximum Residential Density (units/acre)	4.35	7	/1/	12	16	32
Minimum Lot Area (sq. ft.)	10,000 per unit	6,000 per unit	/1/	30,000 /2/	2,700 per unit	43,560 /2/
Minimum Lot Width (feet) /3/	75	20 per unit	75; 25 for individual lot	75	85; 20 for individual lot	75
Minimum Road Frontage (feet)	25	25	30 /4/	35	40 /4/	50 /4/
Maximum Lot Coverage (% of lot area) /5/	40	50	60	50	60	60
Minimum Street Setback (feet) /6/	20	20; 5 along lot lines without a driveway	20	25	30; 20 from internal streets	30
Minimum Rear Setback (feet) /7/	10 /4/	10 /4/	10 /4/	15	25, 0 for party walls	25

TABLE 3.4.3: HDO DIMENSIONAL REQUIREMENTS

STANDARD	USE TYPE					
	Duplex	Triplex or Quadplex	Bungalow Courts and Pocket Neighborhoods	Private Dorm., Fraternity, or Sorority House	Single-Family Attached	Multi-Family
Minimum Side Setback (feet)	10 /4/	10 /4/	10 /4/	15	20; 0 for party walls	20
Minimum Perimeter Setback for Multi-Building Developments (feet) /8/	30	30	N/A	30	30	30
Minimum Building-to-Building Setback for Multi-Building Developments (feet)	10	10	N/A	15	20	30
Minimum Accessory Building Setbacks (feet) /9/	5	5	5	10 /7/	10 /7/	10 /7/
Maximum Principal Building Height (stories)	3	3	3	3	3	3
Maximum Accessory Building Height (feet)	10	10	10	26	26	26
<p>NOTES:</p> <p>/1/ Development shall meet the standards of Section 4.3.15, Bungalow Court or Section 4.3.75, Pocket Neighborhood, as appropriate.</p> <p>/2/ This is a development size, not a minimum lot area per unit.</p> <p>/3/ Measured at the interior edge of the street setback or front setback.</p> <p>/4/ Applied to the entire development, not individual units.</p> <p>/5/ Average for the entire development.</p> <p>/6/ May be reduced to 10 feet for alleys.</p> <p>/7/ Minimum setback is doubled from lot lines shared with a single-family detached residential use.</p> <p>/8/ Applied to multi-building developments on a single lot in lieu of individual street, side, or rear setbacks.</p> <p>/9/ In cases where an accessory structure abuts a lot line shared with a street, the street setback shall apply.</p>						

I. DISTRICT BUFFER REQUIRED

1. New development established in the HDO after November 27, 2023, shall incorporate a Type III opaque buffer (see Section 7.3.7, Bufferyard Requirements) along all lot lines shared with land located outside the HDO district boundary.
2. A Type III opaque buffer is not required along streets bounding the HDO district, but development may be subject to the standards in Section 7.3.6, Streetyard Requirements, or Section 7.3.8, Street Tree Requirements, as appropriate.

3.4.4 MANUFACTURED HOME OVERLAY (MHO) DISTRICT

A. PURPOSE AND INTENT

The Manufactured Housing Overlay (MHO) district is established as a means of providing reasonable opportunities for the placement of manufactured dwellings in the Town's planning jurisdiction. More specifically, the district is intended to:

1. Provide alternative, affordable housing opportunities for low and moderate-income residents in residential areas by allowing for the use of manufactured dwellings.
2. Establish requirements designed to assure acceptable similarity in exterior appearance between manufactured dwellings and single-family dwellings constructed on adjacent or nearby lots.
3. Protect property values and preserve the character and integrity of the community or individual neighborhoods within the community.
4. Require new manufactured dwellings to meet the minimum requirements for manufactured dwellings in Section 4.3.59, Manufactured Dwelling.

B. ESTABLISHMENT

1. Manufactured Housing Overlay (MHO) districts shall only be established in accordance with Section 160D-910 of the North Carolina General Statutes and Section 5.2.5, Conditional Rezoning, Section 5.2.18, Rezoning, or Section 5.2.16, Planned Development, as appropriate.
2. In requesting the establishment of an MHO district, an applicant shall present factual information to ensure, in the discretion of the Town Council, that property values of surrounding lands are protected, that the character and integrity of the neighborhood are adequately safeguarded, and the proposed MHO district is consistent with these standards.
3. To assure acceptable similarity in exterior appearance between proposed manufactured dwellings and dwellings that are constructed on adjacent or nearby land outside the MHO, an applicant may, for illustrative purposes only, present examples of the types and design of such proposed dwellings.

C. DEVELOPMENT AUTHORIZED

1. Land within an MHO district may accommodate the following types of uses:
 - a. A single manufactured home on an individual lot configured in accordance with Section 4.3.59, Manufactured Dwelling;
 - b. A principal use authorized in the underlying general or conditional zoning district in accordance with Table 4.2.1, Principal Use Table;
 - c. An accessory or temporary use associated with an allowed principal use.
2. Manufactured homes located on lots or sites outside of an MHO district shall be considered nonconforming in accordance with Section 6.6, Nonconforming Uses.
3. In no instance shall the MHO be established or a new manufactured home be established on land located within the special flood hazard area (see Section 8.1.14, Standards for All Special Flood Hazard Areas).

D. DIMENSIONAL REQUIREMENTS

Manufactured homes shall comply with the dimensional requirements applied to single-family detached dwellings in the underlying zoning district where located, but in no instance shall there be more than one principal structure on any lot located within the MHO.

3.5 PLANNED DEVELOPMENT DISTRICT

3.5.1 PURPOSE AND INTENT

The Planned Development (PDD) district is established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other Town goals by:

- A.** Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;
- B.** Allowing greater freedom in selecting the means of providing access, open space, and design amenities;
- C.** Allowing greater freedom in providing a well-integrated mix of residential and non-residential land uses in the same development, including a mix of housing types, lot sizes, and densities;
- D.** Creating a system of incentives for redevelopment and infill in order to revitalize established areas;
- E.** Promoting a vibrant public realm by placing increased emphasis on active ground floor uses, pedestrian-oriented building façade design, intensive use of sidewalks, and establishment of public gathering areas;
- F.** Providing for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and
- G.** Promoting quality design and environmentally sensitive development that respects surrounding established land use character and respects and takes advantage of a site's natural and man-made features, such as trees, ridgelines, special flood hazard area, and historic features.

3.5.2 GENERAL STANDARDS FOR ALL PLANNED DEVELOPMENTS

A. HOW ESTABLISHED

A planned development is established in accordance with the procedures and requirements in this section and Section 5.2.16, Planned Development. The minimum size of a Planned Development shall be five (5) acres.

B. ESTABLISHMENT LIMITED

- 1.** A planned development district may not be established on land that is designated as DTC or DTP at the time the planned development application is filed.
- 2.** Nothing shall limit land that is newly annexed and receiving its first zoning district designation from the Town to be designated as Planned Development provided an application for establishment of the district has been submitted in accordance with Section 5.2.16, Planned Development.

C. MASTER PLAN REQUIRED

All development configured as a PDD shall be subject to a master plan submitted and approved as part of the application to establish the district. The master plan shall:

- 1.** Include a statement of planning objectives for the district;
- 2.** Describe the specific ways in which any modifications to the generally applicable standards in this Ordinance will result in a development of higher quality than would have otherwise resulted if the development was established without any proposed modifications to the standards in this Ordinance;
- 3.** Identify the general location of individual development areas, identified by land use(s) and/or development density or intensity;
- 4.** Depict the general configuration and relationship of the principal elements of the proposed development, including general building types;
- 5.** Identify for the entire district and each development area, the acreage, types and mix of land uses, number of residential units (by use type), non-residential floor area (by use type), residential density, and non-residential intensity;
- 6.** Identify the general location, amount, and type of open space;
- 7.** Identify the location of environmentally sensitive lands, wildlife habitat, and resource protection lands;

8. Identify the on-site transportation circulation system, including the general location of all public and private streets, existing or projected transit service, pedestrian and vehicular circulation features, and how they will connect with existing and planned systems;
9. Identify the general location of on-site potable water and wastewater facilities, and how they will connect to existing systems;
10. Identify the general location of on-site stormwater management facilities, and how they will connect to existing public systems;
11. Identify the general location of all other on-site public facilities serving the development, including but not limited to parks, schools, bus shelters, and facilities for fire protection, police protection, EMS, and solid waste management; and
12. Identify the techniques and methods of promoting compatibility with adjacent land uses and zoning districts that abut the PDD district.

3.5.3 COMPLIANCE WITH SUBDIVISION STANDARDS

Planned developments that include the division of land into two or more lots shall be subject to the standards in Section 5.2.13, Major Subdivision, and Section 5.2.11, Final Plat and Exempt Plat, prior to the issuance of a zoning compliance permit.

3.5.4 SITE PLAN REVIEW

- A. The planned development master plan may take the form of a generalized concept plan for development that provides a general indication of building and site feature location, or it may be configured to the level of detail associated with site plans and construction drawings depicting exact building placement, location and profile of public infrastructure, and configuration of site features like parking, landscaping, and similar elements.
- B. In cases where the master plan is more general or conceptual in nature, the development proposed in the planned development designation shall also undergo site plan review in accordance with Section 5.2.20, Site Plan.
- C. In cases where the master plan is detailed and meets the minimum requirements for a site plan in the opinion of the Town Council, the applicant shall request, and the Town Council may grant an exemption from subsequent site plan review.
- D. Review of a proposed master plan, whether conceptual or detailed, shall take place by the Technical Review Committee to ensure technical feasibility of the development proposal prior to review of the planned development application by the Planning Board.
- E. If a site plan review exemption is granted by the Town Council, the proposed development shall fully comply with the development configuration depicted in the planned development master plan. Failure to comply with the approved master plan configuration shall require an amendment of the planned development application in accordance with Section 5.2.16.N, Amendment.

3.5.5 DENSITIES/INTENSITIES

The densities for residential development and the intensities for non-residential development applicable in each development area of a PDD district shall be as established in the master plan and shall be consistent with adopted policy guidance.

3.5.6 DIMENSIONAL STANDARDS

The dimensional standards applicable in each development area of a PDD district shall be as established in the master plan. The master plan shall include at least the following types of dimensional standards:

- A. Minimum lot area;
- B. Minimum lot width and frontage;

- C. Minimum and maximum setbacks;
- D. Maximum lot coverage;
- E. Maximum building height;
- F. Maximum individual building size;
- G. Floor area ratio; and
- H. Minimum setbacks from adjoining residential development or residential zoning districts.

3.5.7 DEVELOPMENT STANDARDS

- A. All development in a PDD district shall comply with the development standards of Chapter 7 Development Standards, the environmental standards in Chapter 8: Environmental Standards, and the infrastructure standards in Chapter 9: Infrastructure Standards, unless modified in accordance with this section.
- B. In no instance shall a planned development district seek to modify, waive, or reduce any of the following standards:
 - 1. Section 5.2.25, Transportation Impact Studies;
 - 2. Section 8.2, Jordan Lake Buffer Protection Standards;
 - 3. Section 8.1.14, Standards for All Special Flood Hazard Areas; or
- C. In cases where a planned development district is proposed as part of redevelopment of an existing site and the existing site does not comply with the standards in this Ordinance, the development contemplated in the planned development shall not be required to achieve full compliance, but shall not increase the degree to which the development fails to comply with these standards.

3.5.8 CONSISTENCY WITH ADOPTED POLICY GUIDANCE

The PDD zoning district designation, the master plan, and the terms and conditions document shall be consistent with the Town's adopted policy guidance.

3.5.9 COMPATIBILITY WITH SURROUNDING AREAS

Development along the perimeter of a PDD district shall be compatible with adjacent existing or proposed development outside the district. Where there are issues of compatibility, the master plan shall provide for transition areas at the edges of the PDD district that provide for appropriate buffering and/or ensure a complementary character of uses. Determination of complementary character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, hours of operation, exterior lighting, siting of service areas, or other aspects identified by the Town Council.

3.5.10 DEVELOPMENT PHASING PLAN

If development in the PDD district is proposed to be phased, the master plan shall include a development phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, including how residential and non-residential development will be timed, how infrastructure (public and private) and open space will be provided and timed, and how development will be coordinated with the Town's capital improvements program.

3.5.11 CONVERSION SCHEDULE

- A. The planned development application may include a conversion schedule that identifies the extent to which one type of residential use may be converted to another type of residential use or one type of non-residential use may be converted to another type of non-residential use (i.e., residential to residential, or non-residential to non-residential). These conversions may occur within development areas and between development areas, as long as they occur within the same development phase, as identified by the

approved development phasing plan, and are consistent with established extents of conversion set down in the conversion schedule.

- B.** In the event an applicant seeks to revise the development in accordance with an approved conversion schedule, the applicant shall provide a revised site plan depicting the proposed conversions to the Technical Review Committee for review and approval prior to commencing any conversions.

3.5.12 ON-SITE PUBLIC FACILITIES

- A. DESIGN AND CONSTRUCTION**

The master plan shall establish the responsibility of the developer/landowner to design and construct or install required and proposed on-site public facilities in compliance with applicable Town, State, and federal regulations.

- B. DEDICATION**

The master plan shall establish the responsibility of the developer/landowner to dedicate to the public the right-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable Town, State, and federal regulations.

- C. MODIFICATIONS TO STREET STANDARDS**

In approving a master plan, the Town Council may approve modifications or reductions of Town street design standards—including those for right-of-way widths, pavement widths, required materials, provision of public transit amenities, and turning radii, on finding that:

1. The master plan provides for adequate separation/integration of vehicular, pedestrian, and bicycle traffic;
2. Access for emergency service vehicles is not substantially impaired;
3. Adequate parking is provided for the uses proposed; and
4. Adequate space for public utilities is provided within the street right-of-way.

3.5.13 USES

The uses allowed in a PDD district are identified in Table 4.2.1, Principal Use Table, as allowed subject to a master plan. Allowed uses shall be listed in the approved master plan or terms and conditions documents. Allowed uses shall be consistent with adopted policy guidance, the purpose of the particular PDD district, and subject to any additional limitations or requirements set forth in Section 4.3, Supplemental Use Requirements. Nothing shall limit an applicant from seeking to modify an otherwise applicable use-specific standard in accordance with the standards in Section 3.5.2.C, Master Plan Required.

3.5.14 PLANNED DEVELOPMENT TERMS AND CONDITIONS

The terms and conditions document shall incorporate by reference or include, but not be limited to:

- A.** Conditions related to approval of the application for the PDD zoning district classification;
- B.** The master plan, including any density/intensity standards, dimensional standards, and development standards established in the master plan;
- C.** Conditions related to the approval of the master plan, including any conditions related to the form and design of development shown in the master plan;
- D.** Provisions addressing how transportation, potable water, wastewater, stormwater management, and other infrastructure will be provided to accommodate the proposed development;
- E.** Provisions related to environmental protection and monitoring;
- F.** The range of allowable principal and accessory uses; and
- G.** Any other provisions the Town Council determines are relevant and necessary to the development of the PDD in accordance with applicable standards and regulations.

3.5.15 AMENDMENTS TO APPROVED MASTER PLAN

Amendments or modifications to a master plan shall be considered in accordance with the standards in Section 3.5 and Section 5.2.16.

3.6 ZONING MAP

3.6.1 GENERALLY

- A.** The digital Official Zoning Map maintained in the offices of the Planning Department shall be the final authority as to the status of the current zoning district classification of land in the Town's planning jurisdiction and shall only be amended in accordance with Section 3.6.4, Revision.
- B.** The Official Zoning Map designates the location and boundaries of the conventional, conditional, overlay, and planned development zoning districts established in this Ordinance.
- C.** The Official Zoning Map designates the areas subject to the provisions in Section 8.2, Jordan Lake Buffer Protection Standards.
- D.** The Flood Insurance Rate Map (FIRM) shall designate the location and boundaries of the SFHO district, as amended by any associated Flood Insurance Studies (FIS).
- E.** The Official Zoning Map shall be maintained in a digital format and paper copies shall be kept on file in the Planning Department and are available for public inspection during normal business hours.
- F.** The Planning Director shall maintain digital copies of superseded versions of the Official Zoning Map for historical reference, as appropriate.
- G.** Copies of the Official Zoning Map may be purchased from the Town and paper copies of the map that are certified by the Planning Director in accordance with Section 160A-79 of the North Carolina General Statutes shall be admissible in evidence and have the same force of effect as the original map.

3.6.2 INCORPORATED BY REFERENCE

- A.** The Official Zoning Map, as amended, is hereby incorporated by reference herein and made part of this Ordinance.
- B.** The Flood Insurance Rate Maps (FIRM) prepared by FEMA and the associated Flood Insurance Study (FIS) are hereby incorporated by reference herein and made part of this Ordinance.

3.6.3 INTERPRETATION OF MAP BOUNDARIES

The Planning Director shall be responsible for determination of boundaries on the Official Zoning Map in accordance with the standards in Section 5.2.7, Determination, and the following standards:

- A.** Boundaries shown as approximately following a utility line or a street, alley, railroad, or other public accessway shall be interpreted as following the centerline of the right-of-way or easement for the utility line or accessway.
- B.** If a street, alley, railroad, 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 roadbed or utility easement.
- C.** Boundaries shown as approximately following a lot line shall be interpreted as following the lot line as it existed when the boundary was established. If a subsequent minor adjustment (such as from settlement of a boundary dispute or overlap) results in the lot line moving 10 feet or less, the zoning boundary shall be interpreted as moving with the lot line.
- D.** Boundaries shown as approximately following a river, stream, canal, lake, or other watercourse shall be interpreted as following the centerline of the watercourse as it actually exists, and as moving with that centerline to the extent the watercourse moves as a result of natural processes (flooding, erosion, sedimentation, etc.).

- E.** Boundaries shown parallel to or as extensions of features indicated in this subsection shall be interpreted as such.
- F.** Boundaries shown as following the boundary of the Town corporate limits shall be interpreted as following the boundary of municipal incorporation.
- G.** If the specific location of a depicted boundary cannot be determined from application of the above standards, it shall be determined by using the Official Zoning Map's scale to determine the boundary's distance from other features shown on the map.
- H.** Where the actual location of existing physical or natural features varies from that shown on the Official Zoning Map, or in other circumstances that are not covered by this subsection, the Planning Director shall have the authority to determine the district boundaries.
- I.** Interpretations of the Special Flood Hazard Area boundary shall be made by the Floodplain Administrator, in accordance with the standards in Section 5.2.7, Determination, and Section 8.1.4, Standards for All Special Flood Hazard Areas.
- J.** In the case of flood hazard overlay district boundaries, the FEMA work maps, if available, shall be used for scaling.
- K.** In cases where boundaries on the Town's Official Zoning Map are based on another official map promulgated by the State or other federal agency and the other State or federal map is amended, the Town's maps shall automatically be amended to remain consistent with the officially promulgated State or federal map.

3.6.4 REVISION

- A.** Changes made in zoning district boundaries on the Official Zoning Map shall be considered an amendment to this Ordinance and are made in accordance with Section 5.2.5, Conditional Rezoning, Section 5.2.16, Planned Development, or Section 5.2.18, Rezoning, as appropriate.
- B.** Changes to the Official Zoning Map approved by the Town Council shall be entered on the Official Zoning Map by the Planning Director promptly after the approval.
- C.** Where the ordinance enacting a zoning district boundary change contains wording explaining or clarifying the location of the new boundary, the Planning Director shall enter the boundary on the Official Zoning Map in accordance with the ordinance wording.
- D.** Upon entering the most recently approved amendment to the Official Zoning Map, the Planning Director shall also change the date of the map to indicate the date of its latest revision.

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4.1 UNDERSTANDING THE USES CHAPTER

4.1.1 CHAPTER ORGANIZATION

A. PRINCIPAL USES

1. Section 4.2, Principal uses, sets out the principal use table, or the master listing of principal and accessory use types permitted within each district for any individual lot, and contained within each district section. Each use listed will identify the use as to whether the is allowed as a use by right (indicated by the letter "P") or allowed only by approval of a special use permit (indicated by the letter "S"). Each principal use in the table is listed by use classification and is defined in Chapter 2, Definitions.
2. Supplemental Use Requirements are addressed in this in Section 4.3, where specific requirements have been identified as integral to the regulation of certain uses that may be less compatible or incongruent with the Town's character without such regulations, but do not rise to the level of requiring a special use permit. Use standards are listed by alphabetical order, not by the type of use classification.

B. ACCESSORY USES

Certain Accessory Uses may be permitted when the use is clearly incidental to and customarily associated with a specific Principal Use located on the same lot. Permitted Accessory Uses, if applicable, are included in the Table of Common Accessory Uses for each district.

C. TEMPORARY USES

Section 4.6, Temporary Uses, sets out the standards for temporary uses, including the districts where allowed, the maximum allowable duration for the temporary use, and any additional standards applicable to specific temporary uses or activities.

D. PROHIBITED USES

1. Section 4.4, Prohibited Uses, identifies principal and accessory use types that are prohibited throughout the Town's planning jurisdiction.
2. Some provisions in this Ordinance like those in Section 8.1.14, Standards for all Special Flood Hazard Areas, include prohibitions on certain principal or accessory uses in certain locations or under specific conditions. Information on these use prohibitions is located within the particular standards in this Ordinance, not this section.

E. UNLISTED USES

Section 4.7, Unlisted Uses, sets out use type classification details for use by the Planning Director in determining how to classify and process a proposed principal or accessory use type that is not listed in this Ordinance.

4.1.2 LAND USES DISTINGUISHED

Chapter 4, Uses, contains all the standards related to the use of land in the Town's planning jurisdiction, and is organized by the three types of land uses: principal, accessory, and temporary.

- A. Principal uses are the primary, permanent use types proposed on a lot (like a single-family home).
- B. Accessory (or subordinate) uses are accessory uses found on the same lot as a principal use (such as an accessory dwelling use associated with a single-family home) and may be a structure or an activity.
- C. Temporary uses are structures or activities permitted for a limited duration of time on a lot (like a portable storage container used for the purposes of storing or moving a household's belongings).

4.2 PRINCIPAL USES

4.2.1 PRINCIPAL USE TABLE

A. TABLE STRUCTURE

1. GENERALLY

- a. Individual principal uses in the district use table are organized into a range of use classifications, based upon their characteristics: Residential; Institutional; Commercial; Industrial; and Agricultural.
- b. Use classifications are more generally described in Section 4.7, Unlisted Uses.

2. TABLE 4.2.1, PRINCIPAL USE TABLE

The Principal Use Table lists use categories and principal use types and indicates whether the principal use type is permitted by right (denoted by the letter "P"), permitted with a special use permit (denoted by the letter "S"), or prohibited within a zoning district (where no letter is provided). Where specific requirements are associated with the use, the section where such requirements are listed is referenced in the table.

3. USE CATEGORIES

- a. Each of the five use classifications includes a series of use categories. Use categories are groupings of similar use types that are grouped based on similar purposes or functional characteristics.
- b. Individual use types listed in the table of principal use types are listed in alphabetical order by use category.
- c. Use categories are more generally described in Section 4.7.2, Use Categories.

4. USE STANDARDS

The right-most column of the table (Use Standards) includes a reference to the location within the LMO of any applicable use standards associated with a particular use type. Unless otherwise stated in the standards, a use standard applies to a particular use regardless of the zoning district where it is located.

B. USES PERMITTED BY-RIGHT

1. A "P" in a cell of the Principal Use Table indicates that the specific use type is permitted by right in the corresponding zoning district, subject to compliance with any referenced use standards and any other applicable standards in this Ordinance.
2. By right uses require issuance of a zoning compliance permit prior to establishment and may also require approval of a site plan (see Section 5.2.20, Site Plan).

C. USES PERMITTED BY SPECIAL USE PERMIT

1. An "S" in a cell of the Principal Use Table indicates that the specific use type is permitted in the corresponding zoning district only upon approval of a special use permit in accordance with Section 5.2.21, Special Use Permit. Special uses must also comply with any referenced use standards and any other applicable standards in this Ordinance.
2. If a by right use type is lawfully established prior to November 27, 2023, is identified in the principal use table as a special use, the use shall be considered by the Town as a lawfully-established nonconforming use. Any revisions to this lawfully established non-conforming use shall require approval of a special use permit in accordance with Section 5.2.21, Special Use Permit.

D. USES ALLOWED IN A PLANNED DEVELOPMENT DISTRICT

1. An "A" in a cell of the principal use table indicates that the specific use type is allowable in a planned development district, provided the specific use type is included in the list of potential use types in the master plan or terms and conditions document approved as part of the zoning map amendment establishing the planned development district.

2. Uses allowed in a PD district are subject to any referenced use standards identified in the principal use table.
3. If a use type is listed as prohibited in a planned development district in the table, it shall not be included in a master plan or terms and conditions document.

E. USES ALLOWED IN A CONDITIONAL ZONING DISTRICT

1. Conditional Zoning in accordance with Section 5.2.5 allows an applicant to eliminate or restrict uses which would otherwise be allowed in the proposed zoning district.
2. Uses allowed in a Conditional Zoning district are subject to any referenced use standards identified in the principal use table, except that uses normally requiring a Special Use Permit may be approved via the same legislative action approving the proposed Conditional Zoning district.

F. OVERLAY DISTRICT REQUIREMENTS

Established overlay districts apply requirements and standards that may differ from the underlying district standards, including but not limited to the principal uses. Allowable and prohibited uses are included in the overlay district sections of this ordinance. Where allowable uses in an overlay district conflict with the underlying district, the overlay allowances shall rule.

G. COMBINATION OR MULTIPLE PRINCIPAL USES

Developments with combination or multiple principal uses, such as shopping centers, shall:

1. Incorporate only those use types allowed in the applicable zoning district;
2. Comply with all the use standards that apply to each use type in the development; and
3. Comply with the required method of establishment for each use type identified in Table 4.2.1, Principal Use Table.

H. CHANGE OF USE

1. Several of the provisions in this Ordinance are applied at the time of a change in use. For the purposes of this Ordinance, each of the following shall constitute a "change in use:"
 - a. When an existing principal use is replaced by a new principal use that is of a different use classification, use category, or use type designation (see Section 4.7, Unlisted Uses);
 - b. Any change in an existing use or development site that triggers the application of a differing set of building code requirements, such as the switch from residential requirements to non-residential or combined use requirements;
 - c. When an existing principal use intensifies or expands (with or without a shift in the use type) in a manner that increases the average daily trips associated with the use by 100 percent or more; and
 - d. If a combined or multiple principal use is changed in ways where the mixture of use types changes or where the relative proportion of floor area devoted to one of the existing use types is modified to the extent that the total minimum off-street parking standards for the entire development are changed.
2. Changes of use type within a Planned Development District do not constitute a change in use provided the new use types are identified in the planned development terms and conditions document. The addition of new or unlisted use types within a planned development shall require an amendment to the planned development district.
3. Addition or conversion of accessory uses or the operation of a temporary use does not constitute a change in principal use; however, such change may require review and appropriate permitting.

TABLE 4.2.1: PRINCIPAL USE TABLE

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"P" = Permitted, subject to all applicable use standards

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/#/ = Table note at end of table

USE CATEGORY	USE TYPE	ZONING DISTRICTS													USE STANDARDS		
		RUR	SBR	NBR	UBR	VMX	DTC	DTP	GMX	ONI	UNV	LND	HND	PDD			
RESIDENTIAL USE CLASSIFICATION																	
Household Living	Bungalow Court		/1/		P	S		P						A	4-3.15		
	Conservation Subdivision	P	P	P										A			
	Duplex Dwelling			S	P	S		P						A	4-3.31		
	Live/Work Dwelling					P	P	P	P	P	P	S		A	4-3.57		
	Manufactured Dwelling/ Manufactured Dwelling Park	/2/				/2/								A	4-3.59 4-3.60		
	Multi-family Dwelling			/1 /	S	S	P	P	/1 /						A	4-3.66	
	Pocket Neighborhood		/1 /	/1 /	P	S		P							A	4-3.75	
	Short Term Rental				P	P	P	P	P	P					A	4-3.88	
	Single-Family Attached Dwelling		/1/		S	S		/1/							A	4-3.89	
	Single-Family Detached Dwelling	P	P	P	P	P		P							A	4-3.90	
	Townhouse		S	S	S	S	P	P	P						A	4-3.93	
	Triplex or Quadplex Dwelling			/1 /	S	S		/1/								A	4-3.95
	Upper-Story Residential					P	P	P	P	P	S				A	4-3.97	
Group Living	Dormitory, Private		/1/			/1/				P	P				A	4-3.29	
	Family Care Home	P	P	P	P	P		P							A	4-3.36	
	Fraternity or Sorority House		/1/			/1/				P	P				A	4-3.42	
	Group Home									S						4-3.47	
	Halfway House									S						4-3.48	
	Assisted Living Facility				P			P		P					A	4-3.9	
Life Care	Continuing Care Retirement Community (CCRC)									P					A	4-3.23	
	Nursing Home				S					P					A	4-3.68	
INSTITUTIONAL USE CLASSIFICATION																	
Civic	Amphitheater (Outdoor)					S	S	S	S		P				A		
	Auditorium						S	S	S	S	S				A	4-3.10	
	Community/Youth/Senior Center				S	P	P	P		P	P				A	4-3.22	
	Cultural Facility, Library, or Museum					P	P	P	P	P	P				A	4-3.28	

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/#/ = Table note at end of table

USE CATEGORY	USE TYPE	ZONING DISTRICTS													USE STANDARDS
		RUR	SBR	NBR	UBR	VMX	DTC	DTP	GMX	ONI	UNV	LND	HND	PDD	
	Fraternal Club or Lodge			S	S	P	P	P	P	P	P			A	4.3.41
Day Care	Adult Day Care Center				S	P	P	P		P				A	4.3.1
	Child Day Care Center				S	P	P	P		P				A	4.3.20
Education	College or University										P			A	
	School, Elementary		S	S	S	P	P	P	P	P	P			A	4.3.85
	School, High/Middle				S	P	P	P	P	P	P			A	4.3.85
	School, Vocational								S	P	P	P	S	A	4.3.86
Health Care	Drug/Alcohol Treatment							S		S				A	4.3.30
	Hospital									P				A	4.3.51
	Laboratory and Laboratory Services								S	P	P	S		A	
	Outpatient Treatment Facility							S	P	P	P			A	4.3.70
	Urgent Care					P		P	P	P				A	4.3.98
Interment	Cemetery, Columbarium, or Mausoleum					P		S						A	4.3.19
Open Space	Arboretum or Formal Garden	P	P	P	P	P	P	P	P	P	P	P		A	
	Community Garden	P	P	P	P	P	P	P	P	P	P	P		A	
	Park	P	P	P	P	P	P	P	P	P	P	P		A	4.3.71
	Public Recreation Facility /3/		S	S	P	P	P	P		P	P			A	4.3.78
Government	Fire/EMS/Police Station	S				P	P	P	P	P		P	P	A	4.3.38
	Government Office					P	P	P	P	P		P	P	A	
	Post Office					P	P	P	P	P	P	P	P	A	
	Police/Fire Training Facility									P		P	P	A	
	Public Works Facility									P					
Religious Institution	Religious Institution	P	P	P	P	P	P	P	P	P	P			A	4.3.80
Telecom- munications	Antenna Collocation, Major					P	P	P	P	P	P	P	P	A	4.3.92
	Antenna Collocation, Minor	P	P	P	P	P	P	P	P	P	P	P	P	A	4.3.92
	Broadcasting Studio								P	S		P		A	4.3.14
	Small Wireless Facility /4/	S	S	S	P	P	P	P	P	P	P	P	P	A	4.3.92
	Telecommunications Tower, Major								S		S	P	P	A	4.3.92

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USE CATEGORY	USE TYPE	ZONING DISTRICTS													USE STANDARDS
		RUR	SBR	NBR	UBR	VMX	DTC	DTP	GMX	ONI	UNV	LND	HND	PDD	
	Telecommunications Tower, Minor or Concealed				S	S	P	P	P	S	P	P	P	A	4.3.92
Trans- portation	Transit Shelter	P	P	P	P	P	P	P	P	P	P	P	P	A	
COMMERCIAL USE CLASSIFICATION															
Adult Uses	All								S				S		4.3.2
Animal Care	Animal Grooming					S	P	P	P					A	4.3.5
	Animal Shelter											S	S	A	4.3.7
	Kennel Indoor or Small Outdoor					S			S			P		A	4.3.54
	Kennel Large Outdoor	S										S			4.3.54
	Veterinary Clinic					S	P	P	P			P		A	4.3.103
Drinking Establish- ment	Bar or Cocktail Lounge					S	P	P	P					A	4.3.11
	Bottle Shop					P	P	P	P					A	4.3.13
	Microbrewery or Microdistillery						P	P	S			P	P	A	4.3.65
	Private Club (not classified as an Adult Use)						P	S				S		A	4.3.11
Eating Establish- ment	Coffee Shop					P	P	P	P	P				A	4.3.21
	Restaurant, Drive-Through/Drive Up Service					S			P			P		A	4.3.82
	Restaurant, Indoor or Outdoor Seating					P	P	P	P	S				A	4.3.82
	Restaurant, Walk-up Only					P	P	P	P	P		P		A	4.3.82
	Restaurant with Catering Services						P	P	P			P		A	4.3.82
Employment- Related	Business Incubator					P	P	P	P	P	P	P	P	A	4.3.16
	Co-Working Space					P	P	P	P	P	P	P		A	4.3.27
	Makerspace						P	P	P		P	P	P	A	4.3.58
Indoor Commercial Recreation	Electronic Gaming Operation												S		4.3.33
	Fitness Center					P	P	P	P	P	P	P		A	4.3.39
	Nightclub or Dance Hall						P	P	P			P		A	4.3.67
	Other Use Type Not Listed						P	P	P		P			A	
	Pool Hall						P	P	P					A	4.3.76
	Sports Facility, Indoor						P	P	P		P	P		A	
	Theatre (Film or live performance not classified as an Adult Use)					P	P	P	P		P			A	

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USE CATEGORY	USE TYPE	ZONING DISTRICTS												USE STANDARDS		
		RUR	SBR	NBR	UBR	VMX	DTC	DTP	GMX	ONI	UNV	LND	HND		PDD	
Office	Medical/Dental Office					P	P	P	P	P				A	4-3.63	
	Professional Office				S	P	P	P	P	P	P	S		A	4-3.77	
Outdoor Commercial Recreation	Amusement Facility, Outdoors								P			P		A	4-3.4	
	Golf Course	P							P		P			A	4-3.45	
	Golf Driving Range								P		P			A	4-3.45	
	Sports Facility, Outdoor							S	P		P	P		A		
	Vehicle Sports											S		A		
Parking	Parking Lot				S	P	P	P	P	P	P	P	P	A	4-3.72	
	Parking Structure					S	S	S	S	P	P			A	4-3.73	
Personal Service	Computer Services					P	P	P	P		P	S		A		
	Equipment and Tool Rental								P			P		A	4-3.34	
	Event Venue					P	P	P	P					A	4-3.35	
	Financial Institution Without Drive-Through Service					P	P	P	P	P				A		
	Financial Institution With Drive-Through Service					P		P	P	P				A	4-3.37	
	Funeral-Related Services								P	P				A	4-3.44	
	Hair, Nails, and Skin-Related Services					P	P	P	P					A		
	Laundry/Dry Cleaning					P	P	P	P	P				A	4-3.56	
	Packaging and Printing					P	P	P	P	P				A		
	Repair Shop								P	P			P	P	A	4-3.81
Retail	Convenience Store (With Gasoline Sales or Restaurant)					S		S	P			P		A	4-3.25	
	Convenience Store (Without Gasoline Sales or Restaurant)					P	P	P	P			P		A	4-3.26	
	General Retail					P	P	P	P					A		
	Grocery Store					P	P	P	P					A	4-3.46	
	Large Format Retail								P					A	4-3.55	
	Lawn and Garden Center					P	P	P	P			S		A		
	Pharmacy						P	P	P	P				A	4-3.74	
	Retail, Bulky Item								P			S		A	4-3.83	
	Retail, Second-Hand					P	P	P	P					A		
Storage	Outdoor Storage								S			P	P	A	4-3.69	
	Self-Storage Facilities/Mini-Warehouses (External Access)											S	P	A	4-3.87	

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		RUR	SBR	NBR	UBR	VMX	DTC	DTP	GMX	ONI	UNV	LND	HND	PDD		
	Self-Storage Facilities/Mini-Warehouses (Internal Access)											P	P	A	4.3.87	
Visitor Accommodations	Bed and Breakfast	S	S	S	S	P	P	P			P			A	4.3.12	
	Campground	S												A	4.3.17	
	Hotel or Motel						P	P	P	P				A	4.3.52	
Vehicle-Related	Vehicle Repair and Servicing (Without Painting or Bodywork)								P			P		A	4.3.100	
	Vehicle Sales or Rentals					S			P					A	4.3.101	
	Vehicle Painting/Body Shop											P	P	A	4.3.99	
	Vehicle Parts and Accessory Sales					P	P	P	P					A		
	Vehicle Towing and Storage Lot											P		A	4.3.102	
	Car Wash or Automobile Detailing								P	P		P		A	4.3.18	
INDUSTRIAL USE CLASSIFICATION																
Industrial Services	Contractor Services									P		P	P	A	4.3.24	
	Electrical/Plumbing Fabrication											P	P	A		
	Flex Space								S	S	S		P	P	A	4.3.40
	Fuel Oil/Bottled Gas Distributor												P	A	4.3.43	
	Heavy Equipment Sales and Service												P	A	4.3.49	
	Research and Development							P	P	P	P		P	P	A	
Manufacturing and Production	Asphalt or Concrete Plant												P	A	4.3.8	
	Manufacturing, Heavy												P		4.3.61	
	Manufacturing, Light (with or without accessory sales)							S	S				P	P	A	4.3.62
	Metal Fabrication												P	P	A	4.3.64
Utilities	Electrical Substation									P	P	P	P	P	A	4.3.32
	Solar Farm	S											S	S	A	4.3.91
	Water Storage Facility	P			P	P	P	P	P	P	P	P	P	A		
	Water Treatment Facility												S	P	A	
Warehouse and Freight Movement	Truck Terminal												P	P	A	4.3.96
	Warehouse, Distribution												P	P	A	4.3.104
	Warehouse, Storage									P			P	P	A	4.3.104
Waste-Related Services	Landfill (LCID)													S		4.3.54
	Recycling Center									P			P	P	A	4.3.79
	Salvage or Junkyard												S	S		4.3.84

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USE CATEGORY	USE TYPE	ZONING DISTRICTS												USE STANDARDS	
		RUR	SBR	NBR	UBR	VMX	DTC	DTP	GMX	ONI	UNV	LND	HND		PDD
	Transfer Station												S	A	4.3.94
Wholesale Trade	All							S	P			P	S	A	
AGRICULTURAL USE CLASSIFICATION															
Agricultural Production	All	S										P	P	A	4.3.3
Animal Husbandry	All	S											P	A	4.3.6
Horticulture	All	S							P			P	P	A	4.3.50
NOTES: /1/ Permitted by-right in the HDO subject to the standards in Section 3.4.3, High Density Overlay (HDO) District, any applicable district-specific standards and any applicable use standards. /2/ Individual manufactured homes may be permitted on their own lots by-right when the lot is also located in the Manufactured Housing Overlay district. Manufactured homes are subject to any applicable district-specific standard and to the provisions of Chapter 6, Nonconformities. /3/ Private recreation facilities within a residential neighborhood or multi-family development are treated as an accessory use (see Section 4.5, Accessory Uses). /4/ Special use permits not required for small wireless facilities when located within a public right-of-way.															

4.3 SUPPLEMENTAL USE REQUIREMENTS

Supplemental use requirements are applied to individual use types, unless otherwise stated to the contrary in this Ordinance. This section identifies the use requirements applied to use types identified in Table 4.2.1, Principal Use Table. Uses are listed in alphabetical order.

4.3.1 ADULT DAY CARE CENTER

Adult day care centers shall comply with the following:

- A.** The use shall be certified by the North Carolina Department of Health and Human Services.
- B.** The use shall obtain all required licenses and permits from the State and County.
- C.** The use includes a pick-up and drop-off area that allows patrons to enter and exit vehicles without crossing a parking lot or vehicular accessway.
- D.** Adult day care centers on a site greater than three (3) acres shall have access to a collector or thoroughfare road.
- E.** No adult day care center shall serve any individual client for a continuous period of 24 hours on any given day.

4.3.2 ADULT USE

The intent of these standards is to prevent the concentration of adult uses, and to separate adult uses from residential neighborhoods, educational facilities, religious institutions, day care centers, parks, and public recreation facilities. Adult uses are permitted only in accordance with Table 4.2.1, Principal Use Table, and the following:

- A.** Any lot containing a structure in which an adult use is the principal or accessory use must be separated by a distance of at least 1,000 feet from another lot containing any of the following principal or accessory uses:
 - 1.** Another adult use;
 - 2.** A residential dwelling unit;
 - 3.** Educational facilities;
 - 4.** Colleges and universities;
 - 5.** Religious institutions;
 - 6.** Day care centers;
 - 7.** Public parks or public recreational facilities;
 - 8.** Health care uses; or
 - 9.** Public safety uses.
- B.** Any structure housing an adult use as either a principal or accessory use must be separated by a distance of at least 200 feet from any other zoning district where such uses are not permitted.
- C.** No more than one (1) adult use shall be located within the same structure or on the same lot.
- D.** An adult use lawfully operated as a conforming use shall not be rendered nonconforming by the subsequent establishment of a residential dwelling unit, religious institution, educational facility, public park, day care center, or residential zoning district with respect to the spacing requirements in sub-sections A or B above.
- E.** All existing adult uses that are nonconforming may be granted a two (2) calendar-year amortization period from the effective date of this Ordinance, at the end of which time each adult use must either come into compliance with the requirements of this Ordinance or discontinue the nonconforming aspects of its operation.

4.3.3 AGRICULTURAL PRODUCTION

- A.** Agricultural production shall be limited to the production and processing of field, row, or tree crops.
- B.** Processing of agricultural products shall only take place within enclosed buildings that are located at least 100 linear feet from any residential use located on an adjacent lot.
- C.** Stationary equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet from the nearest residence.
- D.** All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

4.3.4 AMUSEMENT FACILITY, OUTDOORS

- A.** Outdoor recreation uses shall be screened from abutting thoroughfares with a Type A buffer;
- B.** No associated outdoor features shall be located between the front façade of the building and the street fronting the lot.

4.3.5 ANIMAL GROOMING AND ANIMAL DAY CARE FACILITY

An animal grooming or animal day care facility use shall comply with the following:

- A.** Overnight boarding of animals shall not be permitted.
- B.** No pens may be located outdoors.
- C.** No more than one animal grooming use shall be allowed within a multi-tenant building.

4.3.6 ANIMAL HUSBANDRY

- A.** All structures, buildings, enclosed areas, and areas of outdoor storage or staging shall be a minimum of 150 feet from all lot lines.
- B.** Equipment-producing noise or sounds in excess of 70 decibels be located no closer than 100 feet to the nearest residence.
- C.** All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.
- D.** Security fencing of a minimum height of four feet or other comparable method of enclosure shall be provided around all outside storage and staging areas.
- E.** An application for establishment of this use shall include a truck route plan that designates routes to minimize impacts on residential areas, educational facilities, or other land uses that would be negatively impacted by truck traffic.
- F.** The use shall not generate fumes or odors beyond what normally occurs in the zoning district in which it is located.

4.3.7 ANIMAL SHELTER

- A.** All activities associated with the use shall take place within enclosed and soundproofed structures, or the use shall comply with the following separation requirements:
 - 1.** All activities shall be at least 500 linear feet from a lot in a residential or ONI zoning district; and
 - 2.** All activities shall be at least 300 linear feet from land zoned NBR.
- B.** Outdoor areas used to house or exercise animals shall be protected from the weather and enclosed by a fence at least six (6) feet in height.

4.3.8 ASPHALT OR CONCRETE PLANT

An asphalt or concrete plant shall comply with the following:

- A.** An asphalt plant shall be located at least fifty (50) feet from a lot line.
- B.** A security fence, a minimum of six (6) feet in height, shall be provided around the use.
- C.** Within one year of the cessation of the use, all equipment and stockpiles incidental to the operation shall be dismantled and removed by and at the expense of the landowner.
- D.** 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 ways, nor to appreciably increase the turbidity of any natural water course, or to occlude any existing drainage course, except in an instance where redevelopment for another permitted use is in progress.
- E.** Vehicular access shall be constructed with an all-weather surface and be maintained in a dust-free condition.
- F.** Access drives shall be located no closer than fifteen (15) feet from a lot line.
- G.** An application for establishment of this use shall include a truck route plan that designates routes to minimize impacts on residential areas, schools, or other land uses that would be negatively impacted by truck traffic.

4.3.9 ASSISTED LIVING FACILITY

An assisted living facility shall comply with the following standards:

- A.** No building shall be located closer than 50 feet to any lot line abutting a residence.
- B.** There shall be at a minimum 50 feet of road frontage.
- C.** If provided, food preparation, service, and dining areas shall be centrally located.
- D.** Common social and service facilities shall be provided at a minimum rate of 30 square feet per dwelling or rooming unit in addition to the minimum amount of required open space.
- E.** All facilities shall be solely for the use of residents and their guests.
- F.** Administrative offices shall be located on site.
- G.** Adequate provisions shall be made for service and medical vehicles with access to the building at a side or rear entrance, and without backing onto rights-of-way to exit the development.
- H.** A Type II perimeter buffer configured in accordance with Section 7.3.7, Bufferyard Requirements, shall be installed along all lot lines shared with a residence.
- I.** Assisted living facilities shall comply with the multi-family residential design guidelines in Section 7.1.3.B.

4.3.10 AUDITORIUM

An auditorium shall comply with the following standards:

- A.** The parcel or site shall have an area of at least three (3) acres;
- B.** The building shall be located at least 300 feet from any lot in a single-family residential zoning district; and
- C.** No products shall be sold on-site except those that are clearly incidental and integral to training programs, performances, and seminars conducted in the auditorium (e.g., food items, shirts, glasses and mugs, pens and pencils, and similar items bearing the logo of conference or seminar sponsors or participants).

4.3.11 BAR, COCKTAIL LOUNGE, OR PRIVATE CLUB

A bar, cocktail lounge, or private club serving alcohol shall comply with the following standards:

- A.** No bar, cocktail lounge, private club, or similar venue shall be located within 500 feet of any other bar, cocktail lounge, private club, night club, or dance hall.
- B.** Except within the DTC district, no bar, cocktail lounge, or private club, or similar venue shall be located within 200 feet of a religious institution, educational facility, public park, or residentially zoned property.

- C. The main entrance of the building shall face a street. In cases where the building could face more than one street, it shall be configured to face the street with the larger number of non-residential establishments or where the larger number of non-residentially zoned lots are located.
- D. A six (6) foot high opaque fence or wall shall be erected along all lot lines shared with a single-family detached dwelling.
- E. Off-street parking areas shall be located no closer than 30 feet to the property line of abutting single-family detached dwellings.

4.3.12 BED AND BREAKFAST

A bed and breakfast shall comply with the following:

- A. The use shall be owned and operated by a resident owner.
- B. The use shall be located in a structure that was originally constructed as a residential dwelling.
- C. Meals served on the premises shall be only for guests of the facility.
- D. A Bed and Breakfast shall be allowed one sign with a maximum size of eighteen (18) square feet. This sign may take the form of either a freestanding or wall sign. Electronic message signs and internally illuminated signs shall be prohibited in conjunction with this use.
- E. Off-street parking associated with the use shall incorporate perimeter landscaping in accordance with Section 7.3.6, Streetyard Requirements.
- F. A Type II Bufferyard shall be installed along all lot lines shared with a single-family detached residence.

4.3.13 BOTTLE SHOP

A bottle shop shall comply with the standards in Section 4.3.11, Bar, Cocktail Lounge, or Private Club.

4.3.14 BROADCASTING STUDIO

Broadcasting studios shall comply with the following standards:

- A. The use shall be operated in a manner that is compatible with the surrounding neighborhood and shall not be detrimental to adjacent lands as a result of traffic, noise, refuse, parking, loitering, or other activities;
- B. Any broadcasting towers associated with the use shall be setback from all lot lines a minimum distance equal to the height of the tower;
- C. The above-grade floor area associated with the use shall not exceed 5,000 square feet; and
- D. The use shall not include a helipad or helicopter landing facilities.

4.3.15 BUNGALOW COURT

All development within a bungalow court shall:

- A. Be located on a site of at least one (1) acre, but not more than three (3) acres in area;
- B. Be limited to a maximum of five (5) or fewer single-family detached dwellings, each on its own lot or configured as a detached condominium unit on a single parent parcel (see Figure 4.3.15, Bungalow Court Example);
- C. Maintain compliance with the applicable underlying zoning district or overlay zoning district dimensional requirements;
- D. Provide a Type I Bufferyard along all lot lines shared with single-family detached dwellings outside the development;

- E.** Be configured so that each dwelling unit obtains vehicular access via a shared driveway that is:
1. Located on commonly-owned land or the subject of a shared access easement granting access to all lots or dwellings within the development;
 2. Comprised of concrete, brick, or pavers; and
 3. Located central to the development.

FIGURE 4.3.15, BUNGALOW COURT EXAMPLE



4.3.16 BUSINESS INCUBATOR

- A.** A business incubator may be provided as a principal use in its own building, as a tenant in a multi-tenant building, or as an accessory use to an existing office, personal service, or industrial use.
- B.** When proposed as an accessory use to an existing business or development, the floor area devoted to the business incubator shall not exceed 25 percent of the building's gross floor area.
- C.** Floor area within a building serving as a business incubator may be used for storage, but no outdoor activity or storage is permitted.

4.3.17 CAMPGROUND

A. GENERAL REQUIREMENTS

1. No campsite shall be used as a permanent place of residence or business for indefinite periods of time. Continuous occupancy extending beyond three (3) months in any 12-month period shall be presumed to be permanent occupancy.
2. Accessory uses shall be developed to blend with the park's design and natural setting. Accessory uses may include management headquarters, recreational facilities, toilets, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to the operation of the campground.
3. Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants.
4. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence, or erosion shall be used for any purpose that would expose persons or property to hazards.
5. Campsites shall be level and well-drained.

B. DIMENSIONAL REQUIREMENTS

1. Maximum density shall be limited to 15 campsites per net acre, excluding public areas, rights-of-way, watercourses, and other areas as may be set forth.
2. In no case shall any campsite contain less than 1,500 square feet. To the greatest extent possible, campsites shall be developed to preserve their natural character.
3. The minimum setback from any private, interior road shall be 20 feet from the edge of pavement or travelway.
4. No campsite shall be within 50 feet of the lot line that surrounds the campground use.

C. ACCESS AND ROAD REQUIREMENTS

1. Entrance driveways shall be located not closer than 150 feet from the intersection of two or more public streets.
2. In no instance shall an access road be less than ten (10) feet in width.

D. UTILITY REQUIREMENTS

1. No on-site water or sewer facilities shall be permitted on any campsite.
2. Proposals for toilets and restrooms, laundries, and baths shall have the approval and be subject to the requirements of the Alamance County Health Department.
3. All water and sewer improvements shall comply with the applicable building code requirements.

4.3.18 CAR WASH OR AUTOMOBILE DETAILING

- A. No outdoor display or storage of merchandise, materials, or rubbish shall be permitted;
- B. No flags, banners, pennants, or other devices that flutter or revolve and that are designed and used solely to attract attention shall be permitted;
- C. All floodlights shall be turned off at the close of business or at 11:00 PM, whichever is earlier;
- D. No exterior lights shall be so arranged as to direct or reflect light into the windows of any residence; and
- E. A Type III Bufferyard shall be provided along any lot line abutting a residential zoning district.

4.3.19 CEMETERY, COLUMBARIUM, OR MAUSOLEUM

Except as otherwise required in this Ordinance, new cemeteries and the expansion of existing cemeteries (as a principal use) shall comply with the following standards:

- A. New cemeteries shall be located on a site or parcel with an area of at least two-and-one-half acres; this standard shall not apply to existing cemeteries or the expansion of existing cemeteries;
- B. New cemeteries shall be located on a site or parcel that fronts a thoroughfare or collector street; this standard shall not apply to existing cemeteries or the expansion of existing cemeteries;
- C. Cemeteries shall include drive aisles or vehicular accessways of at least 12 feet in width or greater as needed for the parking and maneuvering of funeral processions; and
- D. Interments shall take place at least 25 feet from any lot line and comply with all applicable requirements of the North Carolina General Statutes.

4.3.20 CHILD DAY CARE CENTER

- A. Child day care centers shall comply with the standards in Article 7, Chapter 110, of the North Carolina General Statutes, as well as the Summary of North Carolina Child Care Laws and Rules pamphlet prepared by the NC Department of Health and Human Services.
- B. Outdoor activity area(s) shall be located outside of any required street setback and shall be enclosed by a security fence of at least four feet in height.
- C. Centers on a site greater than three acres shall be accessed by a thoroughfare or collector street.

4.3.21 COFFEE SHOP

- A.** The maximum amount of seating and/or square footage of the public floor area in a multi-tenant building potentially devoted to a coffee shop use shall be specified at the time of site plan approval.
- B.** Outdoor seating areas shall be located no closer than 50 feet from any single-family detached dwelling.

4.3.22 COMMUNITY/YOUTH/SENIOR CENTER

- A.** Community, youth, and senior centers shall not front on or gain access from a residential local street;
- B.** Outdoor courts, swimming pools, and athletic fields shall be located at least 50 feet from any lot line abutting a single-family detached dwelling;
- C.** Centers in residential districts shall be on a lot of at least two acres in area;
- D.** A Type II Bufferyard shall be installed along all lot lines shared with a residential use.

4.3.23 CONTINUING CARE RETIREMENT COMMUNITY (CCRC)

A. PURPOSE AND INTENT

The purpose for these standards is to encourage the development of appropriate and adequate housing communities for the elderly. More specifically, these standards are intended to:

- 1.** Permit creative approaches to development of a retirement center reflecting changes in the technological methods of treatment and development;
- 2.** Provide a variety of housing types, living arrangements, design, and configuration that meet the differing needs of elderly residents;
- 3.** Ensure that the types of specialized products, services, and uses necessary for the elderly are available in close proximity to housing;
- 4.** Provide for an efficient use of land that can result in smaller networks of utilities and streets;
- 5.** Ensure the safety and security of community residents; and
- 6.** Minimize any possible adverse impacts on surrounding neighborhoods through the preservation of natural features, the provision of underground utilities, and the provision of open-space areas.

B. DEVELOPMENT DENSITY

Maximum development density is based on the number of independent living units only and may not exceed five (5) units per acre except as allowed for the provision of additional open space in accordance with Section 4.3.23, Density Bonus.

C. DENSITY BONUS

A CCRC may exceed five dwelling units an acre in accordance with the CCRC Density Bonus table below, provided the review authority makes a finding that the development will result in a significantly better environment than that would otherwise occur in accordance with the established permitted density.

TABLE 4.3.23.1: CCRC DENSITY BONUS

AMOUNT OF USEABLE OPEN SPACE PROVIDED (% OF TOTAL DEVELOPMENT AREA) /1/	MAXIMUM ALLOWABLE DENSITY (UNITS/ACRE)
20 to 29.99	5.25
30 to 39.99	5.5
40 to 49.99	5.75
50 or more	6
NOTES: /1/ Open space set-aside may be provided within the CCRC, as dedicated park land outside the CCRC, or as a combination.	

D. DIMENSIONAL REQUIREMENTS

The CCRC Dimensional Requirements table below sets out the dimensional standards for these uses, which shall apply in lieu of the zoning district dimensional standards.

TABLE 4.3.23.2: CCRC DIMENSIONAL REQUIREMENTS

FEATURE		REQUIREMENT
Minimum Development Size (acres)		5
Single-family Detached Dwellings	Minimum Lot Area (square feet)	3,500
	Minimum Front Setback (feet)	15
	Minimum Side Setback (feet)	8; One side may be zero /1/
	Minimum Rear Setback (feet)	15
	Minimum Lot Width (feet)	N/A
	Maximum Height (feet)	35
All Other Allowable Use Types	Setbacks, lot width, maximum height	As allowed in the underlying zoning district
Minimum Spacing Between Buildings on the Same Lot (feet)		30 + 5 for each building story beyond 2
Maximum Building Height		35 /2/
Total Lot Coverage in the Development (% of development area)		70
Open Space Set-Aside (% of total development area)		20 /3/
NOTES: /1/ Single-family detached homes shall be at least ten feet apart. /2/ Building height may be increased beyond 35 feet provided the setback from all lot lines equals or exceeds the building's height. /3/ Up to one-half of the open space set-aside may be covered by water.		

E. DEVELOPMENT STANDARDS

1. PERIMETER PLANTING STRIP

A Type I Bufferyard shall be installed around the perimeter of the development.

2. PERIMETER FENCING

To ensure the safety and security of residents within a CCRC, the development shall be surrounded by a perimeter wall or fence with a minimum height of four (4) feet.

3. ACCESS AND CIRCULATION

Access and circulation shall adequately provide for firefighting equipment, service deliveries and refuse collection.

4. UNDERGROUND UTILITIES

Underground installation of telephone, power and cable TV lines is encouraged but not required.

5. PEDESTRIAN PATHS

Pedestrian paths shall form a logical, safe, and convenient system for pedestrian and handicapped access to all on-site buildings and facilities as well as major off-site destinations.

F. DESIGN STANDARDS

Residential development of five or more units in a single structure within a CCRC shall comply with the multi-family design guidelines in Section 7.1.3.B.

4.3.24 CONTRACTOR SERVICES

- A.** Outdoor storage of equipment, materials, and vehicles shall be screened from view from all adjacent residential uses and public rights-of-way.
- B.** Equipment can exceed the maximum fence or wall height in Section 7.5, Fence and Wall Standards, but shall be stored in a manner that limits visibility from the line of sight from all public street rights-of-way, to the maximum extent practicable.

4.3.25 CONVENIENCE STORE (WITH GASOLINE SALES OR RESTAURANT)

- A.** Convenience stores shall be limited to a maximum of 3,000 square feet of gross floor area per establishment.
- B.** No outdoor storage shall be permitted.
- C.** There shall be no more than two (2) gasoline service islands per every 1,000 square feet of floor area. Uses requiring more than six (6) gasoline service islands shall require approval of a special use permit. Applications for a special use permit shall describe the mitigation steps taken to minimize the aesthetic and traffic impacts associated with gasoline service island areas.

4.3.26 CONVENIENCE STORE (WITHOUT GASOLINE SALES OR RESTAURANT)

- A.** Convenience stores shall be limited to a maximum of 3,000 square feet of gross floor area per establishment.
- B.** No outdoor storage shall be permitted.

4.3.27 CO-WORKING SPACE

- A.** Use types and activities associated with a co-working space shall be limited to the range of activities typically associated with office uses.
- B.** Food or beverages produced or sold within the use shall be limited to patrons of co-working space not the general public.
- C.** Delivery of personal services within the co-working space (manicure, massage, education, exercise classes, child care, etc.) shall be limited to patrons of the co-working space.

- D. Facilities for pets shall be indoors or fully screened from adjacent streets and other uses.

4.3.28 CULTURAL FACILITY, LIBRARY, OR MUSEUM

Such uses shall comply with the following standards:

- A. The site shall have direct access to a thoroughfare or collector street.
- B. The building square footage shall not exceed 30,000 square feet.
- C. The maximum site size shall be five (5) acres.

4.3.29 DORMITORY

A dormitory shall comply with the following standards:

- A. Be located on a lot or site located within a half-mile radius of the primary college or university it serves.

4.3.30 DRUG/ALCOHOL TREATMENT

A drug or alcohol treatment facility shall comply with the following standards:

- A. Be at least 500 feet from any other such facility; and
- B. Be at least 500 feet from any lot in a single-family residential district, school, child care center, or religious institution that has a child care center or school.

4.3.31 DUPLEX DWELLING

- A. Duplexes are strongly encouraged to be configured to appear as a single-family detached dwelling through the use of a shared primary entrance, shared parking facilities, and the consolidation of mechanical equipment into one location on the lot.
- B. Duplexes on corner lots are encouraged to have primary entrances that face separate streets.

4.3.32 ELECTRICAL SUBSTATION

Electrical substations shall comply with the following additional standards:

- A. Electrical substations may only be located on a lot of one (1) acre in area when located in a residential or ONI district;
- B. Electrical substations shall include non-climbable fences or comparable safety devices to limit accessibility by the general public;
- C. Electrical substations shall include a durable masonry wall, fence, hedge, or other natural planting of comparable opacity shall be provided along the exterior lot lines abutting a lot in a residential or ONI district;
- D. Walls, fences, or hedges required in this section shall be between five (5) and seven (7) feet in height measured from the ground along the lot line; and

4.3.33 ELECTRONIC GAMING OPERATION

- A. Such uses shall be separated from the following use types by at least one-half mile (2,640 feet):
 - 1. A bar, cocktail lounge, private club;
 - 2. A community/youth/senior center;
 - 3. An elementary, middle, or high school;
 - 4. A nightclub or dancehall;
 - 5. A park (whether public or private);
 - 6. A religious institution; or

- 7. Another commercial operation offering games of skill;
- B. Such uses shall not operate between the hours of 11:00 PM and 7:00 AM; and

4.3.34 EQUIPMENT AND TOOL RENTAL

Uses involving the sales, rental, service, or storage of heavy equipment shall comply with the following standards:

- A. No heavy equipment or building displays shall be located within a required setback or perimeter buffer;
- B. No heavy equipment shall be displayed on the top of a building; and
- C. All lights and lighting shall be designed and arranged so no source of light is directly visible from any residential district or existing residential use.

4.3.35 EVENT VENUE

- A. Outdoor activity areas shall be set back from lot lines shared with a residential use by an amount at least twice the minimum rear setback for the district where the use is located.
- B. The maximum number of guests shall be in accordance with the maximum occupancy of the principal structure as determined by the fire marshal or fire chief.
- C. Outdoor activities shall not take place between the hours of midnight and 7:00 AM.
- D. Exterior lighting shall not project into adjoining residential lots. Use of stadium-style or other pole-mounted lighting is prohibited. Lighting of accessible paths may be provided, if necessary.
- E. The event venue shall provide sufficient on-site trash receptacles and shall ensure that windblown trash or other debris does not accumulate anywhere on the site.
- F. Event venue uses shall demarcate the boundaries of the event venue site for guests and shall include fences, walls, or other techniques such as landscaping to ensure guests do not inadvertently trespass on adjacent lots.
- G. Event venues shall ensure adequate ingress and egress from all buildings and structures to accommodate emergencies.

4.3.36 FAMILY CARE HOME

- A. Family care homes shall comply with the standards in Section 160D-907 of the North Carolina General Statutes.
- B. A lot containing a family care home shall not be located within one-half mile (2,640 feet) of another lot containing a family care home, a group home, or other form of residential treatment facility.

4.3.37 FINANCIAL INSTITUTION WITH DRIVE-THROUGH SERVICE

Drive-throughs shall be located to the side or rear of the building to the maximum extent practicable.

4.3.38 FIRE/EMS/POLICE STATION

- A. A fire/EMS/police station shall have direct access to a thoroughfare or collector street.
- B. Fire, EMS, and police stations shall be separated at least 50 feet from a lot line shared with an adjacent residential use.
- C. Fire, EMS, and police stations located within a residential zoning district shall include a Type II Bufferyard along all lot lines shared with a residential use type.

4.3.39 FITNESS CENTER

- A.** Outdoor courts, swimming pools, and athletic fields shall be located at least 50 feet from any lot line abutting a residential district.

4.3.40 FLEX SPACE

Flex space use shall comply with the following standards:

- A.** Flex space uses shall meet the off-street parking requirement for this use type in Table 7.2, Off-Street Parking Standards, not the individual types of uses within the flex space;
- B.** The following activities shall not be included within a flex space use type:
- 1.** Residential dwellings;
 - 2.** Religious institutions;
 - 3.** Adult businesses;
 - 4.** Eating establishments;
 - 5.** Bars, cocktail lounges, or private clubs;
 - 6.** Nightclubs or dance halls; or
 - 7.** Heavy manufacturing uses; and
- C.** Outdoor storage or business-related activity is permitted as an accessory use, subject to all applicable standards in this Ordinance.

4.3.41 FRATERNAL CLUB OR LODGE

- A.** Fraternal clubs and lodges located on sites of three acres or more shall have direct access to a thoroughfare or collector street.
- B.** The minimum building setback from any adjacent street right-of-way shall be at least 25 feet greater than the corresponding street setback applied to a single-family detached dwelling for the zoning district in which located.
- C.** The minimum side and rear setbacks shall be at least 50 feet unless a larger setback is required by the underlying zoning district.
- D.** A Type II Bufferyard shall be installed along all lot lines shared with a residential use.
- E.** Outdoor activity areas shall be at least 100 feet from a lot line shared with a single-family detached dwelling.

4.3.42 FRATERNITY OR SORORITY HOUSE

Fraternity or sorority houses shall comply with the following:

- A.** The minimum site size shall be one-half acre;
- B.** Except within the HDO, no structure, or outdoor gathering, or recreation area shall be located less than 40 feet from any property line adjacent to property zoned for residential use;
- C.** Outdoor activity areas shall be screened from lot lines shared with a detached single-family dwelling with a fence or wall of at least (5) five feet in height; and
- D.** Public address systems shall not be permitted, except within buildings.

4.3.43 FUEL OIL/BOTTLED GAS DISTRIBUTOR

Uses engaged in the storage or distribution of flammable materials shall meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the National Fire Protection Association standards, Flammable and Combustible Liquids Code, NFPA 30 and Standards for the Storage and Handling of Liquefied Petroleum Gases, NFPA 58, as applicable.

4.3.44 FUNERAL-RELATED SERVICES

- A.** Crematories shall not be located within a residential zoning district;
- B.** All storage shall take place within enclosed buildings; and
- C.** Display of headstones or other memorials shall be fully screened from any lot line shared with a lot containing a residential use.

4.3.45 GOLF COURSE OR GOLF DRIVING RANGE

- A.** A minimum distance of at least 50 feet shall be maintained between a tee, green, or fairway and any adjacent residence.
- B.** Activities such as driving ranges and similar features shall incorporate fencing, netting, or other control measures around the perimeter of the activity area to ensure projectiles do not leave the area and endanger off-site areas.

4.3.46 GROCERY STORE

- A.** Outdoor displays shall be configured to permit safe pedestrian access along the front of the building.
- B.** Outdoor storage shall not take place within a required parking or landscaping area.

4.3.47 GROUP HOME

- A.** A lot containing a group home shall not be located within one-half mile (2,640 feet) of another lot containing a family care home, another group home, or a similar residential treatment facility.
- B.** In no instance shall the number of residents exceed fifteen (15) persons.
- C.** The use shall be operated in a manner that is compatible with the surrounding neighborhood and shall not be detrimental to adjacent lands as a result of traffic, noise, refuse, parking, loitering, or other activities.
- D.** A Type I Bufferyard shall be installed along all lot lines shared with a single-family dwelling.
- E.** The number of occupants in a group home shall be limited to the maximum number that may be accommodated while at the same time complying with all applicable Town regulations and State requirements.
- F.** The use shall meet all State requirements, as well as all applicable Housing and Building Code requirements.

4.3.48 HALFWAY HOUSE

A halfway house shall comply with the following standards:

- A.** A lot containing a halfway house shall not be located within one-half mile (2,640) feet of another lot containing a bar, cocktail lounge, nightclub, boarding or rooming house, or adult business;
- B.** The maximum number of residents in a halfway house shall be limited to five (5) in addition to any staff or landowners and their families;
- C.** The use shall meet all State requirements, as well as all applicable housing and building code requirements; and
- D.** The use shall include a sign, visible from outside the front entrance, the lists an emergency contact name and telephone number that is available 24 hours a day.

4.3.49 HEAVY EQUIPMENT SALES AND SERVICE

- A.** All outdoor storage of materials and machinery service areas shall be screened from view of adjacent streets and residentially zoned land.

- B.** Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.
- C.** All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

4.3.50 HORTICULTURE

Sale of produce grown on-site or on an adjacent lot that is part of the same agricultural operation is permitted provided these sales take place outside the right-of-way.

4.3.51 HOSPITAL

- A.** A hospital shall be located on a site or parcel with an area of at least five (5) acres that fronts or has direct access to a collector street or thoroughfare.
- B.** The emergency vehicle entrance shall only be accessed via a thoroughfare or collector street and shall not be located across a street from a residential zoning district.

4.3.52 HOTEL OR MOTEL

Restaurants, bars, and night clubs approved as an accessory to a hotel or motel use shall be subject to the principal use standards for these use types.

4.3.53 KENNEL

- A.** All kennels shall comply with the following requirements:
 - 1.** All structures shall be designed and maintained in a manner to prevent the development of unsanitary conditions;
 - 2.** All activities associated shall take place within enclosed and soundproofed structures, or the use shall comply with the following separation requirements:
 - a.** All activities shall be at least 200 linear feet from a lot in a residential or ONI zoning district;
 - b.** All activities shall be at least 100 linear feet from land zoned VMX;
 - 3.** Outdoor areas used to house or exercise animals shall include areas protected from the weather and be enclosed by a fence at least six (6) feet in height; and
 - 4.** Any animal suspected of showing symptoms of rabies infection shall be immediately segregated and reported to Animal Control.
- B.** Indoor or Small Outdoor Kennels shall be located on land no less than one acre in size and may conduct incidental activities including the sale, breeding, treatment, training, grooming or cleaning of animals, and the sale of pet supplies.
- C.** Large Outdoor Kennels shall be located on ten acres or more and may conduct incidental activities including the sale, breeding, treatment, training, grooming or cleaning of animals, and the sale of pet supplies.

4.3.54 LANDFILL (LCID)

- A.** No areas of disturbance shall be located closer than 50 feet from any lot line and at least 300 feet from any residence.
- B.** Access to the landfill shall be controlled with gates, chains, fences, ditches, and/or vegetation to prevent unregulated dumping.
- C.** All unpaved areas shall be maintained in a manner that prevents dust from leaving the property.
- D.** No filling shall take place within the 100-year floodplain or within any utility easements.

- E.** Upon closure, landfills shall be surfaced with a minimum of two feet of clean soil, graded to a maximum slope of 3:1 and stabilized with vegetation or in accordance with current State standards.
- F.** An entrance sign shall be posted and maintained which lists the name and phone number of the current operator, the types of material accepted, the hours of operation, tipping charges and any other pertinent information.

4.3.55 LARGE FORMAT RETAIL

Large format retail uses shall comply with the standards in Section 7.1.2, Design Standards for Non-Residential Uses.

4.3.56 LAUNDRY/DRY CLEANING

Laundry and cleaning service uses shall comply with the following standards:

- A.** No coal-burning or smoke-producing equipment or process shall be used;
- B.** Washing machines shall not exceed 50 pounds of capacity; and
- C.** No petroleum-based chemicals in excess of 500 gallons shall be stored in above-ground tanks.

4.3.57 LIVE/WORK DWELLING

A live/work dwelling shall comply with the standards in Section 7.1.12, Design Standards for Non-Residential Uses, and the following:

- A.** The residential portion of the building shall occupy at least 50 percent of the gross floor area;
- B.** The non-residential portion of the building is limited to an office, personal service, retail sales, or restaurant use type;
- C.** The non-residential portion of the building shall be located on the street-level floor of the building;
- D.** The entrance to the non-residential portion of the building shall be oriented towards the street which the building fronts on;
- E.** Drive-through facilities are prohibited; and
- F.** Signage for the non-residential portion of the building shall be limited to wall signage or projecting signage configured in accordance with Section 7.4, Signage.

4.3.58 MAKERSPACE

- A.** No outdoor storage or activity shall be permitted.
- B.** The use shall include adequate ventilation and equipment for the dispersal of vapors, dust, or airborne contaminants created within the structure.
- C.** The use shall include a fire suppression system as required by the North Carolina Fire Code and associated appendices.
- D.** The use shall not operate between the hours of 11:00 PM and 7:00 AM.
- E.** Incidental sale of products created on site is permitted.

4.3.59 MANUFACTURED DWELLING

A manufactured dwelling shall comply with Section 160D-910 of the North Carolina General Statutes, the standards in Section 3.4.4, Manufactured Home Overlay (MHO) District, and the following:

- A.** It shall be located on its own individual lot unless located within a manufactured home park;
- B.** It shall be occupied only as a single-family dwelling and may not be engaged as a non-residential use;

- C.** It shall be configured in accordance with the standards established by the North Carolina Department of Insurance and the most current version of the State of North Carolina Regulations for Manufactured Homes;
- D.** It shall maintain a minimum width of 16 feet;
- E.** It shall be oriented with the longest axis parallel to the lot frontage, to the maximum extent practicable;
- F.** The towing apparatus, wheels, axles, and transporting lights shall be removed;
- G.** It shall include a continuous, permanent masonry foundation or masonry curtain wall of solid brick or brick veneer, installed under the perimeter and unpierced except for required ventilation and access;
- H.** It shall include stairs, porches, entrance platforms, ramps, and other means of entrance and exit that are installed or constructed in accordance with the standards set by the North Carolina Building Code. They shall be attached firmly to the primary structure and anchored securely to the ground;
- I.** It shall maintain exterior siding comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction, which consists of one or more of the following: vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint); cedar or other wood siding; stucco siding; or brick or stone siding;
- J.** It shall maintain a roof pitch with a minimum vertical rise of seven feet for each 12 feet of horizontal run;
- K.** It shall include a roof finished with a Class C or better roofing material that is commonly used in standard residential construction;
- L.** It shall provide an eave projection of no less than ten inches, which may include a gutter; and
- M.** Storage of an unlicensed (no license plate) or inoperable vehicle or trailer is prohibited outside of an enclosed building or opaque fence or wall that fully screens the vehicle or trailer from all off-site views.

4.3.60 MANUFACTURED DWELLING PARK

A. GENERAL REQUIREMENTS

- 1.** A manufactured dwelling park shall include at least five individual home spaces.
- 2.** The transfer of a deed to an individual manufactured home space or spaces either by sale or by any other manner is prohibited within a manufactured home park as long as the home park is in operation.
- 3.** Prefabricated structures specifically designed for manufactured dwelling extensions and any other addition meeting the State Building Code may be added to a manufactured home provided that all set back requirements are met and a building permit is obtained prior to placement.
- 4.** Up to one manufactured home may be used as an administrative office.
- 5.** The Alamance County Health Department, the Building Inspector, and the Planning Director are authorized to make inspections as necessary to determine satisfactory compliance with this Section. The owners and occupants of manufactured home parks shall ensure free access to the premises for inspection at reasonable times.
- 6.** The owner or operator shall notify park occupants of all applicable provisions in this section and inform them of their duties and responsibilities under this Section.

B. MANUFACTURED HOME SPACE REQUIREMENTS

- 1.** Each manufactured home shall be located on its own individual manufactured home space, and no more than one (1) manufactured home shall be located within any single space.
- 2.** All mobile home spaces shall be served by either a municipal or community potable water or municipal or community sanitary sewer system.
- 3.** Spaces served by municipal water and sewer systems or by community water and sewer systems shall have at least 5,000 square feet of lot area.
- 4.** Spaces served by either a municipal or community sewer system, but not served by a municipal or community water system shall have at least 20,000 square feet of lot area or a larger area if determined necessary by the Alamance County Health Department.

5. Spaces served by a municipal or a community water system but not served by a municipal or a community sewer system shall have at least 20,000 square feet of lot area or a larger area if determined necessary by the Alamance County Health Department per manufactured home unit, and in no instance shall there be more than one manufactured home serviced by a single septic tank.
6. Each manufactured home space shall be clearly defined by means of concrete or iron pipe markers placed at all corners and each space shall clearly display a street address as assigned by the Town or County.
7. Each manufactured home space shall be located so as not to be susceptible to flooding and shall be graded so as to prevent any water from ponding or accumulating on the premises.
8. Each manufactured home shall be located at least 20 feet from any other manufactured home, at least 20 feet from the perimeter of the mobile home park development, and at least 15 feet from the edge of the right-of-way of any private interior vehicular accessway. The setback from a public street right-of-way shall be the same as that required for the zoning district in which the manufactured home park is located.

C. STREET AND ACCESS REQUIREMENTS

1. No manufactured home space shall have direct vehicular access to a public road.
2. Convenient access to each manufactured home space shall be provided by roads with a minimum right-of-way of 50 feet for a residential collector street and 45 feet for a local residential road as defined by the North Carolina Department of Transportation Subdivision Roads Minimum Construction Standards Manual.
3. The required travel way or pavement width is 20 feet for a 50-foot right-of-way and 18 feet for a 45-foot right-of-way.
4. Private streets within manufactured home parks shall conform to the construction standards for public roads.
5. Proper sight lines shall be maintained at all road intersections in accordance with the current NCDOT requirements for sight clearances.
6. New road names shall not duplicate or be similar to existing road names in the Town and shall be subject to approval by the Town.
7. A minimum of one automobile parking space shall be provided adjacent to each manufactured home space but shall not be located within any public right-of-way nor within any vehicular accessway in the park.
8. The manufactured home park owner shall be responsible for the continued maintenance of private streets within the mobile home park.

D. UTILITY REQUIREMENTS

1. An accessible, adequate, and potable supply of water shall be provided in each manufactured home park. Where a municipal water supply is available, connection shall be made used exclusively. When a municipal water supply is not available, a community water supply shall be developed and used exclusively in accordance with the standards of the NC Division of Health Services.
2. Placement of water improvements to manufactured home spaces shall comply with the applicable State Building Code.
3. Adequate and safe sewage disposal facilities shall be provided in all manufactured home parks. Collection systems and sewage treatment plants meet the approval of the NC Division of Environmental Management shall be provided.
4. Individual septic tank systems can be considered, if soil, topography, and ground water conditions are favorable and approval from the Edgecombe County Health Department is obtained.
5. Placement of sewer improvements to manufactured home spaces shall comply with the applicable State Building Code.
6. Provision shall be made for sealing the sewer pipe when a manufactured home does not occupy a space. Surface drainage shall be diverted away from the rise. The rim of the riser pipe shall extend at least four inches above ground elevation.

E. SOLID WASTE DISPOSAL AND SANITATION REQUIREMENTS

1. The storage, collection, and disposal of solid waste in a manufactured home park shall be in accordance with the requirements of the Alamance County Health Department.
2. Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the applicable Town requirements.
3. Manufactured home parks shall be maintained from an accumulation of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.
4. Storage areas shall be so maintained as to prevent rodent harborage. Lumber, pipe, and other building materials shall be stored at least one foot above the ground.
5. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.
6. The growth of brush, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

F. STREET LIGHTING REQUIREMENTS

All streets in a manufactured home park shall be adequately illuminated from sunset to sunrise in accordance with other public street requirements.

G. ELECTRICAL SERVICE REQUIREMENTS

Minimum electrical service of 200 ampere, 120/240-volt single phase shall be provided to each manufactured home space. The service panel and location as well as all wiring shall be in accordance with the National Electrical Code.

H. SCREENING REQUIREMENTS

A Type I Bufferyard shall be installed around the perimeter of the development.

4.3.61 MANUFACTURING, HEAVY

- A. Manufacture of ammunition and explosives be located at least 500 linear feet from any residential or ONI zoning district and at least 150 feet from all lot lines and shall meet all applicable requirements for Hazardous Occupancy under the State Building Code.
- B. Storage tanks and loading facilities associated with petroleum products shall be located a minimum of 500 feet from any residentially zoned property.
- C. All other heavy manufacturing activities, structures, buildings, and outdoor use areas shall be a minimum of 100 feet from any residentially used or zoned property.
- D. The manufacturing facility, including areas of outdoor storage and processing, shall be surrounded by security fencing of at least six (6) feet in height.
- E. The use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what can be expected to occur normally in the zoning district where it is located.
- F. Uses engaged in the storage or distribution of flammable materials shall meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the National Fire Protection Association standards, Flammable and Combustible Liquids Code, NFPA 30 and Standards for the Storage and Handling of Liquefied Petroleum Gases, NFPA 58, as applicable.

4.3.62 MANUFACTURING, LIGHT

- A. All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from any residentially used or zoned property.

- B.** The use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the zoning district in which it is located.
- C.** Uses engaged in the storage or distribution of flammable materials shall meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the National Fire Protection Association standards, Flammable and Combustible Liquids Code, NFPA 30 and Standards for the Storage and Handling of Liquefied Petroleum Gases, NFPA 58, as applicable.

4.3.63 MEDICAL/DENTAL OFFICE

Medical or dental offices exceeding 2,500 square feet of floor area shall be accessed by a thoroughfare or collector street.

4.3.64 METAL FABRICATION

The use shall not generate noise, vibration, glare, fumes, or odors on adjacent residentially zoned or used property.

4.3.65 MICROBREWERY OR MICRODISTILLERY

A microbrewery or microdistillery use shall comply with the use standards in this section for a bar, cocktail lounge, or private club.

4.3.66 MULTI-FAMILY DWELLING

A. BUILDING PLACEMENT

- 1.** Buildings must be set back from private drives and parking lots a minimum of ten (10) feet as measured from back of curb or edge of pavement, if no curb is provided.
- 2.** Buildings shall be setback from public streets in the development in accordance with the street setbacks for the district where located.

B. BUILDING LENGTH

- 1.** The maximum length of a multi-family building shall be 250 linear feet.
- 2.** No maximum building length shall be applied if the building is designed for occupancy by the elderly and it has central facilities for dining and recreation.
- 3.** In no instance shall the provision of a firewall between different building sections constitute two separate buildings for the purpose of meeting the building length requirement.

C. DESIGN

Multi-family development shall comply with the applicable standards in Section 7.1.3.B, Multi-Family Design Guidelines.

D. DEVELOPMENT WITHIN THE DTC ZONING DISTRICT

Multi-family development within the DTC Zoning District shall be prohibited on the ground floor of any building.

E. RECREATION FACILITIES

Active recreation facilities must be placed a minimum of 50 feet from adjacent land used for single-family detached residential purposes.

F. UTILITIES

All electric, communications, water and sewer utility lines shall be installed underground.

G. CONDOMINIUMS

Multi-family development configured as condominiums shall comply with the following standards:

1. Condominiums shall conform to the use and development requirements of this Ordinance for the zoning district(s) where located.
2. Condominiums shall conform to the requirements of the North Carolina Condominium Act, in Chapter 47C of the North Carolina General Statutes.
3. Condominium ownership may be created by the owner or co-owners of a structure(s) by an express declaration of their intention to submit such property to the provisions of the North Carolina Condominium Act, which declaration shall be subject to approval by the Town Council and recorded in the office of the Alamance County Register of Deeds.

H. SCREENING

Utility areas such as clothes drying yards and outdoor storage areas shall be fully screened from public streets and adjacent lots zoned for single-family detached residential dwellings.

4.3.67 NIGHTCLUB OR DANCE HALL

- A. Except in the DTC district, no night club, dance hall, or similar venue shall be located within 500 feet of any other night club, dance hall, bar, cocktail lounge, or private club.
- B. No night club or dance hall shall be located within 200 feet of a religious institution, elementary or secondary school, public park, or residentially zoned property.
- C. Except in the DTC district, no night club, dance hall, or similar venue, including any outdoor activity areas, shall be located within 75 feet of a public road right-of-way.
- D. The main entrance of the building shall face a street. In cases where the building could face more than one street, it shall be configured to face the street with the larger number of non-residential establishments or where the larger number of non-residentially zoned lots are located.
- E. A six (6) foot high opaque fence shall be erected along all lot lines shared with a single-family dwelling.
- F. Off-street parking areas shall be located no closer than 30 feet to the property line of abutting a single-family dwelling.

4.3.68 NURSING HOME

Nursing homes shall comply with the standards in Section 4.3.9, Assisted Living Facility.

4.3.69 OUTDOOR STORAGE

A. GENERAL STANDARDS

The following standards shall apply to all outdoor storage areas:

1. The extent of the outdoor storage area shall be clearly delineated on an application for establishment of the use;
2. Outdoor storage areas shall comply with the minimum setback standards applicable in the zoning district where the outdoor storage area is located;
3. Outdoor storage areas are prohibited between the development's principal structure(s) and a thoroughfare or collector street;
4. No outdoor storage area shall be located within a perimeter bufferyard required in accordance with Section 7.3.7, Bufferyard Requirements;
5. Flammable liquids or gas containers in excess of 1,000 gallons shall be stored underground;
6. No materials shall be stored in areas intended for vehicular or pedestrian circulation; and
7. No materials shall be stored on any potable or non-potable water easement, stormwater easement, or sanitary sewer easement.

B. SCREENING REQUIREMENTS

Screening of outdoor storage shall be in accordance with the applicable standards in Section 7.3.9, Outdoor Storage Area Screening.

4.3.70 OUTPATIENT TREATMENT FACILITY

An outpatient facility located on a site or parcel with an area of at least five (5) acres shall front and have direct access to a thoroughfare or collector street.

4.3.71 PARK

- A.** The hours of operation allowed shall be compatible with the land uses adjacent to the facility.
- B.** The amount of noise generated shall not disrupt the activities of the adjacent land uses.
- C.** Principal access must be from a collector or higher capacity road for any facility greater than three (3) acres in size or that generates an average daily traffic volume of over 200 or more trips per day.
- D.** Outdoor swimming pools shall be protected by a fence in accordance with the standards of the NC Building Code.

4.3.72 PARKING LOT

- A.** The design standards of parking lots shall comply with Section 7.2, Off-Street Parking Standards,.
- B.** Temporary parking shall be the principal use of the parking lot.
- C.** Parking spaces may be rented for parking, or otherwise used in accordance with an approved temporary use permit or other permit, but no other business of any kind shall be conducted on the lot, including repair service, washing, display, or storage of vehicles or other goods.

4.3.73 PARKING STRUCTURE

Parking structures, whether serving as a principal or accessory use, shall be configured in accordance with the following standards:

A. DIMENSIONAL REQUIREMENTS

Parking structures shall comply with the dimensional standards applicable to the zoning district where located.

B. GROUND FLOOR CONFIGURATION

- 1.** Within the DTC and DTP Districts, the ground floor of any parking structure abutting street rights-of-way shall contain active land uses along a minimum of fifty percent (50%) of its street-adjacent facades. For the purposes of this provision, active land uses may be commercial, office, or institutional in nature.
- 2.** No less than fifty percent (50%) of the ground floor facades of the active land uses adjacent to rights-of-way as described above shall consist of transparent windows or doors.

C. ARCHITECTURE

- 1.** Parking structures visible from street rights-of-way shall be designed to be compatible with the architectural character of adjacent buildings; shall incorporate design elements such as façade detailing, shimmer walls, or public art; and shall not adversely impact abutting sidewalks.
- 2.** Parking structure facades shall use variations in color, massing, or architectural features to reduce the appearance of bulk.
- 3.** Parking structure façades adjacent to residential lots shall:
 - a.** Be enclosed to prevent light spillover from headlights, adverse noise, or pollutants; and
 - b.** Incorporate architectural design elements, including surface treatments, offset planes, structural articulation, and landscaping to provide visual interest and compatibility with adjacent residential uses.

D. DRAINAGE

Parking structures shall be designed and constructed so that surface water will not drain over sidewalks or adjacent lots.

E. LIGHTING

1. Parking and pedestrian areas shall have adequate illumination for security and safety with a minimum of one foot candle at every point within the parking structure.
2. Lighting fixtures shall be designed and located to illuminate only the interior of the parking structure and not project glare into adjoining land.

4.3.74 PHARMACY

Where a pharmacy is an accessory to a health care use or medical office, the following conditions shall apply:

- A. The pharmacy shall be on the ground floor and shall not occupy more than 50 percent of the ground floor square footage; and
- B. The pharmacy shall only sell drugs, prescription medicines, medicinal supplies and appliances, and pharmaceutical products.

4.3.75 POCKET NEIGHBORHOOD

A. PURPOSE AND INTENT

A pocket neighborhood is a group of smaller single-family detached dwellings (including manufactured dwellings) built in close proximity to one another around a small green or commonly owned open space with off-street parking areas to the rear or in common areas. These use types are intended to provide a wider range of housing options (see Figure 4.3.74, Pocket Neighborhood Design).

FIGURE 4.3.74, POCKET NEIGHBORHOOD EXAMPLE

**B. SITE CONFIGURATION****1. DEVELOPMENT SIZE**

A pocket neighborhood shall be located on a parcel of land at least three (3) acres but not greater than nine (9) acres in area.

2. ALLOWABLE USES

- a. Pocket neighborhoods shall be limited to single-family detached dwellings and accessory uses.
- b. Manufactured homes are a permitted form of detached dwelling.
- c. Accessory uses may include common open space, a common building for the purposes of storage or recreation, outdoor recreational features, and garages.

3. NUMBER OF DWELLINGS

A pocket neighborhood shall include at least four (4) dwellings but no more than twelve (12) dwellings.

4. COMMON OPEN SPACE

- a. A pocket neighborhood shall include common open space that comprises at least 40 percent of the total site and includes improved pedestrian walkways that provide pedestrian access to each dwelling, shared parking areas (if provided), common buildings (if provided), and connections to the public sidewalk network (if sidewalks are adjacent to the development). The common open space shall include a central green, lawn, or garden area fronting the dwellings and a perimeter buffer area that incorporates landscaping materials, existing vegetation, or other features to buffer the pocket neighborhood from adjacent development.
- b. The central green or lawn area shall include at least 300 square feet of area for each dwelling in the development.
- c. A common building located within the common open space area may be included as an accessory use, but in no instance shall the common building exceed 1,500 square feet or serve as a permanent dwelling unit.

5. LOT FRONTAGE

- a. At least 60 percent of the individual building lots shall front the common open space area, not a street or alley.
- b. Up to 40 percent of the lots may front a street. Homes on street-facing lots shall include a front porch and shall not include an attached garage that faces the street.

6. SURFACE PARKING

- a. The pocket neighborhood may include a shared parking area that accommodates resident and guest parking.
- b. Provision of resident parking spaces within a shared parking area is not required in cases where resident parking is provided through individual driveways or by parking spaces along alleys.
- c. In no instance shall parking areas be more than 500 linear feet from the dwelling it serves.
- d. In no instance shall a parking area be located between a dwelling and the central green or lawn area.

7. DETACHED SHARED GARAGES

If provided, detached garages serving more than one dwelling shall be accessed via a private drive or alley. A garage shall not exceed five car bays or include individual garage doors wider than 12 feet each.

8. STORAGE SPACE

Each individual dwelling shall have at least 40 square feet of covered storage space outside the heated floor area. Storage space may be located on an individual lot or on common land adjacent to or within a common building.

9. PERIMETER BUFFER

A pocket neighborhood shall incorporate a Type I Bufferyard along all lot lines shared with existing single-family detached dwellings.

10. PRIVATE ACCESS

Vehicular entryways into pocket neighborhoods and accessways serving off-street parking areas and individual dwelling lots shall be configured as private driveways instead of as streets.

C. INDIVIDUAL LOT CONFIGURATION

Table 4.3.74, Pocket Neighborhood Lots, sets out the dimensional requirements for individual lots. In the event of conflict between these standards and the dimensional requirements in the underlying zoning district, these standards shall control.

TABLE 4.3.74: POCKET NEIGHBORHOOD LOTS	
FEATURE	REQUIREMENT
Minimum lot size (sq. ft.)	3,000
Maximum lot coverage (%)	75
Minimum lot width (ft.)	20
Minimum front setback (ft.)	10 from open space; zoning district requirement from street /1/
Minimum side setback (ft.)	3 one side; 15 other side /1/
Minimum rear setback (ft.)	5
NOTES: /1/ Porch steps, ramps, fences, and walkways may encroach into the front setback no more than five feet, but no other structures shall be permitted to encroach into the required setbacks. /2/ When an individual lot includes a driveway, the minimum rear setback shall be 20 feet.	

D. DWELLING UNIT CONFIGURATION

1. MAXIMUM HEIGHT

A dwelling unit shall not exceed 24 feet above grade.

2. DWELLING SIZE

- A dwelling unit shall not be more than 2,000 square feet in floor area.
- At least two (2) dwellings in a pocket neighborhood shall maintain a total square footage that differs by at least 200 square feet in floor area from the average square footage of all other dwellings. Nothing shall prohibit a configuration where all dwellings are different sizes.

3. FENCES

Pocket neighborhoods are exempted from the standards in Section 7.5, Fence and Wall Standards, but shall comply with the following:

- Fences within front yards or side yards forward of the front façade plane shall not exceed three (3) feet in height;
- Fences in rear yards or side yards behind the front facade plane shall not exceed six (6) feet in height; and
- In no instance shall a fence be placed within a use or access easement.

E. HOMEOWNER'S ASSOCIATION

A pocket neighborhood shall include a homeowners' or property owners' association that maintains control of common areas and takes responsibility for maintenance of common features in the neighborhood.

4.3.76 POOL HALL

A pool hall shall comply with the standards for a bar, cocktail lounge, or private club.

4.3.77 PROFESSIONAL OFFICE

Professional offices of larger than 3,000 square feet in floor area shall be accessed by a thoroughfare or collector street.

4.3.78 PUBLIC RECREATION FACILITY

- A.** The minimum area for a public recreation facility shall be at least two (2) acres.
- B.** Recreation facilities shall have direct access to a thoroughfare or collector street.
- C.** A minimum distance of at least 50 feet shall be maintained between a clubhouse, swimming pool, lighted tennis court, or golf course tee, green, or fairway and any adjacent single-family detached dwelling.
- D.** A Type II Bufferyard shall be installed along all lot lines shared with a single-family detached dwelling.
- E.** The hours of operation allowed shall be compatible with the land uses adjacent to the facility, the amount of noise generated shall not disrupt the activities of the adjacent land uses.
- F.** Outdoor swimming pools shall be protected by a fence in accordance with NC Building Code Requirements.

4.3.79 RECYCLING CENTER

- A.** Recycled batteries must be stored in non-porous containers;
- B.** All loading and storage areas shall be diked to prevent runoff/spill contamination; and
- C.** Recycled motor oil and grease shall be stored in above-ground tanks in accordance with the NC Fire Code and associated appendices.
- D.** Recycling centers shall be enclosed by a fence or wall of at least six feet in height located at least 20 feet from a street right-of-way and 100 feet from lot lines.

4.3.80 RELIGIOUS INSTITUTION

- A.** Religious institutions located on sites of three (3) acres or more shall have direct access to a thoroughfare or collector street.
- B.** When located in a residential zoning district, the minimum building setback from any adjacent street right-of-way shall be at least 25 feet greater than the corresponding street setback applied to a single-family detached dwelling for the zoning district in which located.
- C.** The minimum side and rear setbacks shall be at least 50 feet unless a larger setback is required by the underlying zoning district.
- D.** The use shall incorporate a Type I Bufferyard along all lot lines shared with a single-family detached dwelling.

4.3.81 REPAIR SHOP

- A.** All repair uses shall limit repair activities to those occurring indoors.
- B.** Gun repair shops may include testing facilities for firearms, provided:
 - 1.** The facilities are constructed in accordance with all applicable laws and regulations;
 - 2.** The facilities include acoustical apparatus and/or materials that prevent any noise or disturbance to the owners and/or occupants of the adjoining properties; and
 - 3.** The facilities are not used as a shooting range for target practice or the testing of marksmanship skills.

4.3.82 RESTAURANTS

All restaurant use types shall comply with the following requirements:

- A.** Except within the DTC district, a restaurant shall have a six (6) foot high opaque fence or masonry wall along all lot lines abutting a single-family detached dwelling;
- B.** Restaurants having outdoor seating (including, but not limited to, seating for dining or listening to live or recorded acoustic or amplified entertainment outside of the building) shall comply with the following standards:
 - 1.** Except within the DTC district, the outdoor seating area shall be located no closer than 100 feet from any single-family detached dwelling; and
 - 2.** The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.

4.3.83 RETAIL, BULKY ITEM

- A.** All outdoor storage of materials shall be screened from view of adjacent streets and residentially zoned land. This screening requirement shall not apply to the placement of goods or products for sale.
- B.** Portable storage containers and dumpsters that are utilized for the purpose of display and any item that exceeds ten (10) feet in height shall not be placed within required setbacks, parking, or landscape areas; and
- C.** Other bulky items that are less than or equal to ten (10) feet in height must be located at least ten (10) feet from any public street and shall not be placed within required parking or landscape areas.

4.3.84 SALVAGE OR JUNKYARD

A. GENERAL REQUIREMENTS

- 1.** The minimum area required to establish a salvage and junkyard shall be five (5) acres.
- 2.** Parcels containing salvage and junkyards shall not be any closer than 300 feet to any residential lot line, school, hospital, nursing home, assisted living facility, or day care facility.

B. SCREENING

- 1.** Salvage and junkyards shall be enclosed by a sight-obstructing screen of at least six (6) feet in height adjacent to public streets and eight feet in height when adjacent to residential, educational, or institutional properties.
- 2.** All screening shall be maintained in a sound and stable manner for the life of the operation.
- 3.** If State or Federal requirements for screening are more stringent, then those standards shall control.
- 4.** Entrances and exits shall be secured when the salvage yard is closed.

C. NOISE

- 1.** Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 400 feet to the nearest residence.
- 2.** Operations that produce noise that is audible on off-site areas shall not take place on Sundays, holidays, or at any time between the hours of 6:00 PM and 7:00 AM.

D. VIBRATION

No vibration shall be produced which is transmitted through the ground and which is discernable without the aid of instruments at or beyond the lot line; nor will any vibration produce a particle velocity of 2.0 inches per second measured at or beyond the property line.

E. DUST AND PARTICULATES

- 1.** Emissions of dust and particulates shall be in accordance with the State of North Carolina rules and regulations governing air contamination and air pollution.

2. Particulate matter emission from materials and products subject to becoming windborne shall be kept to a minimum by paving, sodding, oiling, wetting, covering, or other means such as to render the surface wind resistant.
3. Points of ingress and egress shall be paved or hard surfaced with either concrete or asphalt.

F. SMOKE AND BURNING

Emissions of smoke and burning of non-vegetative matter shall not be permitted on the site of a salvage yard.

G. TRASH AND GARBAGE

Disposal of trash and garbage shall be in an approved container and be regularly maintained. Open dumping of trash or garbage shall be prohibited.

H. DISPOSAL OF TOXIC/HAZARDOUS MATTER

Disposal of toxic/hazardous matter on any salvage and junkyard site is prohibited.

I. STORAGE OF FUELS

1. Storage of fuels shall be contained in below ground tanks meeting the requirements of the State of North Carolina.
2. No fuel storage shall be within 1,000 feet of any residential, educational, or institutional structure.
3. Location of fuel storage tanks shall be so designed as to prevent leakage or spillage into any stream.
4. Gasoline and oil shall be removed from scrap engines or vehicles on the premises and adequately stored for disposal.

J. DRAINAGE

Salvage and junkyard sites shall be adequately drained to assure that no standing water shall exist that might provide breeding habitation for insects.

K. WEEDS AND VEGETATION

Weeds and vegetation on the premises, other than trees, shall be kept at a height of not more than six (6) inches.

L. STORAGE

Salvage materials shall be stored in piles not exceeding ten (10) feet in height and shall be arranged as to permit easy access to all such salvage for firefighting purposes.

M. PERMIT REQUIREMENTS

The facility shall obtain all applicable State and federal permits prior to commencing operations.

4.3.85 SCHOOL, ELEMENTARY, MIDDLE, OR HIGH

A. SCHOOL, ELEMENTARY OR MIDDLE

1. Elementary and middle schools located on sites of three (3) acres or more shall have direct access to a thoroughfare or collector street.
2. The minimum building setback from any adjacent street right-of-way shall be at least 25 feet greater than the setback of the underlying zoning district.
3. The minimum side and rear setbacks shall be at least 50 feet unless a larger setback is required by the underlying zoning district.
4. The use shall incorporate a Type I Bufferyard along all lot lines shared with a single-family detached dwelling.

B. SCHOOL, HIGH

1. High schools located on sites of three (3) acres or more shall have direct access to a thoroughfare or collector street.
2. The minimum building setback from any adjacent street right-of-way shall be at least 25 feet greater than the setback of the underlying zoning district.

3. The minimum side and rear setbacks shall be at least 50 feet unless a larger setback is required by the underlying zoning district.
4. The use shall incorporate a Type I Bufferyard along all lot lines shared with a single-family detached dwelling.

4.3.86 SCHOOL, VOCATIONAL

Facilities within a vocational school which generate significant noise or fumes, such as auto body or engine repair, industrial/auto body painting, or manufacturing processes, and that are adjacent to a residential district shall be at least 100 feet from any lot line abutting the residential district.

4.3.87 SELF-STORAGE FACILITY/MINI-WAREHOUSE

Mini-Warehouses and Self-Storage Facilities are permitted in the Industrial Districts subject to the issuance of a special use permit by the Town Council, in accordance with, but not necessarily limited to the following conditions:

- A. The lot size is a minimum of two (2) acres and a maximum of five (5) acres.
- B. The placement of roads, buildings, parking areas, and points of ingress and egress must be designed to minimize storm water runoff from the site.
- C. The storage of hazardous, toxic, or explosive substances is prohibited.
- D. No business activity other than the rental of storage units may be conducted on the premises unless specifically provided for by the special use permit. Accessory uses such as the rental of trucks, trailers, or moving equipment are prohibited unless provided for by the special use permit approval. Such areas must be located to the rear of the primary structure.
- E. Perimeter landscaping must be provided in accordance with this Ordinance, to minimize negative visual impacts on surrounding properties and roadways.
- F. Buffer and screening shall be installed in accordance with this Ordinance along property boundaries that abut residential uses.
- G. The exposure of any adjacent residential use to noise, light, exhaust emissions, and other similar nuisances shall be minimized through building orientation and facility design.
- H. Self-service storage facilities adjacent to residential uses shall not operate or allow tenant access between the hours of 10:00 p.m. and 6:00 a.m.
- I. Outdoor storage is prohibited. All goods and property stored in a self-service storage facility shall be stored inside an enclosed building. Outdoor storage of boats, recreational vehicles, or other vehicles, or storage in outdoor storage pods or shipping containers is not permitted.
- J. All buildings associated with self-storage uses shall have exterior vertical surfaces with at least fifty (50) percent of the area covered by a material or combination of materials such as decorative brick veneer, stone, stucco, textured block or similar decorative material with no one material exceeding fifty (50) percent of said area when directly fronting a street or when within public view of a street.
- K. Building walls exceeding fifty (50) feet in length shall be broken or staggered by at least one (1) foot of variation in the plane of the wall at no less than fifty (50) foot intervals. The horizontal dimension of any wall may not exceed a length of one hundred fifty (150) linear feet, regardless of modulation.
- L. All areas intended for driving, parking, and loading shall be paved with asphalt, concrete, or pervious paver material.
- M. Adequate queuing space shall be provided on-site to prevent vehicles from using adjacent streets for maneuvering.

4.3.88 SHORT-TERM RENTAL

- A.** No exterior advertising of the short-term rental shall be allowed.
- B.** No activities other than lodging shall be allowed in conjunction with any short-term rental unit.
- C.** The duration of any short-term rental stay shall not exceed thirty days.
- D.** The maximum occupancy of short-term rental units shall be calculated as two (2) persons per bedroom, plus two (2) additional persons.
- E.** The short-term rental owner or operator shall maintain liability insurance on the property, which covers the short-term rental use and guests.
- F.** The short-term rental owner or operator shall comply with all applicable State, County, and Town laws, including those relating to fire and building codes, smoke and carbon monoxide detecting equipment, housing codes, and payment of taxes to appropriate governmental entities, including occupancy taxes.
- G.** The zoning permit number authorizing the short-term rental shall be conspicuously posted on all advertisements for said rentals, and within the subject property.

4.3.89 SINGLE-FAMILY ATTACHED DWELLING

- A.** Except where a larger setback is specified in the zoning district standards, a minimum ten (10) feet of separation shall be maintained between all individual principal and accessory buildings in the development.
- B.** Buildings must be set back from private drives and parking lots a minimum of ten (10) feet as measured from back of curb or edge of pavement, if no curb is provided.
- C.** Buildings shall be set back from public streets in the development in accordance with the street setbacks for the district where located.
- D.** Single-family attached developments shall abut a public street.
- E.** Adequate access shall be provided for firefighting equipment, service deliveries, and refuse collection.
- F.** Single-family attached development may comply with applicable multi-family design guidelines in Section 7.1.3.B with the consent of the landowner(s) at the time of application to establish the development.
- G.** Active recreation facilities must be placed a minimum of 50 feet from adjacent land used for single-family detached residential purposes.
- H.** All electric, communications, water, and sewer utility lines shall be installed underground.
- I.** Single-family attached development configured as condominiums shall comply with the following standards:
 - 1.** Condominiums shall conform to the use and development requirements of this Ordinance for the zoning district(s) where located.
 - 2.** Condominiums shall conform to the requirements of the North Carolina Condominium Act, in Chapter 47-C of the North Carolina General Statutes.
 - 3.** Condominium ownership may be created by the owner or co-owners of a structure(s) by an express declaration of their intention to submit such property to the provisions of the North Carolina Condominium Act, which declaration shall be subject to approval by the Town Council and recorded in the office of the Alamance County Register of Deeds.

4.3.90 SINGLE-FAMILY DETACHED DWELLING

- A.** Modular homes shall comply with the standards in Section 160D-911 of the North Carolina General Statutes and shall be treated as site-built single-family detached structures.
- B.** Single-family detached development may comply with applicable design guidelines in Section 7.1.3, Design Guidelines for Residential Uses, with the consent of the landowner(s) at the time of application to establish the development.

4.3.91 SOLAR FARM

A. PURPOSE

1. The purpose of these standards is to facilitate the construction, installation, and operation of solar energy conversion uses in Elon in a manner that promotes economic development and ensures the protection of public health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, viewsheds, and other sensitive lands.
2. It is the intent of these standards to encourage the development of solar energy conversion uses that reduce reliance on foreign and out-of-state energy resources, bolster local economic development and job creation, support the diversification of the State's energy portfolio, strengthen energy and grid security, reduce greenhouse gas emissions, reduce local air and water pollution, and aid North Carolina in meeting its renewable energy portfolio standard. The standards shall provide such opportunities while reducing the potential negative impacts to adjacent properties, including those used for residential purposes.
3. These standards are not intended to abridge safety, health, or environmental requirements contained in other applicable codes, standards, or ordinances. These provisions shall not nullify any local, State, or federal laws.

B. APPLICABILITY

1. The standards in this Section shall apply to the construction of any new solar energy conversion use (also known as a solar farm) established after November 27, 2023, except for any Solar Energy System (Small Scale) as described in Section 4.5.5.Q.
2. Modifications to an existing solar farm that increases its total area by more than five (5) percent of the originally approved footprint or changes the solar panel type (e.g., photovoltaic to solar thermal) shall be subject to these standards.
3. Maintenance or repair of an existing solar farm use is not subject to these standards.

C. AVIATION NOTIFICATION

Any solar farm over one half of an acre in size shall comply with the following notification requirements:

1. An application for the establishment of a solar farm shall include a map showing a radius of five (5) nautical miles from the center of the use with any airport operations highlighted.
2. Written notification of the intention to establish a solar farm shall be provided by the applicant to North Carolina Commanders Council for consideration of potential impacts to low altitude military flight paths. Notice shall be provided at 30 days prior to the hearing for a special use permit. Notification shall include the location of the use (i.e., a map, coordinates, address, or parcel ID), the proposed technology (i.e., roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the size of the use in acres. Proof of delivery of notification and date of delivery shall be submitted with permit application.

D. SOLAR GLARE HAZARD TO AVIATION ANALYSIS

1. The applicant shall prepare an analysis of the glare hazard from the solar farm in accordance with the latest version of the Solar Glare Hazard Analysis Tool (SGHAT). Such analysis shall be made available to the TRC and to the permit-issuing authority prior to review of the proposal by these entities. The analysis shall effectively ensure that glint and glare from the panels will not create hazards or visually offensive trespass upon adjacent residential uses or vehicular traffic on adjacent public streets.
2. The full report for each flight path and observation point, as well as the contact information for the Planning Director, shall be sent to the following authorities by the applicant at least 30 days prior to the hearing for a special use permit:
 - a. The appropriate airport operations official at the airport in the National Plan of Integrated Airport Systems (NPIAS) within five nautical miles of the proposed solar energy conversion use;
 - b. The Federal Aviation Administration's (FAA) Airport District Office (ADO) with oversight of North Carolina; and

- c. The appropriate airport operations official at any airport not in the NPIAS, including military airports, within five nautical miles within five nautical miles of the proposed solar energy conversion use.
- 3. Proof of delivery of notification and date of delivery shall be submitted with permit application.
- 4. Any applicable design changes (e.g., module tilt, module reflectivity, etc.) after initial submittal shall be rerun in the SGHAT tool and a new report shall be sent without undue delay to the parties identified above for accurate records of the as-built system.

E. STANDARDS

A solar farm shall comply with the following standards:

1. PERMITTING

- a. The facility shall be constructed in accordance with approved applicable building and electrical permits, including review of wind load capacity. Panel array shall be mounted and installed according to manufacturer specifications. Underwriter's Laboratory (UL) Listing of components shall be required.
- b. If the facility is to be interconnected to the local utility power grid, a copy of the conditional approval from the local utility shall be provided prior to or at the time of application for the required building permits.

2. DISCLOSURE OF MATERIALS

Full disclosure of solar panel contents and materials are required as part of the building permit and/or electrical permit application and shall likewise be provided to the Town of Elon Fire Department. Documentation of compliance with all State and federal requirements shall be provided with the seal and signature of a design professional licensed in North Carolina.

3. EMERGENCY CONSIDERATIONS

The electrical disconnect switch shall be clearly identified on plans and in the field and shall remain unobstructed at all times. A map showing the location of the switch shall be provided to the Town of Elon Police, Fire, and Public Works Departments and the owner/operator shall supply emergency contact information to the Town of Elon Police, Fire, and Public Works Departments and any changes or updates to the contact information shall be provided within ten (10) days of the change. Emergency access to the areas within the fence by governmental authorities shall be allowed at all times.

4. LOT SIZE AND SETBACKS

- a. The minimum lot size shall be ten (10) or more acres.
- b. A minimum setback distance of 100 feet for any panel array and related inverters from all property boundary lines shall be required in any zoning district where solar farm uses are allowed.
- c. A fence enclosing the solar panels configured in accordance with these standards is required and shall be set back at least 100 feet from all lot lines.

The height of solar energy conversion uses shall be measured from the highest natural grade below each solar panel and shall not exceed 15 feet above grade.

5. STORMWATER MANAGEMENT

Panels must be designed and positioned to allow water to run off their surfaces. Soil with adequate vegetative cover shall be maintained under and around the panels, and the area around panels must be adequate to ensure proper vegetative growth under and between the panels. The vegetative cover shall be selected and designed to be pervious to the maximum extent practicable so that stormwater infiltrates or is filtered by sheetflow across the facility before exiting the property or reaching designated wetlands or waters of the State. A clear, brush-free area shall be maintained at a minimum of ten (10) feet around the array to allow for emergency access.

6. SIGNAGE

Signage shall be limited to "No Trespassing" and "Caution – High Voltage" signs located every 100 feet along all sides of the fence enclosing the solar collectors and signage at each gated entrance to the site that includes the name, address, and contact telephone numbers of the facility operator.

7. SCREENING

- a. A chain link fence no less than six (6) feet in height with a locked gate shall enclose all solar collectors. Access gates shall be similarly constructed and shall remain locked at all times when not providing ingress/egress to the owner/operator or respective agent. The fence and gate(s) shall be maintained in good condition until the system is dismantled and removed, regardless of cessation of the use. Failure to maintain the fencing and gate(s) shall constitute a violation of the development permit.
- b. Except for accessways into the site, the entire facility shall be enclosed by an evergreen vegetative planting strip located at least six (6) feet outside the fenced area wherever existing vegetation does not adequately obscure view of the facility from adjacent parcels or public roads and shall constitute an area of no less than fifty (50) feet in width. Failure to continually maintain required screening shall constitute a violation for which the special use permit may be revoked.
- c. Plant types in the evergreen vegetative planting strip may be selected from those provided in the LMO Appendices, for each required category. All planted material shall be maintained in good condition at all times until the facility is dismantled regardless of cessation of operation. Failure of any material, whether existing or supplemental, that is included in the calculation to meet the screening requirements shall be replaced with new material meeting the same requirements within thirty (30) days unless an extension is granted by the Planning Director. Such extension shall be granted based on seasonal and weather conflicts only. Failure to meet the required screening shall constitute a violation of the development permit.
 - i. Large trees shall be planted at the rate of one (1) three-inch caliper (minimum) sized tree per thirty (30) feet or less of linear feet of the required buffer. All trees used to meet the requirements shall be a minimum of eight (8) feet in height at the time of planting and of a species that is expected to reach a minimum mature height of thirty (30) feet. No less than fifty (50) percent of trees used to meet this standard shall be of an evergreen variety or cultivar.
 - ii. Understory trees or large shrubs shall be planted at the rate of one (1) understory tree or large shrub per 500 square feet of buffer area. All understory trees or large shrubs used to meet the requirements shall be a minimum height of six (6) feet at time of planting and of a species that is expected to reach a minimum mature height of twenty (20) feet. No less than sixty (60) percent of trees and shrubs used to meet this standard shall be of an evergreen variety or cultivar.
 - iii. Shrubs shall be planted at a rate of one (1) shrub per 200 square feet of buffer area. All shrubs used to meet the requirements shall be a minimum of thirty-six (36) inches in height at the time of planting and of a species that is expected to reach a minimum mature height of six (6) feet within five (5) years of planting. No less than seventy (70) percent of shrubs used to meet this standard shall be of an evergreen variety or cultivar.

F. CONSTRUCTION TIMETABLE

Construction of the facility shall be completed within twelve (12) months of issuance of the development permit. The applicant may request one six (6) month extension which may be reviewed and approved by the Planning Director. Any and all subsequent extension requests must be approved by the permit-issuing authority.

G. DECOMMISSIONING, ABANDONMENT, AND HAZARD ABATEMENT

A signed and notarized decommissioning plan shall be submitted with the special use permit application and shall be in a form suitable to be recorded with the Alamance County Register of Deeds. The decommissioning plan shall include, at a minimum, all the following provisions and requirements:

1. Following a six (6) month period in which no electricity is generated, the permit holder will have six (6) months to complete decommissioning of the system. Decommissioning includes removal of solar panels, support columns, buildings, cabling, electrical components, and any other associated facilities down to 72 inches below grade;

2. Identification of any other conditions or circumstances upon which decommissioning will be initiated (e.g., end of lease, condition of a potential public safety hazard, etc.);
3. Following removal, disturbed earth shall be graded and revegetated with ground cover recommended for the region, unless the landowner requests in writing that revegetation not occur due to plans for agricultural planting;
4. Topsoil removed or eroded during construction or operation of the facility shall be replaced;
5. All graveled areas and access roads, as well as fencing and signage, must be removed unless the landowner requests in writing that such components stay in place;
6. Prompt repair or removal of any structures that no longer function, become damaged, or that constitute a safety hazard regardless of whether due to neglect, man-made, or natural causes;
7. The timeframe for completion of removal and decommissioning activities shall be from 180 days to 12 months unless otherwise extended following receipt of an application for extension and approval by the permit-issuing authority; and
8. A signed statement from the party responsible for completing the decommissioning plan acknowledging their responsibility to execute the decommissioning plan in accordance with these standards.

H. DECOMMISSIONING PERFORMANCE GUARANTEE

A performance guarantee for the potential decommissioning of a solar farm shall be provided to the Town by an applicant in accordance with the following standards:

1. The guarantee shall be posted with the Town prior to establishment of the facility;
2. The performance guarantee shall renew automatically and shall include a minimum 60-day notice to the Town prior to cancellation;
3. The guarantee shall be provided by a company on the U.S. Department of Treasury's Listing of Certified Companies;
4. A guarantee consisting of a bond certificate shall be submitted to the Planning Director each year verifying the bond has been properly renewed;
5. The amount of the guarantee shall be one and a quarter times the estimated decommissioning cost, or \$50,000, whichever is greater, and shall not be reduced by the salvage value;
6. Cost estimates for decommissioning shall be determined by a North Carolina professional engineer or a licensed contractor and shall be provided by the applicant;
7. Compliance with these requirements shall be fulfilled upon deposit of a certified check deposited with the Town's Finance Director;
8. Funds deposited with the Finance Director will only be returned when the facility is decommissioned, and any necessary site restoration is completed; and
9. The full amount of the bond or certified check shall remain in full effect until the facility is decommissioned and any necessary site restoration is complete.

I. TRANSFER OF OWNERSHIP

Any solar farm that is sold or transferred to another entity shall remain still bound to the rules and regulations in this section, any State or federal permits, conditions of approval imposed as part of the special use permit, site plan requirements, or the building permit process.

4.3.92 TELECOMMUNICATIONS FACILITY

A. PURPOSE AND INTENT

This section establishes general standards for the siting of telecommunications facilities that will provide for the public health, safety, and welfare. The standards are intended to ensure that residents, businesses, and public safety operations in the Town's planning jurisdiction have reliable access to wireless communications services. More specifically, the provisions of this section are intended to:

1. Ensure adequate protection of residential areas and uses from potential adverse impacts of communications facilities, and to generally encourage the location of these facilities in areas where adverse impact on the community is minimal;
2. Encourage the placement of telecommunications facilities in non-residential areas;
3. Minimize the number of new major telecommunications towers generally;
4. Create conditions where telecommunications service providers are able to provide telecommunications services effectively and efficiently in accordance with State and federal law;
5. Strongly encourage the joint use or collocation of new and existing telecommunications facilities so as to minimize the number of new telecommunications towers throughout the Town;
6. Establish collocation and concealed towers as the preferred options for the accommodation of telecommunications equipment; and
7. Ensure that telecommunications facilities located within the public right of way do not obstruct sight distance triangles or create safety hazards for pedestrians or bicyclists.

B. APPLICABILITY

The standards in this section shall apply to all telecommunications facilities except for the following, which are exempted from these standards but remain subject to all other applicable standards in this Ordinance:

1. Removal of antennas, antenna support structures, or telecommunications equipment on an existing telecommunications tower, utility pole, vertical projection, or equipment compound that does not result in a substantial modification;
2. The operation of a small wireless facility solely within the interior of a structure, stadium, or athletic facility;
3. Routine maintenance on an existing telecommunication facility;
4. Installation, modification, or operation of a micro-wireless facility, receive-only television antenna, or receive-only radio antenna for noncommercial use;
5. Installation, modification, or operation of FCC-licensed amateur ("ham") radio equipment; and
6. Dish antenna or earth stations.

C. RETENTION OF EXPERT ASSISTANCE AND REIMBURSEMENT BY APPLICANT

The Town may hire any consultant and/or expert necessary to assist the Town in reviewing and evaluating the application for a telecommunications facility, including the construction and modification of the site, in accordance with these standards.

1. Upon filing an application, an applicant shall deposit with the Town funds sufficient to reimburse the Town for all reasonable costs of consultant and expert evaluation and consultation to the Town in connection with the review of any application, including the construction and modification of the site, once permitted.
2. The initial deposit shall be in the amount set forth in the adopted fee schedule and shall be paid at the time the application is submitted. The Town will maintain a separate escrow account for all such funds.
3. The Town's consultants/experts shall invoice the Town for its services in reviewing the application, including the construction and modification of the site, once permitted.
4. If at any time during the process this escrow account has a balance less than an amount set forth in the adopted fee schedule, the applicant shall immediately, upon notification by the Town, replenish the escrow account so that it maintains the minimum required balance. Any additional escrow funds shall be deposited with the Town before any further action or consideration is taken on the application.
5. In the event that the amount held in escrow by the Town is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant.

D. TELECOMMUNICATIONS FACILITIES DISTINGUISHED

The following use types and configurations are considered to be telecommunications facilities subject to these requirements:

1. New and replacement major telecommunication towers of 50 feet in height or taller;
2. New and replacement minor telecommunication towers of up to 50 feet in height;
3. Stealth or concealed telecommunication towers, antennae, or telecommunications equipment;
4. Major collocations of antennae and associated equipment on existing towers, buildings, or other vertical projections;
5. Minor collocations of antennae and associated equipment on existing towers, buildings, or other vertical projections; and
6. The installation of small wireless facilities on land outside a public street right-of-way.

E. GENERAL STANDARDS APPLICABLE TO ALL TYPES OF TELECOMMUNICATIONS FACILITIES

The following requirements shall apply to all new telecommunications facilities and any modifications to an existing telecommunications facility that exceeds the scope of routine maintenance, as defined in this section.

1. BUILDING OR ZONING COMPLIANCE PERMIT REQUIRED

Prior to installation or modification exceeding the scope of routine maintenance, all telecommunications facilities shall receive a building or zoning compliance permit as required, in accordance with the provisions of this Ordinance.

2. COMPLIANCE WITH FEDERAL AND STATE REGULATIONS

All telecommunication facilities shall comply with or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government that regulates telecommunications facilities. In addition to federal requirements, all telecommunication facilities shall comply with or exceed current standards and regulations of the State of North Carolina pertaining to telecommunications facilities Sections 160D-930 through 160D-934 of the North Carolina General Statutes.

3. INTERFERENCE

No telecommunication facility shall disturb, diminish, or interfere with public safety, radio, television, or other wireless telecommunications signals in accordance with FCC requirements.

4. STRUCTURALLY SOUND

All elements of a telecommunication facility shall demonstrate, to the satisfaction of the Town, that the equipment and the structure supporting the equipment is structurally sound and can accommodate the proposed equipment and appurtenances.

5. SIGHT DISTANCE AT INTERSECTIONS

All elements of a telecommunication facility shall be located outside of, and shall in no way obstruct, required sight distance triangles. This requirement shall apply to existing streets as well as to future street intersections that have been designed or where right-of-way is currently being protected by the Town or the State.

6. ACCESSORY EQUIPMENT

Accessory equipment, including any buildings, cabinets, or shelters, shall be used only for the purposes of housing telecommunications equipment and other supplies in direct support of the operation of the telecommunications facility. Any equipment or materials not used in direct support of such operation shall not be stored on the site.

7. OBSTRUCTION LIGHTING

Lighting of a telecommunications facility shall be limited to that required for compliance with FAA minimum standards. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Nighttime strobing or flashing lights are prohibited, unless required by the FAA.

8. SIGNAGE

Signage shall be limited to safety or informational signage identifying the party responsible for the operation and maintenance of the facility and any additional security or safety signs, as necessary, in the opinion of the Planning Director.

9. UNAUTHORIZED ACCESS PROHIBITED

Telecommunications towers and vertical projections with telecommunications equipment with a height of 30 feet above grade or more shall be designed or configured to prevent unauthorized persons from climbing on the telecommunication facility whether through use of walls or fencing with a minimum height of six (6) feet above adjacent grade, or anti-climbing devices.

10. NONCONFORMING TELECOMMUNICATIONS FACILITIES

- a. Lawfully established telecommunications facilities in operation prior to November 27, 2023, that do not comply with these standards may remain and operate as nonconforming uses.
- b. In the event of conflict between these standards and the standards for nonconforming situations detailed in Chapter 6, Nonconformities, the standards in this section shall control with respect to telecommunications facilities.
- c. Ordinary and routine maintenance may be performed on a nonconforming telecommunications facility.
- d. Minor collocation of antennae, antenna-support structures, and related telecommunications equipment is allowed, provided that the overall height of the existing nonconforming telecommunications facility remains unchanged or is reduced.
- e. In no instance shall a collocation resulting in an increased overall height or a requiring substantial modification, as defined in this section and Section 160D-932 of the North Carolina General Statutes, be permitted on a nonconforming telecommunications facility.
- f. In the event a nonconforming telecommunications tower is removed, it shall not be replaced with another nonconforming telecommunications tower.

11. CESSATION

- a. A telecommunication facility shall be considered to have ceased operation if the Town receives written notice from a wireless services provider that it intends to cease operations at a particular telecommunication facility, or a telecommunications facility ceases to transmit a telecommunications signal for a period of 30 consecutive days or longer.
- b. Upon receipt of a written notice from a wireless services provider or upon determination that a telecommunication facility has ceased operation, the Town shall forward written documentation of the cessation to the wireless services provider, or the owner of the land, if different.

12. ABANDONMENT

- a. The telecommunications facility shall be deemed abandoned if telecommunications signals do not resume for a period of 180 consecutive days or longer from the date the written documentation of cessation is filed.
- b. Upon making a determination that a telecommunications facility has been abandoned, the Town shall forward written documentation of the abandonment to the wireless services provider, or the owner of the land, if different.

13. REMOVAL

- a. The Town may require the wireless services provider or the owner of the land, if different, to remove an abandoned telecommunications facility within 30 days of the date it is deemed abandoned.
- b. Should the wireless services provider, or the owner of the land, if different, fail to remove the abandoned telecommunications facility within 30 days of the date that notice of abandonment is filed, the Town may cause the telecommunications facility to be removed and may recover the

actual cost of such removal, including legal fees, if any, from the wireless services provider, or the owner of the land, if different.

14. LIABILITY INSURANCE

- a.** The permit holder for telecommunications facilities shall secure and at all times maintain public liability insurance for personal injuries, death, and property damage, and umbrella insurance coverage, until the tower is removed from the site, in amounts as set forth below:
 - i.** Commercial general liability covering personal injuries, death, and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate;
 - ii.** Automobile coverage: \$1,000,000 per occurrence/\$2,000,000 aggregate; and
 - iii.** Worker's compensation and disability: statutory amounts.
- b.** The commercial general liability insurance policy shall specifically include the Town and consultants as an additional named insured.
- c.** The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the state and with a Best's rating of at least A.
- d.** The insurance policies shall contain an endorsement obligating the insurance company to furnish the Town with at least 30 days' prior written notice in advance of the cancellation of the insurance.
- e.** Renewal or replacement policies or certificates shall be delivered to the Town at least 15 days before the expiration of the insurance that such policies are to renew or replace.
- f.** Before construction of a permitted telecommunications facility is initiated, but in no case later than 15 days after issuance of the zoning compliance permit, the permit holder shall deliver to the Town a copy of each of the policies or certificates representing the insurance in the required amounts.

F. STANDARDS FOR COLLOCATION OF ANTENNAE

1. COLLOCATIONS DISTINGUISHED

All collocations shall be classified as either a major collocation or a minor collocation in accordance with the following:

- a.** A major collocation includes placement of antennas, antenna-support structures, and related telecommunications equipment on any of the following: a building's roof; a building's wall; a vertical projection such as a water tank, electric transmission tower, or similar vertical projection not constructed for the sole purpose of providing telecommunications services; or an existing or replacement telecommunications tower where the collocation requires a substantial modification, as defined in these standards and Section 160D-931 of the North Carolina General Statutes.
- b.** A minor collocation includes placement of antennas, antenna-support structures, and related telecommunications equipment on an existing or replacement telecommunications tower, provided no substantial modification, as defined in these standards and Section 160D-931 of the North Carolina General Statutes, is required. A minor collocation may also be referred to as an "eligible facility," as defined in these standards and Section 160D-931 of the North Carolina General Statutes.
- c.** In addition to the placement of antennas and antenna-support structures, collocations may also include the placement of telecommunications equipment on a telecommunications tower, on a vertical projection, on the ground in close proximity to a telecommunications tower or vertical project, within an equipment compound, within an equipment cabinet, within a building, or on a building's roof. Nothing shall prohibit the replacement of an existing telecommunications tower or activities that increase the overall height of an existing telecommunications tower in order to accommodate a proposed collocation.

2. SUBSTANTIAL MODIFICATION

Collocations on an existing or replacement telecommunications tower that require or result in any of the following shall be considered a substantial modification:

- a. Increasing the existing overall height of the telecommunications tower by the greater of 20 feet or more than ten percent; or
- b. Adding an appurtenance (excluding cabling supports) to the body of an existing telecommunications tower that protrudes horizontally from the edge of the tower by the greater of: more than the width of the telecommunications tower at the height of the appurtenance; or more than 20 feet from the edge of the tower; or
- c. Increasing the square footage of an existing equipment compound by more than 2,500 square feet.
- d. Substantial modifications that require an increase in the overall height of an existing telecommunications tower or require a replacement tower that exceeds the height of the existing telecommunications tower by more than 40 feet shall require review as a new telecommunication tower.

3. MAXIMUM HEIGHT

Antennae, antenna-support structures, or other telecommunications equipment, associated with a major collocation on a building wall or roof shall not project more than ten (10) feet above the highest point of the building's roof or parapet wall.

4. METHOD OF ATTACHMENT

Antennae, antenna-support structures, or other telecommunications equipment, associated with a collocation shall be mechanically fastened to the building, roof, vertical projection, or telecommunications tower in a manner that minimizes the potential for structural failure or endangerment of the public from falling telecommunications equipment. The Planning Director shall require an applicant for a collocation to furnish evidence from a professional engineer licensed in the State of North Carolina that the proposed collocation meets the applicable State and local building and fire code requirements.

5. APPEARANCE WHEN CONCEALED

When a collocation is proposed on a concealed telecommunications tower, the collocation shall be configured in the manner necessary to ensure the tower's concealment is not compromised or negatively impacted.

6. SETBACKS

In cases where an existing telecommunication tower's height is increased or where an existing telecommunications tower is replaced in order to accommodate a collocation, the existing or replacement tower shall be set back at least one foot from the front, side, and rear lot lines for each foot of overall telecommunications facility height, to the maximum extent practicable. Accessory structures, including equipment cabinets, guy wire anchors, and other ground-based equipment shall conform with the applicable dimensional requirements for the zoning district where located.

G. STANDARDS FOR TELECOMMUNICATIONS TOWER, MAJOR

1. TOWERS DISTINGUISHED

A new or replacement telecommunications tower with a height of 50 feet or more above grade is a major telecommunications tower subject to these standards. A new or replacement telecommunications tower with a height less than 50 feet above grade shall be considered a minor telecommunications tower.

2. SETBACKS

- a. Towers and their associated antennas shall be set back at least one (1) foot from the front, side, and rear lot lines for each foot of overall telecommunications facility height.
- b. In cases where an existing telecommunication tower's height is increased or where an existing telecommunications tower is replaced in order to accommodate a major or minor collocation, the existing or replacement tower shall comply with the setback requirements of this section, to the maximum extent practicable.

3. MAXIMUM HEIGHT

The maximum height (including antenna and other appurtenances) for any new, replaced, or collocated telecommunication tower is 300 feet, as measured from the adjacent pre-construction grade to the top of the highest appurtenance on the tower. In no instance shall the collocation of an eligible facility or a collocation that constitutes a substantial modification result in a telecommunication tower with a height that exceeds 300 feet above the adjacent pre-construction grade. In cases where a telecommunications tower is mounted to or on top of a building, the overall height of the building and the attached tower shall not exceed 300 feet from the adjacent preconstruction grade. The adjacent pre-construction grade shall be the grade at the base of the building closest to the tower.

4. COLLOCATION REQUIRED

Telecommunications towers shall be designed to accommodate the present and future needs of the owner and as well as the collocation of additional equipment, in accordance with the following standards:

- a. Towers of 50 to 80 feet in height shall be configured to accommodate the collocation of at least two (2) telecommunications service provider's equipment.
- b. Towers of 81 to 130 feet in height shall be configured to accommodate the collocation of at least three (3) telecommunications service provider's equipment.
- c. Towers of 131 feet in height or higher shall be configured to accommodate the collocation of at least four (4) telecommunications service provider's equipment.

H. STANDARDS FOR TELECOMMUNICATIONS TOWER, MINOR**1. TOWERS DISTINGUISHED**

A concealed telecommunications tower is a telecommunications tower and associated equipment that is designed to appear as something other than a traditional telecommunications facility. A minor telecommunications tower is a use that is designed to appear as a traditional communications facility except that the maximum height of the tower portion of the facility is less than 30 feet above grade.

2. APPEARANCE OF A CONCEALED TELECOMMUNICATIONS TOWER

A concealed telecommunications tower shall be configured to conceal the presence of the tower, antennas, antenna-support structures, and related telecommunications equipment in order to obscure its purpose as a telecommunications facility, to the maximum extent practicable. Allowable configurations include, but are not limited to: bell towers, clock towers, water towers, silos, chimneys, steeples, light poles, flag poles, or evergreen trees. Antennae, antenna support structures, cabling, and related appurtenances shall be enclosed, camouflaged, screened, or otherwise obscured so that they are not readily identifiable as wireless telecommunications equipment to the casual observer (see Figure 4.3.92, Concealed Facilities).

FIGURE 4.3.92, CONCEALED TELECOMMUNICATIONS FACILITIES

3. SETBACKS

Concealed and minor telecommunications towers and associated accessory structures, including equipment cabinets, shall comply with the applicable dimensional requirements for non-residential uses in the zoning district where located. In no instance shall a concealed or minor telecommunications tower be exempted from the minimum applicable setback requirements for non-residential uses. In cases where an existing concealed telecommunication tower's height is increased or where an existing concealed telecommunications tower is replaced in order to accommodate a major or minor collocation, the existing or replacement concealed telecommunications tower shall comply with the setback requirements above, to the maximum extent practicable.

4. MAXIMUM HEIGHT

The maximum height for any concealed wireless telecommunication tower is 200 feet, as measured from the adjacent pre-construction grade to the top of the highest appurtenance on the tower. In no instance shall a collocation of an eligible facility or work associated with a substantial modification result in a concealed telecommunication tower with a height that exceeds 200 feet above the adjacent pre-construction grade. The maximum height for a minor telecommunications tower is less than 50 feet from the adjacent pre-construction grade to the top of the highest appurtenance on the tower.

5. COLLOCATION

Concealed and minor telecommunications towers are encouraged (but not required) to accommodate the collocation of other antennae. Collocations of equipment on a minor telecommunications tower (whether a major or minor collocation) shall not increase the overall height of the tower by more than 10 feet beyond the initially approved height of the minor telecommunications tower. Actions that result in an increase in tower height by more than ten (10) feet shall require the minor telecommunications tower to undergo review as a major telecommunications tower. Any collocated equipment on a concealed telecommunications tower must maintain the appearance of the facility as a concealed telecommunications tower. In no instance shall a concealed telecommunications tower be replaced with a telecommunications tower that is not concealed in order to accommodate a collocation.

I. STANDARDS FOR WIRELESS COMMUNICATIONS FACILITIES, SMALL**1. CONSOLIDATED APPLICATION**

An applicant may file a single consolidated application for up to 25 separate small wireless facilities at one time, but the Town may choose to issue separate decisions on one or more of the facilities included within a consolidated application.

2. LOCATED WITHIN PUBLIC RIGHT-OF-WAY

In cases where a small wireless facility is proposed within a public right-of-way, the small wireless facility shall comply with all standards applicable to the right-of-way.

3. TIMEFRAME FOR REVIEW

Applications for establishment of a small wireless facility shall be processed and decided within 45 days from the date the application is determined to be complete. Nothing shall prohibit the Town and the applicant from mutually agreeing to a longer review period.

4. TIMING FOR OPERATION

Construction of a small wireless facility shall commence within six (6) months of its approval and the small wireless facility shall be activated for use within one year from the permit issuance date, unless delayed by a lack of commercial power at the site.

5. MAXIMUM EQUIPMENT SIZE

In no instance shall a small wireless facility exceed the following maximum size limitations; a small wireless facility that exceeds these maximum size limitations shall be reviewed in accordance with the standards for a collocation.

- a. Each antenna, and any exposed elements, shall be capable of fitting within an enclosure of six (6) cubic feet, or less.
- b. All other wireless equipment associated with the small wireless facility shall maintain a maximum cumulative volume of 28 cubic feet, or less. The following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or the support structure.

6. MAXIMUM HEIGHT

No new structure intended to support a small wireless facility shall be taller than 50 feet above the adjacent pre-construction grade. An existing structure (such as a utility pole, light standard, sign, etc.) may be replaced in order to accommodate a small wireless facility, but the replacement structure shall not exceed the height of the original structure being replaced. In no instance shall the antennae or equipment associated with a small wireless facility project more than ten feet above the height of the structure the small wireless facility is mounted on. In cases where a new structure installed to serve a small wireless facility exceeds 50 feet in height, the structure shall be reviewed and decided in accordance with the standards for a telecommunications tower. In cases where a replacement structure intended to serve a small wireless exceeds the height of the original structure, the replacement structure shall be reviewed and decided in accordance with the standards for a collocation.

7. PLACEMENT

A small wireless facility, including the support structure and all other equipment, shall not obstruct the safe passage of vehicles, pedestrians, or bicycles.

8. METHOD OF ATTACHMENT

Antennae, antenna-support structures, or other wireless communications equipment, associated with a small wireless facility shall be mechanically fastened to the supporting structure in a manner that minimizes the potential for structural failure or endangerment of the public from falling wireless telecommunications equipment. The Planning Director shall require an applicant for a small wireless facility to furnish evidence from a professional engineer licensed in the State of North Carolina that

the proposed wireless telecommunications facility meets the applicable State and local building and fire code requirements.

9. APPEARANCE

The portion of a small wireless facility attached to the support structure shall match the color of the support structure, to the maximum extent practicable. In cases where an applicant proposes inclusion of a small wireless facility on a decorative support structure, sign, or other existing structure not constructed solely for the purposes of providing wireless telecommunications services, the County may require the small wireless facility to be configured or concealed to ensure compatibility with the structure.

10. ELECTRICAL SERVICE

In cases where a small wireless facility is proposed in areas where electrical service is underground, all electrical service to the small wireless facility shall also be underground.

4.3.93 TOWNHOUSE

Townhouse dwellings shall comply with the design guidelines for multi-family residential development in Section 7.1.3.B as well as the following:

- A.** The dwelling shall face the street from which the dwelling derives its street address.
- B.** If a parking lot is provided, it shall be located to the interior side or rear of the dwelling and not be located between the dwelling and the street.

4.3.94 TRANSFER STATION

- A.** All structures, buildings, and landfiling operations shall be a minimum of 300 feet from a residentially zoned or used lot.
- B.** Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.
- C.** Access to the facility shall be by way of a collector or higher-classified road.
- D.** Entrances shall be controlled to prevent unregulated access to the facility.
- E.** Access roads leading to any part of the facility shall be constructed with a gravel or crushed stone surface and maintained in a dust-free manner.
- F.** No part of access roads shall be located closer than 15 feet to an external property line other than a limited access highway or railroad right-of-way line.
- G.** An application for establishment of this use shall include a truck route plan that designates routes to minimize impacts on residential areas, schools, or other land uses that would be negatively impacted by truck traffic.
- H.** The siting and design of the facility shall comply with the applicable requirements of the NC Solid Waste Management Rules.
- I.** The operation of the facility shall be in compliance with the State of North Carolina's operation, maintenance, and monitoring regulations for solid waste disposal facilities.

4.3.95 TRIPLEX OR QUADPLEX DWELLING

Triplex and quadplex dwellings shall comply with design guidelines for multi-family residential detailed in Section 7.1.3.B as well as the following:

- A.** The dwelling shall face the street from which the dwelling derives its street address.
- B.** If a parking lot is provided, it shall be located to the interior side or rear of the dwelling and not be located between the dwelling and the street.

4.3.96 TRUCK TERMINAL

- A.** All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.
- B.** Security fencing of a minimum height of six (6) feet or other comparable method of enclosure shall be provided around all outside storage and staging areas.
- C.** An application for establishment of this use shall include a truck route plan that designates routes to minimize impacts on residential areas, schools, or other land uses that would be negatively impacted by truck traffic.
- D.** Where the site is bounded by a railroad right-of-way currently being used for rail service to the terminal, no setback shall be required between the railroad right-of-way and such operation.

4.3.97 UPPER-STORY RESIDENTIAL

- A.** Upper-story residential dwelling units shall occupy the second or higher floor of a building with a non-residential use on the ground floor.
- B.** Upper-story residential units configured as condominiums shall comply with the standards in Section 4.3.66.G, Condominiums.

4.3.98 URGENT CARE

- A.** The principal use Urgent Care shall have direct access to a collector or higher-capacity road.
- B.** A six (6) foot high opaque fence shall be erected along all lot lines shared with a single-family detached dwelling.
- C.** Off-street parking areas shall be located no closer than 30 feet to the property line of an abutting single-family detached dwelling.

4.3.99 VEHICLE PAINTING/BODY SHOP

- A.** The use shall be located at least 250 feet from any residential district, school (except vocational school), or child day care center;
- B.** Vehicles shall not be parked or stored as a source of parts; and
- C.** Repair and storage of all vehicles shall occur within an enclosed building. Temporary outdoor vehicle storage may be allowed in an outdoor storage area that is no larger than 25 percent of the buildable area of the lot, located behind or to the side of the principal structure, and fully screened by an opaque fence or wall of at least six feet in height.

4.3.100 VEHICLE REPAIR AND SERVICING (WITHOUT PAINTING OR BODYWORK)

- A.** Air compressors, hydraulic hoists, pits, repair equipment, greasing and lubrication equipment, auto washing equipment, and similar equipment shall be entirely enclosed within a building.
- B.** Outdoor storage areas and all other built-upon areas shall not exceed 24 percent of the total lot or site area. The number of vehicles stored outdoors shall not exceed the number of service bays at the establishment.
- C.** No outdoor disassembly or salvaging shall be permitted.
- D.** Any outdoor storage area shall be screened with a six (6) foot high opaque fence or wall in addition to any landscaping or screening required by this Ordinance.
- E.** All unpaved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.

4.3.101 VEHICLE SALES OR RENTALS

- A.** Vehicle display areas shall be surfaced with concrete, asphalt, or crushed stone.
- B.** No vehicles, displays, or other similar items shall be displayed on the top of a building.
- C.** Repair and service functions are permitted as an accessory use provided all repair-related activities take place within an enclosed building.

4.3.102 VEHICLE TOWING AND STORAGE LOT

- A.** A maximum of no more than 50 vehicles at any one time shall be stored on the property.
- B.** All towed vehicles must be stored in an approved vehicle towing and storage area.
- C.** A chain link fence, a minimum of six (6) feet in height, shall be provided around all accessible sides of the storage area.
- D.** All entrances to and from the storage area shall be secured and locked whenever an employee is not present on the property.
- E.** Storage of motor vehicles shall comply with the standards in Section 7.3.9, Outdoor Storage Area Screening.
- F.** The storage area shall be paved with asphalt or concrete to minimize dust emissions and the buildup of dirt, mud, and other debris.
- G.** No storage area shall be permitted within 100 feet of any residentially zoned property or within any required front yard.
- H.** All buildings used to protect stored motor vehicles shall be located on the same lot.

4.3.103 VETERINARY CLINIC

Veterinary clinics shall comply with the following requirements:

- A.** All structures shall be designed and maintained in a manner to prevent the development of unsanitary conditions;
- B.** All activities associated shall take place within enclosed and soundproofed structures, or the use shall comply with the following separation requirements:
 - 1.** All activities shall be at least 200 linear feet from a lot in a residential or ONI zoning district;
 - 2.** All activities shall be at least 100 linear feet from land zoned VMX; and
 - 3.** Outdoor areas used to house or exercise animals shall be enclosed by a fence at least six (6) feet in height.

4.3.104 WAREHOUSE, DISTRIBUTION OR STORAGE

- A.** All non-paved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.
- B.** Vehicle access to the use shall be provided only by way of a US or NC numbered highway, or by an access road serving a larger industrial area.
- C.** No part of an access road shall be located closer than 15 feet to an external lot line other than a limited access highway or railroad right-of-way line.
- D.** An application for establishment of this use shall include a truck route plan that designates routes to minimize impacts on residential areas, schools, or other land uses that would be negatively impacted by truck traffic.
- E.** Uses engaged in the storage or distribution of flammable materials shall meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the National Fire Protection Association standards, Flammable and Combustible Liquids Code, NFPA 30 and Standards for the Storage and Handling of Liquefied Petroleum Gases, NFPA 58, as applicable.

4.4 PROHIBITED USES

4.4.1 PROHIBITED EVERYWHERE

The following use types are not listed in Table 4.2.1, Principal Use Table, and are prohibited throughout the Town's planning jurisdiction in all zoning districts.

A. AGRICULTURAL USES

1. Concentrated animal feeding operations; and
2. Slaughterhouses.

B. COMMERCIAL USES

1. Outdoor advertising or billboards, except where prohibition is preempted by State or federal law. Outdoor advertising lawfully established prior to November 27, 2023, may be permitted to continue as a nonconforming use only in accordance with Chapter 6, Nonconformities, and Section 160D-912 of the North Carolina General Statutes;
2. Outdoor shooting ranges; and
3. Racetracks for trucks, automobiles, motorcycles, go carts, or other types of devices with internal combustion engines.

C. INDUSTRIAL USES

1. Acetylene gas manufacture;
2. Acid manufacture;
3. Ammonia, bleaching powder, or chlorine manufacture;
4. Brick, tile, or terra cotta manufacture;
5. Cellophane manufacture;
6. Chemical Manufacture;
7. Creosote manufacture or treatment plants;
8. Distillation of bones, coal, petroleum, refuse, tar, or wood;
9. Explosives, ammunition, fireworks, or gunpowder manufacture;
10. Fertilizer manufacture;
11. Fat rendering, or production of fats and oils from animal or vegetable products by boiling or distillation;
12. Garbage, offal, or animal reduction and processing;
13. Glue and size manufacture;
14. Hazardous materials handling or storage;
15. Land application of wastes or contaminated soils;
16. Leather and leather products manufacturing involving tanning;
17. Linseed oil, shellac, turpentine manufacture or refining;
18. Nitrogenous tankage, fish meal or manufacture of any fertilizer materials carrying an objectionable odor;
19. Oilcloth or linoleum manufacture;
20. Ore reduction;
21. Pulp mills;
22. Sanitary landfill; and
23. Vinegar manufacturing.

D. INSTITUTIONAL USES

1. On-site or package treatment plant wastewater disposal systems that discharge to surface waters or wetlands;
2. Storage or processing of radioactive or infectious waste; or
3. Correctional facilities.

E. RESIDENTIAL USES

1. Use of a boat, houseboat, or other floating structure as a temporary or permanent residence (this shall not prevent the overnight occupancy of a vessel temporarily moored while in transit on navigable waters); and
2. Use of a tent or recreational vehicle as a permanent residence.

4.4.2 PROHIBITED BY OTHER STANDARDS

A. OVERLAY ZONING DISTRICTS

Regardless of how a use type is permitted or prohibited in Table 4.2.1, Principal Use Table, if a lot or tract is located within one or more overlay zoning districts, any use type limitations in this section or the overlay district standards (see Section 3.4, Overlay Zoning Districts) shall control.

B. SPECIAL FLOOD HAZARD AREAS

1. Regardless of how a use type is permitted or prohibited in Table 4.2.1, Principal Use Table, if a lot or tract is located within the designated Special Flood Hazard Area, any use type limitations in Section 8.1.14, Standards for all Special Flood Hazard Areas, shall control.
2. The following development is prohibited in designated floodplains due to the North Carolina Flood Act of 2000:
 - a. New solid waste disposal facilities;
 - b. New hazardous waste management facilities;
 - c. New salvage or junkyards; and
 - d. New chemical storage facilities.

4.4.3 ESTABLISHMENT PROHIBITED

Any use type identified as prohibited in this section shall not be established through the approval of a variance (see Section 5.2.26, Variance), planned development (see Section 5.2.16, Planned Development), or special use permit (see Section 5.2.21, Special Use Permit).

4.4.4 EXISTING USE IS NONCONFORMING

In cases where one or more of the prohibited uses listed in this section is lawfully established and in operation prior to November 27, 2023, the use shall be subject to the provisions in Section 1.12, Transitional Provisions.

4.5 ACCESSORY USES

4.5.1 PURPOSE

This section authorizes the establishment of accessory uses and structures that are incidental and subordinate to principal uses on the same lot. The purpose of this section is to allow a broad range of accessory uses and structures, provided they comply with the standards set forth in this section in order to reduce potentially adverse impacts on surrounding lands.

4.5.2 PROCEDURE FOR ESTABLISHMENT

- A.** Accessory uses or structures may be approved in conjunction with the approval of the principal use or subsequently following the establishment of the principal use through the approval of a zoning compliance permit or special use permit, as appropriate. No accessory use or structure shall be approved, established, or constructed before a principal use is approved and established in accordance with this Ordinance.
- B.** Applications to establish a planned development shall be supplemented by a site plan showing proposed accessory uses or by a written list of proposed accessory uses which shall be attached to the application approval along with other conditions of approval.

4.5.3 TABLE OF COMMON ACCESSORY USES

Where a use is not included in either Table 4.2.1, Principal Use Table or Table 4.5.4, Table of Common Accessory Uses, a determination regarding the use's permissibility shall be made in accordance with Section 4.7, Unlisted Uses.

4.5.4 GENERAL STANDARDS FOR ALL ACCESSORY USES AND STRUCTURES

A. PERMITTED ACCESSORY USES AND STRUCTURES

Permitted accessory uses and structures shall comply with the following:

- 1.** Are clearly incidental to an allowed principal use or structure;
- 2.** Are subordinate to and serve an allowed principal use or structure;
- 3.** Are subordinate in area, structure size, extent, and purpose to the principal use or structure; and
- 4.** Contribute to the comfort, convenience, or needs of occupants associated with the principal use or structure.

B. LOCATION OF ACCESSORY USES AND STRUCTURES

1. WITHIN REQUIRED LANDSCAPING AREAS

Except for fences and walls contributing to the screening function of a landscaping buffer, no accessory use or structure shall be located within a required landscaping area except in accordance with Section 7.3, Tree Preservation and Landscaping Standards.

2. WITHIN A REQUIRED SETBACK

No accessory use or structure may be located in a required setback, except as otherwise specified in this Ordinance.

3. WITHIN OTHER AREAS ON A SITE

Regardless of the dimensional standards applicable in the zoning district where located, no accessory use or structure shall:

- a.** Be located closer than ten (10) feet from any lot line.
- b.** Residential garages taller than twelve (12) feet shall meet all applicable principal building setbacks for the district in which the structure is proposed;

- c. Notwithstanding subsection (a) above, when an accessory building is located on a corner lot, the accessory building shall be set back from the side street lot line a distance at least equal to the minimum side street yard setback required for the zoning district in which the lot is located;
- d. All accessory buildings and structures other than residential garages shall be located to the rear of the principal building. A detached accessory building designed and used as a residential garage may be located within a side yard and shall be subject to applicable setback requirements. No detached accessory structure, including a residential garage, shall be located between the principal structure's front building wall and the front lot line.
- e. Be located within a designated fire lane;
- f. Obstruct required sight distance triangles;
- g. Impede ingress or egress to a lot, site, or principal structure;
- h. Be located above or beneath public utilities (except for fences or walls);
- i. Interfere with drainage or stormwater control measures; or
- j. Be within an emergency access route designated on an approved site plan.

4. WITHIN AN EASEMENT

Except for authorized stormwater control measures within a drainage easement, no accessory use or structure shall be located within any platted or recorded easement without the prior written consent of the landowner.

C. TIMING OF ESTABLISHMENT

Except for construction-related activities or structures, no accessory use or structure shall be established on a lot or site prior to the establishment of a principal use. Nothing shall limit the properly permitted establishment of a temporary use per Section 4.6, Temporary Uses, on a lot or site that does not contain a principal use.

D. ACCESSORY STRUCTURE HEIGHT

Except as otherwise indicated, the maximum height of an accessory structure shall not exceed twenty-five (25) feet when measured from the lowest adjacent grade to the highest point of the roof.

E. COMPATIBILITY WITH COMMUNITY CHARACTER

- 1. Accessory uses and structures serving principal uses shall comply with the standards applied to the principal use they serve or shall employ exterior materials, colors, and architectural details that are configured to be complimentary to the principal use.
- 2. The degree to which proposed exterior materials, colors, and architectural details are configured in a complimentary manner to a principal use shall be in the sole opinion of the review authority deciding the application.

F. ADDITIONAL REQUIREMENTS FOR ACCESSORY STRUCTURES

- 1. For lots measuring less than one (1) acre, the combined area of all accessory structures shall be limited to no more than fifty (50) percent of the enclosed finished heated living space or area, including enclosed porches, of the principal building located on the lot. For the purposes of this section, the following components are excluded from the calculation of heated living space: decks, patios, attached garages, carports, attics, any porches not enclosed, and storage rooms that are only entered from the exterior.
- 2. Except as otherwise indicated, the maximum lot coverage of principal and accessory buildings shall not exceed fifty (50) percent of the lot.

TABLE 4.5.4: TABLE OF COMMON ACCESSORY USES

"A" = Allowed if included in a PDD master plan or terms and conditions statement

"P" = Permitted, subject to all applicable use standards

"S" = Permitted, subject to the standards in Section 5.2.21, Special Use Permit, and all applicable use standards

"•" (blank cell) = Prohibited

ACCESSORY USE TYPE /1/	ZONING DISTRICTS													SEC. USE STANDARDS
	RUR	SBR	NBR	UBR	VMX	DTC	DTP	GMX	ONI	UNV	LND	HND	PDD	
Accessory Dwelling Unit, Detached		S	P	P	P		P						A	4.5.5.A
Accessory Dwelling Unit, Internal	P	P	P	P	P	P	P	P					A	4.5.5.B
Amateur Communications Equipment	P	P	P	P	P	P	P	P	P	P	P		A	4.5.5.C
Automated Teller Machine					P	P	P	P	P	P	P		A	4.5.5.D
Broadcasting Studio										P			A	4.3.14
Child or Adult Daycare, Incidental	P	P	P	P	S		P			P			A	4.5.5.E
Coffee Shop										P			A	4.3.21
Convenience Store (Without Gasoline Sales or Restaurant)										P			A	4.3.26
Detached Garage or Carport	P	P	P	P	P		P	P	P	P	P	P	A	4.5.5.F
Dish Antenna (Large)	S						S	P	P	P	P	P	A	4.5.5.G
Drive-Through								S	P	S	P		A	4.5.5.H
Electric Vehicle Charging Station (Public)				P	P	P	P	P	P	P	P	P	A	4.5.5.I
Family Health Care Structure	P	P	P	P	P		P						A	4.5.5.J
Financial Institution Without Drive-Through Service										P			A	4.3.37
Flagpole	P	P	P	P	P	P	P	P	P	P	P	P	A	
General Retail										P			A	
Greenhouse	P	P	P	S	P		P	P	P	P	P	P	A	
Guard House or Gatehouse	P	P	P	P	P			P	P	P	P	P	A	4.5.5.K
Home Occupation	P	P	P	P	P	P	P		P				A	4.5.5.L
Laboratory and Laboratory Services										P			A	
Laundry/Dry Cleaning										P			A	4.3.56
Outdoor Dining or Seating					P	P	P	P	S	P	P		A	4.5.5.M
Outdoor Display or Sales					P	P	P	P			P		A	4.5.5.N
Outdoor Storage								S		S	P	P	A	4.5.5.O
Outpatient Treatment Facility										P			A	
Packaging and Printing										P			A	
Parking of Recreational Vehicles or Equipment	P	P	P										A	4.5.5.P
Pharmacy										P			A	4.3.74
Post Office										P			A	
Repair Shop										P			A	4.3.81
Research and Development										P			A	
Restaurant with Catering Services										P			A	4.3.82
Restaurant, Indoor or Outdoor Seating										P			A	4.3.82
Solar Energy System (small-scale)	P	P	P	P	P	P	P	P	P	P	P	P	A	4.5.5.Q
Stable	P	S									P		A	4.5.5.R
Storage of Unlicensed or Inoperable Vehicles	S	S	S											
Storage Structure	P	P	P	P	P	P	P	P	P	P	P	P	A	4.5.5.S

TABLE 4.5.4: TABLE OF COMMON ACCESSORY USES

"A" = Allowed if included in a PDD master plan or terms and conditions statement

"P" = Permitted, subject to all applicable use standards

"S" = Permitted, subject to the standards in Section 5.2.21, Special Use Permit, and all applicable use standards

"•" (blank cell) = Prohibited

ACCESSORY USE TYPE /1/	ZONING DISTRICTS													SEC. USE STANDARDS
	RUR	SBR	NBR	UBR	VMX	DTC	DTP	GMX	ONI	UNV	LND	HND	PDD	
Swimming Pool, Hot Tub, or Tennis Court (Private)	P	P	P	P			P		P	P			A	4-5.5.T
Underground Storage Tank										P	P	P	A	4-5.5.U
Urgent Care										P			A	4-3.98
NOTES:														
/1/ Unlisted accessory uses may be permitted in accordance with Section 4.7, Unlisted Uses.														

4.5.5 SPECIFIC STANDARDS FOR COMMON ACCESSORY USES

A. ACCESSORY DWELLING UNIT, DETACHED

A detached accessory dwelling unit (DADU) is permitted as accessory to a single-family detached dwelling only in accordance with the following standards:

1. No more than one (1) DADU shall be located on a lot with a single-family detached dwelling;
2. A DADU shall not exceed 35 percent of the total amount of finished floor area in the principal structure, not to exceed 1,000 square feet;
3. A DADU shall meet the following setback: 20 feet from the rear, and 20 feet from both sides.
4. A DADU shall not exceed one story, but nothing shall limit an DADU from being located on a second or third story of a structure provided the structure complies with the applicable maximum height limitations in the district where located;
5. A DADU shall not be subdivided or otherwise separated in ownership from the principal dwelling unit;
6. A DADU and the principal dwelling shall utilize the same driveway, unless the DADU is accessed from a right-of-way not used by the principal dwelling (e.g., a rear alley or separate street access on a corner or through lot);
7. A DADU shall include at least one off-street parking space; and
8. A DADU may be served by separate or shared water, sanitary sewer, gas, and electrical utilities, and shall adhere to any other Town policies.

B. ACCESSORY DWELLING UNIT, INTERNAL

An internal accessory dwelling unit (IADU) is permitted as accessory to a single-family detached dwelling only in accordance with the following standards:

1. No more than one (1) IADU shall be located on a lot with a single-family detached dwelling;
2. The IADU shall be fully enclosed within the outer extents of the principal structure walls and roof, and shall not be located in a detached structure of any kind;
3. An IADU shall not exceed 35 percent of the total amount of finished floor area in the principal structure;
4. An IADU and the principal dwelling shall have the same street address and mailbox;
5. An IADU and the principal dwelling shall utilize the same driveway;
6. An IADU shall be served by at least two dedicated off-street parking spaces; and
7. An IADU may be served by separate or shared water, sanitary sewer, gas, and electrical utilities, and shall adhere to any other Town policies.

C. AMATEUR COMMUNICATIONS EQUIPMENT

Amateur radio antennas shall comply with Section 160D-905 of the North Carolina General Statutes and the following:

1. Towers associated with an amateur ham radio operator or private television antenna shall not exceed 100 feet above grade;
2. Towers or antennas attached to a principal structure shall be located on a side or rear elevation; and
3. Freestanding towers or antennas shall be located behind the principal structure.

D. AUTOMATED TELLER MACHINE

1. An ATM designed for walk-up use and located in the exterior wall of a building or a parking area shall be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between parking areas and building entrances, or vehicular movement in front of buildings or through parking areas.
2. If an ATM is designed for use by customers in their vehicles, it shall comply with the accessory use standards (including districts where permitted) in Section 4.5.5.H, Drive-Through.
3. The overall character of an automated teller machine in terms of materials, colors, and architectural character shall be compatible with that of the principal structure.

E. CHILD OR ADULT CARE, INCIDENTAL

An incidental childcare or home day care for three or more children is permitted as an accessory use to an occupied residential dwelling unit if it complies with Article 7 of Chapter 110 of the North Carolina General Statutes, and the Summary of North Carolina Child Care Laws and Rules pamphlet prepared by the NC Department of Health and Human Services.

F. DETACHED GARAGE OR CARPORT

1. Detached garages and carports are permitted in all zoning districts provided they are aesthetically and architecturally compatible with the principal structure.
2. Detached garages and carports shall meet the same setback requirements as the principal building or structure.

G. DISH ANTENNA (LARGE)

Dish antennas of less than one meter in diameter are exempted from the requirements of this Ordinance, and dish antennas greater than one (1) meter in diameter may be permitted as an accessory use in accordance with the following requirements:

1. GENERAL REQUIREMENTS

- a. A zoning compliance permit is required when installing, moving, constructing, or reconstructing dish antennas subject to these standards.
- b. Dish antennas shall be installed on the ground and shall not be attached to a principal building.
- c. If a dish antenna is repainted, the only permissible color is the original color used by the manufacturer. The paint shall have a flat (non-glossy) finish. No patterns, lettering, or numerals shall be permitted on the dish surface.
- d. A dish antenna shall not be installed or located within any public right-of-way or in any drainage or utility easement.

2. LOCATION AND SETBACK REQUIREMENTS

- a. A dish antenna shall be installed in the side or rear yard only. The dish antenna shall be installed in a yard area which does not abut a public street, to the maximum extent practicable.
- b. The minimum required setback for a dish antenna shall be the same as for the principal building. In all cases, a dish antenna shall not be located within 20 feet of any street right-of-way.

3. HEIGHT REQUIREMENTS

The maximum height of a dish antenna shall be 15 feet, or the height of the principal building, whichever is less.

4. SCREENING REQUIREMENTS

- a. A dish antenna shall be surrounded on all sides with any one or a combination of the following features to limit its visibility from off-site views:
 - i. Evergreen vegetation;
 - ii. Topographic relief;
 - iii. A landscaped earth berm; or
 - iv. Architectural features such as fences or buildings.
- b. Dish antennas shall be screened so that the view of the lower two-thirds (2/3) of the dish area is restricted from view from all public streets and from any point six feet above the ground level of adjacent lots.
- c. If evergreen vegetation is used, a species and size shall be planted which can be expected to screen the required area within two (2) years of normal growth.
- d. Any screening vegetation that dies shall be replaced.

H. DRIVE-THROUGH

Drive-through facilities shall comply with the following standards:

1. Outdoor speakers associated with a drive-through shall be at least 100 feet from any lot with a residential zoning district designation;
2. Drive-through windows, menus, or order boxes shall not be located in a street setback or on the front façade of the building they serve;
3. Drive through windows shall include stacking spaces in accordance with Section 7.2.5, Drive-Through Stacking Lanes;
4. Drive-through facilities shall be designed so as not to obstruct the movement of pedestrians along sidewalks, through areas intended for public use, or between the building entrance and customer parking spaces; and
5. Canopies or other features installed over a drive through window shall maintain common roof lines and materials with the principal structure.

I. ELECTRICAL VEHICLE CHARGING STATION (PUBLIC)

1. Electric vehicle (EV) charging station spaces shall be reserved for the charging of electric vehicles only and shall be posted with signage identifying the spaces as reserved only for the charging of electric vehicles, amperage and voltage levels, any enforceable time limits or tow away provisions, and contact information for reporting non-operating equipment or other problems.
2. A required accessible parking space may also serve as an EV charging station space, provided the charging station and its controls meet ADA standards for accessibility to persons with physical disabilities.
3. EV charging station equipment shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.
4. Transformers and similar equipment shall be screened in accordance with Section 7.3.9, Outdoor Storage Area Screening.

J. FAMILY HEALTH CARE STRUCTURE

One family health care structure is permitted on a lot with a single-family detached dwelling, in accordance with the standards in Section 160D-915 of the North Carolina General Statutes, and the following standards:

1. STRUCTURE

A family health care structure is one that:

- a. Is transportable and primarily assembled at a location other than the site of installation;
- b. Is located on a lot with an existing single-family detached dwelling;
- c. Is limited to one occupant who is a mentally or physically impaired person related to the caregiver;
- d. Is used by a caregiver or legal guardian in providing care for one mentally or physically impaired person on property owned or occupied as the caregiver's or guardian's residence;

- e. Has no more than 300 square feet of gross floor area;
- f. Is connected with water, wastewater, and electricity electrical systems by branching service from the single-family detached dwelling;
- g. Has the same street address and mailbox as the existing single-family detached dwelling;
- h. Uses the same driveway as the existing single-family dwelling, unless the structure is accessed from a right-of-way not used by the dwelling (e.g., a rear alley or separate street access on a corner or through lot);
- i. Meets the dimensional standards of the zoning district for a single-family detached dwelling; and
- j. Meets the applicable provisions in the North Carolina Building Code; however, is not located on a permanent foundation.

2. NEED AND RELATIONSHIP

- a. The occupant of the structure must be a mentally or physically impaired person that is a resident of the State who requires assistance with two or more activities of daily living (bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating) as certified in writing by a physician licensed to practice in North Carolina.
- b. The caregiver must be an individual 18 years of age or older who provides care for the mentally or physically impaired person and is a first or second degree relative of the impaired person. A first or second degree relative is a spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew or niece, including half, step, and in-law relationships.

3. PERMIT CONDITIONS

- a. Once the applicant provides sufficient proof that the family health care structure meets all standards, then the structure shall be permitted for a period of 12 months.
- b. The applicant may renew the zoning compliance permit prior approval for a 12-month period and continue to renew it provided the applicant provides evidence of continued need and compliance with these standards.
- c. The Town may make permit renewal and periodic inspections of the family health care structure at reasonable times convenient to the applicant.
- d. No signage shall be permitted on the exterior of the structure or on the lot that identifies or promotes the existence of the structure.
- e. The structure shall not be subdivided or otherwise separated in ownership from the single-family detached dwelling.
- f. The structure shall be removed within 60 days if the impaired occupant is no longer receiving or in need of assistance.
- g. The zoning compliance permit may be revoked, or other enforcement actions taken, if these standards are violated.

K. GUARD HOUSE OR GATEHOUSE

Nothing shall limit the placement of a guard house, guard shelter, or gatehouse within a required yard or setback, provided it complies with Table 4.5.4, Table of Common Accessory Uses, the applicable standards applied to all accessory uses, and:

- 1. Maintains a maximum size or floor area of 100 square feet or less;
- 2. A height of 15 feet or less;
- 3. Is located outside any required sight distance triangles; and
- 4. Maintains a minimum distance of five (5) feet from any public street right-of-way.

L. HOME OCCUPATION

A Home Occupation is permitted accessory to any dwelling unit pursuant to the following requirements. The issuance of a Home Occupation Permit shall be required.

- 1. The Home Occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling.

2. A Home Occupation conducted in an accessory structure must be housed only in a garage or other accessory structure typically associated with a dwelling.
3. The use must employ no more than one (1) person who is not a resident of the dwelling.
4. A Home Occupation housed within the dwelling must occupy no more than 25 percent of the total floor area of the dwelling.
5. There must be no visible outside display of stock in trade which is sold on the premises.
6. There must be no outdoor storage or visible evidence of equipment or materials used in the Home Occupation, excepting equipment or materials of a type and quantity that could reasonably be associated with the principal residential use.
7. Operation of the Home Occupation must not be visible from any dwelling on an adjacent lot, nor from a street.
8. Only vehicles used primarily as passenger vehicles may be permitted in connection with the conduct of the home occupation.
9. The Home Occupation must not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisances outside the dwelling or accessory structure housing the Home Occupation.
10. Home Occupations shall be limited to those uses which do not draw clients to the dwelling on a regular basis.
11. Outdoor kilns used for the firing of pottery must be provided with a semi-opaque screen to obstruct the view from the street and from adjacent properties located in residential districts, must have a secured work area, and must be at least ten (10) feet from abutting property lines. For Home Occupations where outdoor kilns are used, the Alamance County Fire Marshall shall review and decide upon the Home Occupation permit application.
12. No business identification or advertising signs are permitted.

M. OUTDOOR DINING OR SEATING

Outdoor dining and seating areas may be located on private property or within a Town right-of-way, subject to the following:

1. The outdoor dining or seating area shall maintain a minimum four-foot-wide clear zone to allow pedestrians to pass the dining or seating area;
2. If located within a public right-of-way, the owner shall secure an encroachment agreement from the Town;
3. The area shall include at least one trash receptacle located so as to be readily accessible to patrons;
4. Umbrellas, awnings, or other shade structures shall not protrude into the required pedestrian clear zone or street travel way;
5. Outdoor lighting shall be shielded and directed so as to avoid creating glare on the sidewalk or street;
6. All outdoor dining items including furniture, awnings, pedestrian barriers, and refuse containers shall be maintained in good state of repair and cleanliness; and
7. The landowner or operator shall keep outdoor dining and seating areas and adjacent sidewalks clean and free of obstructions and refuse at all times.

N. OUTDOOR DISPLAY OR SALES

The outdoor display and sale of goods shall be limited to a commercial or mixed-use development and shall comply with the following standards:

1. Outdoor display/sales areas shall not encroach into any required setback;
2. Outdoor display/sales areas shall not be located any closer than five (5) feet from any lot line;

3. Outdoor display/sales areas shall not be located within any local or State site easement; and
4. Outdoor display areas shall maintain at least five (5) feet of space along the side of the display free of obstruction to allow for pedestrian and handicap movement, such that pedestrians do not have to step off the sidewalk or enter the drive aisle to see the merchandise.

O. OUTDOOR STORAGE

The following standards shall apply to all outdoor storage areas other than uses where outdoor storage is the principal use of land (see Table 4.2.1, Principal Use Table):

1. The extent of the outdoor storage area shall be clearly delineated on a site plan;
2. Outdoor storage areas shall comply with the minimum setback standards applicable in the zoning district where the outdoor storage area is located;
3. Outdoor storage areas are prohibited between the development's principal structure(s) and a thoroughfare or collector street;
4. Outdoor storage areas shall be fully screened in accordance with applicable standards;
5. No outdoor storage area shall be located within a required landscaping area;
6. Stored goods, materials, and equipment shall be limited to those goods, materials, and equipment associated with the principal use or uses of the lot;
7. No materials shall be stored in areas intended for vehicular or pedestrian circulation; and
8. No materials shall be stored on any potable or non-potable water easement, stormwater easement, or sanitary sewer easement.

P. PARKING OF RECREATIONAL VEHICLES OR EQUIPMENT

Private vehicles, including motor-powered recreational vehicles, recreational trailers or campers, and boats used solely for recreational purposes by the residents of the premises may be stored on the lot or tract of the principal residence only in accordance with the following standards:

1. The vehicle shall be in a garage or other enclosed accessory building or in a side or rear yard and fully screened from off-site views in accordance with Section 7.3.9, Outdoor Storage Area Screening;
2. Placement of such vehicles in outdoor locations shall require prior approval of a zoning compliance permit;
3. Such vehicles shall not be used as a permanent residence; and
4. Nothing shall limit the temporary parking of such vehicles on driveways during transport, cleaning, service, or on a temporary basis not to exceed seven days per calendar year.

Q. SOLAR ENERGY SYSTEM (SMALL SCALE)

A small-scale solar energy system (SES) shall comply with the following requirements:

1. A SES may be roof-mounted, attached to a principal or accessory structure, be ground-mounted, or placed over a parking or other hard-surface area;
2. The footprint of a ground-mounted SES shall not exceed 35 percent of the floorplate of the principal structure, or one half of an acre, whichever is less;
3. An SES shall comply with the dimensional requirements for the district where located;
4. An SES shall not obscure required sight distance triangles;
5. Ground-mounted SES facilities are exempted from the screening requirements in Section 4.3.91.E.8;; and
6. Ground-mounted SES facilities shall not exceed twenty (20) feet in height above adjacent pre-construction grade.

R. STABLE

Stables shall comply with the following standards:

1. Stables are not permitted on land within the corporate limits;
2. The land on which the facility is located shall be at least two (2) acres in size;
3. No stalls or stables shall be within 200 feet of any existing adjoining residential dwelling and 100 feet from any adjoining well being used for human consumption; and

4. Stables must be operated and maintained in a healthy and safe manner, defined as, but not limited to: fences kept in good repair; potable water available on demand; protection from wind or rain; a sign posted indicating the name and phone number of the person to be contacted in case of emergency.

S. STORAGE STRUCTURE

Placement of a permanent storage structure shall require issuance of a zoning compliance permit, and shall comply with the standards in Section 4.5.4, General Standards for all Accessory Uses and Structures.

T. SWIMMING POOL, HOT TUB, OR TENNIS COURT (PRIVATE)

Private swimming pools, hot tubs, and tennis courts shall be subject to the following requirements:

1. LOCATION

The facilities and all accessory structures shall be located on the same lot as the principal dwelling unit in a side or rear yard and shall conform to the dimensional requirements for accessory structures.

2. LIGHTING

All lighting must be done in accordance with the provisions of Section 7.6, Lighting Standards.

3. FENCING

Swimming pools shall be fenced in accordance with the NC Building Code.

U. UNDERGROUND STORAGE TANK

Underground storage tanks shall comply with the following requirements:

1. Underground storage tanks shall not be located within required setbacks, easements, or beneath public rights-of-way;
2. Underground storage tanks shall be installed and operated only in accordance with the North Carolina Building Code and all applicable Fire Code requirements; and
3. Underground storage tanks shall be depicted on site plans and as-builts.

4.6 TEMPORARY USES

4.6.1 PURPOSE

This section allows for the establishment of specific temporary uses of limited duration, provided that such uses do not negatively affect adjacent land, and provided that such temporary uses are discontinued upon the expiration of a set time period. Temporary uses shall not involve the construction or alteration of any permanent building or structure.

4.6.2 APPLICABILITY

The standards in this section apply to non-permanent uses that take place on a temporary basis whether on the same site or in different locations in the jurisdiction. The activities listed in this section require the issuance of a temporary use permit, except as exempted, in accordance with the standards in Section 5.2.23, Temporary Use Permit, and compliance with the standards in Section 4.6.3, General Standards for All Temporary Uses and Structures, and Section 4.6.4, Standards for Specific Temporary Uses and Structures, as applicable.

4.6.3 GENERAL STANDARDS FOR ALL TEMPORARY USES AND STRUCTURES

All temporary uses and structures shall comply with the following general standards, unless otherwise specified in this Ordinance:

A. GENERAL REQUIREMENTS

An applicant proposing a temporary use or structure shall:

1. Secure written permission from the landowner;
2. Obtain the appropriate permits and licenses from the Town and other agencies;
3. Comply with the applicable requirements for signs in Section 7.4, Signage Standards, if signage is proposed;
4. Meet public utility requirements for proper connection to water, sewer, electrical and other utility service connections, as applicable;
5. Not violate the applicable conditions of approval that apply to a site or use on the site;
6. Not result in a situation where the principal use, if present, fails to comply with the standards of this Ordinance;
7. Ensure the site of a temporary use or structure contains sufficient land area for the temporary use and for the parking and traffic movement associated with the temporary use, without impacting environmentally sensitive lands;
8. Ensure temporary uses remain in place no longer than 90 days if located within a Special Flood Hazard Area (SFHA);
9. Provide adequate on-site restroom facilities (as appropriate); and
10. Cease all outdoor activities within 500 feet of a residential use by 10:00 PM.

B. GENERAL CONDITIONS

In approving a temporary use permit, the Planning Director is authorized to impose any of the following general conditions upon the premises benefited by the permit as may be necessary to reduce or minimize any potential adverse impacts upon other property in the area, as long as the condition relates to a situation created or aggravated by the proposed temporary use. The Planning Director is authorized, where appropriate, to require:

1. Provision of temporary parking facilities, including vehicular access and egress;
2. Control of nuisance factors, such as but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat;
3. Prohibition of the storage or use of hazardous materials;

4. Regulation of placement, height, size, and location of equipment;
5. Provision of sanitary and medical facilities;
6. Provision of solid waste collection and disposal;
7. Provision of security and safety measures;
8. Use of an alternate location or date;
9. Modification or elimination of certain proposed activities;
10. Regulation of operating hours and days, including limitation of the duration to a shorter time period than requested or specified in this subsection; and
11. Submission of a performance guarantee to ensure that any temporary use will be removed from the lot or site within a reasonable time and the lot or site will be restored to its former condition.

C. DURATION

Temporary uses and structures subject to the standards in this section shall comply with the maximum duration requirements in the table below:

TABLE 4.6.3: MAXIMUM DURATION FOR TEMPORARY USES OR STRUCTURES

"P" = Permitted, subject to all applicable use standards

TEMPORARY USE OR STRUCTURE TYPE	MAXIMUM DURATION	ZONING DISTRICTS												
		RUR	SBR	NBR	UBR	VMX	DTC	DTP	GMX	ONI	UNV	LND	HND	PDD
Food Truck	Must be removed each day					P	P	P	P	P	P	P	P	P
Horse or Pet Show	Limited to 48 hours per parcel for up to 3 times per year	P				P	P	P	P	P	P			P
Itinerant Merchant Sale	45 days per development per year					P	P	P	P	P	P	P	P	P
Outdoor Seasonal Sales	45 days per development per year	P	P	P	P	P	P	P	P	P	P	P	P	P
Portable Storage Containers	90 days per parcel per year	P	P	P	P	P								P
Special Event	30 days per parcel per year					P	P	P	P	P	P	P	P	P
Temporary Disaster Housing	Up to 18 months	P	P	P	P									P
Temporary Dwelling	12 months /1/	P	P	P	P									P
Temporary Real Estate Office	Completion of sales	P	P	P	P	P								P
Temporary Wireless Communications Facility	14 days /1/				P	P	P	P	P	P	P	P	P	P

NOTES:

/1/ permit is renewable up to three times, where good cause is shown.

4.6.4 STANDARDS FOR SPECIFIC TEMPORARY USES AND STRUCTURES

A. FOOD TRUCK

1. LOCATION

- a. Food trucks and push carts may only be operated in the VMX, DTC, DTP, GMX, ONI, UNV, and PDD districts.
- b. Food trucks and push carts shall be parked on private property with the property owners' permission and shall not be parked within any public street, right-of-way, or sidewalk unless the street has been closed for a special event.
- c. A food truck or push cart shall be removed after operating hours or a special event and be stored in a legally permissible location.
- d. Food trucks may park on the street, however only one truck per block shall be permitted. For the purposes of this section, a "block" includes both sides of the street.
- e. Food trucks operating between the hours of 8 AM and 5 PM shall not be parked on the street for more than two consecutive hours unless the street has been closed for a special event.
- f. Customer access for food sales shall be from the side of the food truck facing the sidewalk.
- g. Food sales shall not impede pedestrian traffic along the sidewalk.
- h. No food truck or pushcart vendors shall operate within 100 feet of any school, religious institution, or cemetery.
- i. No food truck shall operate within 75 feet of the main entrance of any restaurant during business hours, unless authorized by the restaurant in writing.

2. OPERATION

- a. The food truck or pushcart owner or designee shall be present at all times except in case of an emergency.
- b. The hours of operation shall be between the hours of 7:00 AM and 9:00 PM except for special events.
- c. A food truck shall either sell food or beverage that is exempt from health department regulation or obtain approval from the Alamance County Health Department where food sales take place.
- d. Food truck operators and push cart vendors are responsible for the proper disposal of waste and trash associated with the operation. Public trash receptacles are not to be used for this purpose. Operators and vendors shall remove all waste and trash from their location at the end of each day or as needed to maintain the health and safety of the public.
- e. The vendor shall keep all areas within ten feet of the truck or cart clean of grease, trash, paper, cups, or cans associated with the operation. No liquid waste or grease is to be disposed into tree pits, storm drains, or onto the sidewalks, streets, or other public locations. Under no circumstances shall grease be released into a sanitary sewer system.

3. ASSOCIATED FEATURES

- a. There shall be no audio amplifier or similar device to attract the attention of the public.
- b. No tables, chairs, or other structures shall be allowed outside of the food truck or around a push cart.
- c. Advertising consisting of business name, logo, and items available for sale may be displayed on the food truck or push cart. No other form of advertising shall be permitted.

B. HORSE OR PET SHOW

1. The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site.
2. The amount of noise generated shall not disrupt the activities of the adjacent land uses.
3. The Zoning Administrator shall not grant the permit unless it is determined that the parking generated by the show can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.

C. ITINERANT MERCHANT SALES

Itinerant merchant sales, not including food truck vendors, are permitted on lots in non-residential and planned development districts, subject to the following standards:

1. The sale of merchandise, products, or material must be a permitted principal use in the zoning district where the sales are temporarily located;
2. Itinerant merchants shall file an indemnification form with the City when engaged in open air sales;
3. Itinerant merchant sales shall be located outside of street rights-of way, required sight distance triangles, required landscape areas, vehicular circulation areas, and areas where pedestrian access is needed to ensure safe movement through or across a site;
4. All merchandise and related materials shall be removed from the site following the sale; and
5. The maximum period of operation of itinerant merchant sales shall be from 8:00 AM to 11:00 PM.

D. OUTDOOR SEASONAL SALES

Outdoor seasonal sales are permitted on a lot in all zoning districts, subject to the following standards:

1. Seasonal sales shall be limited to seasonal agricultural products such as Christmas trees, pumpkins, and living plants;
2. The maximum hours of operation of an outdoor seasonal sales use shall be from 8:00 AM to 11:00 PM, except when located in a residential district, then the seasonal sales use shall cease by 9:00 PM;
3. Exterior lighting shall comply with the requirements in Section 7.6, Lighting Standards;
4. One recreational vehicle is allowed as a temporary dwelling for security purposes in association with the seasonal sales use, provided it meets the general standards of Section 4.6.4.H, Temporary Dwelling, and is removed at the end of the sales; and
5. The on-site accessory sale of seasonal products in association with an agricultural or retail use is not considered outdoor seasonal sales and is not subject to these standards.

E. PORTABLE STORAGE CONTAINERS

Portable storage containers may be permitted as a temporary use to a residential principal use except for individual multi-family dwelling units, subject to the following standards.

1. TYPES DISTINGUISHED

Portable storage containers shall take one of the following three forms:

- a. A container used for the purposes of storage of personal property such as household items being temporarily stored or relocated;
- b. A roll-off box, bin, or construction dumpster used for the collection and hauling of waste or debris; or
- c. A fully enclosed, non-motorized, trailer (commonly known as a semi-trailer) with wheels intended to be towed to a site for the purpose of storage or transport of goods, materials, or equipment.

2. PERMIT REQUIRED

A building permit shall not be required for a portable storage container, but a temporary use permit issued in accordance with Section 5.2.23, Temporary Use Permit, is required.

3. EXEMPTIONS

The standards in this section shall not apply to portable storage containers used as temporary construction trailers, construction dumpsters, or construction materials recycling facilities, provided construction on the site is on-going.

4. MAXIMUM SIZE

Containers shall be no larger in dimension than eight (8) feet in height, eight (8) feet in width, or twenty (20) feet in length.

5. MAXIMUM NUMBER

- a. No more than two (2) portable storage containers shall be located on a single lot or parcel of land.
- b. No other type of container or shipping container shall be located on the same lot or parcel of land when one (1) or two (2) portable shipping containers are in place.

6. HAZARDOUS SUBSTANCES

Portable storage containers shall not be used to store or transport non-residential materials and substances, including but not limited to the following: solid waste, hazardous materials, explosives, or unlawful substances and materials.

7. LOCATION

- a. A portable storage container may be located in a driveway, a designated parking area, or behind a dwelling.
- b. If site conditions make placement of the portable storage container behind a dwelling, on a driveway, or in a designated parking area impossible, then the portable storage container may be located immediately adjacent to the driveway or designated parking area.
- c. A portable storage container shall not be located between the front of a dwelling and the street it faces unless any other placement is impossible due to site conditions.
- d. In no instance shall a portable storage container be located within a street right-of-way, or in a location that poses a threat to public health or safety.

8. MAXIMUM NUMBER

In no instance shall these standards be construed to allow placement of one (1) or more portable storage containers on a single site for more than 90 days in any single calendar year.

F. SPECIAL EVENT

A special event is permitted in a non-residential, mixed-use, or planned development district, subject to the following standards:

1. A special event includes, but is not limited to arts and crafts shows, cultural events, musical events, concerts and stage shows, celebrations, festivals, fairs, carnivals, circuses, or outdoor religious events;
2. The principal access to the event location must be from a collector or higher capacity road;
3. The hours of operation allowed shall be compatible with the land uses adjacent to the event;
4. The amount of noise generated shall not disrupt the activities of the adjacent land uses; and
5. The parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the rights of adjacent and surrounding property owners.

G. TEMPORARY DISASTER HOUSING**1. RECREATIONAL VEHICLES**

- a. A property owner may be issued a temporary use permit for a recreational vehicle provided by the Federal Emergency Management Agency (FEMA), or other governmental agency to be placed temporarily on a lot with an existing detached dwelling unit, provided that the recreational vehicle is occupied by residents of the on-site house which is under repair.
- b. The recreational vehicle may not be occupied until an electrical inspection has taken place.

2. MANUFACTURED HOMES

- a. Permits for temporary disaster housing provided by Federal Emergency Management Agency (FEMA), or other governmental agency may be issued for the placement of manufactured homes on lots with an existing detached dwelling unit regardless of zoning district.
- b. Application for the permit will only be accepted after it has been determined that the lot is buildable (for units to be occupied by primary residents of the lot).
- c. Whether the damaged single-family home is rental or homeowner occupied is irrelevant, as long as the property owner or licensed contractor requests the permit for the manufactured home.
- d. Manufactured homes must meet HUD-Code requirements.
- e. Manufactured homes must be placed in the rear yard unless placement in the front yard is approved by the Planning Director and the placement does not violate front yard setbacks, restrict sufficient driveway access, or is over existing septic systems or drain fields.
- f. Maximum manufactured home size is Class B & C (single- or double-wide)

- g.** The homeowner must be unable to live in their permanent home during the repair period. Manufactured homes must be removed from the property within 45 days of re-occupancy of the permanent home.
- h.** An application must be accompanied by a determination that the unit will be connected to county water or certification from the county health department that the well and/or septic system is functional and not contaminated.
- i.** Manufactured homes shall meet the requirements of Section 8.1, Floodplain and Stream Protection Standards.

H. TEMPORARY DWELLING

A temporary dwelling is permitted on a lot in a residential or Planned Development district, subject to the following standards:

1. GENERAL STANDARDS

- a.** A temporary dwelling may be either a dwelling that meets all applicable State Building Code requirements for a dwelling or a recreational vehicle.
- b.** The temporary dwelling shall be located on a lot and meet the dimensional standards of the zoning district, to the maximum extent practicable.
- c.** Temporary emergency dwellings operated by a religious institution, governmental agency, or nonprofit organization may be located to provide emergency shelter where fire, flood, or other natural disaster has displaced persons.

2. TEMPORARY HARDSHIP DWELLING

Prior to issuing a permit for a temporary hardship dwelling, the Planning Director shall make the following findings of fact:

- a.** That the person(s) occupying the temporary hardship dwelling is physically dependent upon the person or persons occupying all or a portion of the principal dwelling or the person(s) occupying all or a portion of the principal dwelling is physically dependent upon the person(s) occupying the proposed temporary hardship dwelling; and
- b.** That financial conditions or other extenuating circumstances regarding the person(s) occupying the proposed temporary hardship dwelling and/or the principal dwelling necessitate the request for locating the temporary manufactured or modular home on the same lot as the principal dwelling; and
- c.** That the proposed location of the temporary hardship dwelling will not create unhealthy or unreasonable living conditions.
- d.** A temporary hardship dwelling shall conform to the principal building setback requirements of the zoning district in which it is located.
- e.** A temporary hardship dwelling shall be limited in duration to a maximum of twelve (12) months. Annual renewals may be approved where the conditions of items a. through d. above continue to exist.
- f.** When the hardship justifying the temporary hardship dwelling is removed, the temporary hardship dwelling shall be removed within 30 days.

I. TEMPORARY REAL ESTATE OFFICE

A temporary real estate office is permitted subject to the following standards:

- 1.** The office is located on a lot that is part of the real estate development being sold or leased;
- 2.** Signage complies with the applicable standards of Section 7.4, Signage Standards;
- 3.** The office complies with the dimensional standards of the zoning district in which it is located;
- 4.** The temporary office is converted into a dwelling or removed within 30 days after all units are sold or leased; and
- 5.** In the event a temporary real estate office is a trailer, it shall be removed within 30 days after all units are sold or leased.

J. TEMPORARY WIRELESS COMMUNICATIONS FACILITY

A temporary wireless telecommunications facility shall comply with the following standards:

1. A temporary wireless telecommunications facility may be allowed on a lot after a disaster or other emergency for a period not to exceed 14 days, except that the temporary use permit may be renewed for good cause shown;
2. A temporary wireless telecommunications facility may be allowed on a lot to evaluate the technical feasibility of a site for a period not to exceed 14 days, except that the temporary use permit may be renewed for good cause shown;
3. A temporary wireless telecommunications facility may be allowed on a lot in association with an event where the anticipated demand cannot be handled by existing facilities for a period not to exceed 14 days;
4. A temporary wireless telecommunications facility may be allowed on a lot with an existing permanent wireless telecommunications facility where the permanent structure is undergoing reconstruction or maintenance and the temporary facility is needed to maintain sufficient levels of service. The temporary facility shall be removed after reconstruction or maintenance is complete and service restored on the permanent structure; and
5. All temporary wireless telecommunications facilities, including all supporting cables and anchors, shall be contained on the lot.

4.7 UNLISTED USES

4.7.1 PROCEDURE

- A. In the event that a proposed principal or accessory use type is not listed in Table 4.2.1, Principal Use Table, or Table 4.5.4, Table of Common Accessory Uses, and such land use is not listed in Section 4.4, Prohibited Uses, or is not otherwise prohibited by law, the Planning Director shall determine whether a materially similar land use exists in this Ordinance.
- B. The Planning Director shall determine whether or not an unlisted use is similar to an existing use type based on the definitions in Section 2.2, Definitions and the provisions of Section 4.7.2, Use Categories. Nothing shall limit the Planning Director from seeking input from Town staff, the Planning Board, or Town Council in making a determination of how to categorize an unlisted use.
- C. Should the Planning Director determine that a materially similar land use does exist, the regulations governing that land use shall apply to the unlisted use type and the Planning Director's determination shall be recorded in writing.
- D. In cases where a proposed unlisted use type is not found to be similar to an existing use type, the Planning Director may, but shall not be required to, initiate a text amendment application to revise the text of this Ordinance to add the use type in accordance with Section 5.2.24, Text Amendment.

4.7.2 USE CATEGORIES

A. RESIDENTIAL USES

Table 4.7.2.1, Residential Use Categories, sets out the use categories included in the residential use classification in Table 4.2.1, Principal Use Table. It also describes the characteristics and examples of the use types in each use category.

TABLE 4.7.2.1: RESIDENTIAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS
	EXAMPLES
Group Living	The Group Living Use Category includes use types that provide for the residential occupancy of a structure by a group of people who do not meet the definition of "household." The size of the group may be larger than the average size of a household. Tenancy is typically arranged on a monthly or longer basis. Generally, group living structures have a common eating and or congregating area for residents. The residents may receive care, training, or treatment. Accessory uses include recreational facilities, dining facilities, and parking of vehicles for occupants and staff.
	Example use types include dormitories, family care homes, group homes, rooming, boarding houses, and similar uses. Facilities for rehabilitation or the treatment of addiction are considered assisted living facilities.
Household Living	The Household Living Use Category includes use types that provide for the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Accessory uses commonly associated with household living are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations are accessory uses that are subject to additional regulations.
	Example use types include detached residential dwellings like single-family detached dwellings or manufactured homes, attached residential structures like townhouses, multi-family uses, upper story dwellings, and similar uses.

TABLE 4.7.2.1: RESIDENTIAL USE CATEGORIES

USE CATEGORY	CHARACTERISTICS
	EXAMPLES
Life Care	The Life Care Use Category is characterized by establishment providing residential occupancy to unrelated individuals in need of care, treatment, or assistance. Assistance may take the form of daily life care, specialized medical care, counselling, addiction, or fostering services.
	Example use types include congregate care, nursing homes, rehabilitation centers, and retirement communities.

B. INSTITUTIONAL USES

Table 4.7.2.2, Institutional Use Categories, sets out the use categories included in the institutional use classification in Table 4.2.1, Principal Use Table. It also describes the characteristics and examples of the use types in each use category.

TABLE 4.7.2.2: INSTITUTIONAL USE CATEGORIES

USE CATEGORY	CHARACTERISTICS
	EXAMPLES
Civic	The Civic Use Category includes use types of a public, nonprofit, or charitable nature that provide government services, cultural amenities, public safety services, and educational services. Services and facilities typically include meeting areas, display areas, recreational features, as well as indoor facilities used primarily for business or professional conferences, seminars, and training programs. Generally, such uses are open to or provide services to members of the general public. Accessory uses may include parking, training facilities, kitchens/cafeterias, recreation areas, offices, meeting rooms, storage, food sales or consumption.
	Example use types include community centers, museums, libraries, senior centers, youth clubs, and art galleries.
Day Care	The Day Care Use Category includes use types that provide care, protection, and supervision for children or adults on a regular basis away from their primary residence, and for less than 24 hours a day. Care can include education and development activities. Care can be provided during daytime or nighttime hours. Accessory uses include offices, food preparation, recreation areas, and parking.
	Example use types day care centers, nurseries, nursery schools, adult day care facilities. Home day care is considered an accessory use. Drop-in or short-term day care provided in connection with employment or at a shopping center, recreational facility, religious institution, hotel, or other principal uses are not included in the Day Care Use Category.
Education	The Education Use Category is characterized by uses engaged in the provision of educational services to children and adults, whether through public or private learning institutions. Accessory uses include living quarters, food preparation facilities, recreational facilities, offices, gathering spaces, and related activities.
	Example use types include primary and secondary schools, colleges, vocational schools, and establishments engaged in providing training whether for profit or as a community service.

TABLE 4.7.2.2: INSTITUTIONAL USE CATEGORIES

USE CATEGORY	CHARACTERISTICS
	EXAMPLES
Health Care	The Health Care Use Category includes use types that provide medical or surgical care and treatment to patients as well as laboratory services. Accessory uses may include offices, laboratories, laundry facilities, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, housing for staff or trainees, and limited accommodations for family members.
	Example use types include hospitals, outpatient medical facilities, urgent care providers, medical offices (doctors, dentists, radiologists, etc.), clinics, congregate care, memory care, drug and alcohol treatment facilities, psychiatric treatment facilities, and blood/tissue collection facilities.
Interment	The Interment Use Category includes use types that provide locations for the burial or storage of human or animal remains.
	Example use types include cemeteries, burial grounds, columbaria, and mausoleums.
Open Space	The Open Space Use Category includes use types that focus on open space areas largely devoted to vegetative landscaping or outdoor recreation and that tend to have few structures. Accessory uses may include club houses, recreational structures, statuary, fountains, maintenance facilities, concessions, and parking.
	Example use types include arboretums or botanical gardens, parks, community gardens, and areas of undisturbed vegetation on land owned by the public or a conservation entity.
Government	The Public Safety Use Category includes facilities and establishments engaged in governance and the provision of governing-related services, public safety, and operations.
	Example use types include governmental offices, governmental maintenance facilities, post offices, law enforcement facilities, fire stations, and similar uses.
Religious Institution	The Religious Institution Use Category is characterized by uses and facilities that bring people together for the purposes of learning or discussion, worship, recreation, or as part of a shared faith-based organization. Accessory uses may include recreation facilities, day care, food preparation facilities, offices, parking, and similar features.
	Example use types include religious institutions. Schools are educational facilities.
Telecommunications	The Telecommunications Use Category is characterized by uses and facilities engaged in the provision of wireless telecommunication signals and information.
	Example use types include telecommunications antennae, signal processing equipment, and antenna supporting structures.
Transportation	The Transportation Use Category includes use types that provide for the landing and takeoff of airplanes and helicopters, and passenger terminals for surface transportation. Accessory uses may include freight handling areas, concessions, offices, parking, maintenance, and fueling facilities.
	Example use types include airports, helicopter landing facilities, and passenger terminals for ground transportation (train, bus). Transit route facilities such as bus stops, bus shelters, and park-and-ride facilities are classified as Utilities.

C. COMMERCIAL USES

Table 4.7.2.3, Commercial Use Categories, sets out the use categories included in the commercial use classification in Table 4.2.1, Principal Use Table. It also describes the characteristics and examples of the use types in each use category.

TABLE 4.7.2.3: COMMERCIAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS
	EXAMPLES
Adult Uses	An adult use as defined in Section 14-202.10(2) of the North Carolina General Statutes.
Animal Care	The Animal Care Use Category is characterized by uses related to the provision of medical services and treatment to animals, including veterinary services, animal hospitals, and the boarding of animals related to the provision of these services.
	Examples use types include animal shelters, animal grooming, kennels (outdoor and indoor), animal hospitals, and veterinary clinics.
Drinking Establishment	The Drinking Establishment Use Category includes use types that prepare and sell beverages for immediate or direct on- or off-premise consumption. Accessory uses may include food sales, decks and patios for outdoor seating, drive-through facilities, facilities for live entertainment or dancing, customer and employee parking areas, and valet parking facilities.
	Example use types include bars or nightclubs brewpubs, bottle shops, and private clubs with indoor and outdoor seating. Accessory uses may include kitchens, food preparation areas, storage, and entertainment / game areas.
Eating Establishment	The Eating Establishment Use Category includes use types that prepare and sell food and beverages for immediate or direct on- or off-premise consumption. Accessory uses may include bars or cocktail lounges associated with the establishment, decks and patios for outdoor seating, drive-through facilities, facilities for live entertainment or dancing, customer and employee parking areas, and valet parking facilities.
	Example use types include restaurants with indoor and outdoor seating, restaurants with drive-through service, specialty eating establishments (ice cream parlors, bakery shops, dessert shops, juice or coffee houses).
Employment-Related	The Employment-Related Use Category includes commercial establishments engaged in provision of places of employment, floor area available for rent or purchase in pursuit of employment-related activity, spaces for the creation of unique small-scale art and products for sale. Accessory uses may include conference rooms, storage areas, cafeterias or eating facilities, parking, and exercise facilities.
	Example use types include offices (shared and private), production rooms with equipment and storage, and scalable rental space available for small businesses.
Indoor Commercial Recreation	The Indoor Commercial Recreation Use Category is characterized by use types that provide recreational, amusement, and entertainment opportunities that are privately-owned and commercial in nature.
	Example use types include recreational uses occurring indoors like billiard halls, indoor commercial recreation uses, bowling alleys, movie theatres, dance and yoga studios, fitness centers, sports instructional schools, martial arts instruction, and similar uses.

TABLE 4.7.2.3: COMMERCIAL USE CATEGORIES

USE CATEGORY	CHARACTERISTICS
	EXAMPLES
Office	The Office Use Category includes use types that provide for activities that are conducted in an office setting and generally focus on business, professional, or financial services. Accessory uses may include cafeterias, day care facilities, recreational or fitness facilities, parking, supporting commercial, or other amenities primarily for the use of employees in the business or building.
	Example use types include business and sales offices (such as lenders, banks, brokerage houses, tax preparers, and real estate agents), and professional services (such as lawyers, accountants, engineers, or architects). Offices that are part of and located with a principal use in another use category are considered accessory to the establishment's primary activity. Contractors and others who perform services off-site are included in the Offices Use Category if equipment and materials are not stored outside and no fabrication, services, or similar work is carried on at the site. Government offices are classified as Civic uses. Medical and dental clinics, medical or dental labs, and blood collection facilities are classified as Health Care uses. Financial institutions offering drive-through or walk-up service to patrons (branch banks or credit unions) are classified as Personal Services.
Outdoor Commercial Recreation	The Outdoor Commercial Recreation Use Category is characterized by use types that provide recreational, amusement, and entertainment opportunities that are privately-owned and commercial in nature in outdoor settings.
	Example use types include recreational uses occurring outdoors (private golf driving ranges and privately-owned miniature golf facilities, water parks, and amusement parks, and privately-owned active sports facilities.
Parking	The Parking-Related Use Category includes uses engaged in the provision of short-term, temporary off-site parking for automobiles, trucks, motorcycles, battery-powered vehicles, and similar vehicles intended for personal transport. Such uses may or may not permit the temporary storage of trailers and similar vehicle-related appurtenances.
	Example use types include parking lots and parking structures. Uses engaged in sales or rental are vehicle-related uses.
Personal Service	The Personal Service Use Category is characterized by use types related to the provision of services or product repair for consumers. Personal services use types meet frequent or recurrent service needs of a personal nature, including the repair of small personal items such as shoes, watches, jewelry, and clothing.
	Example use types include financial institutions like check cashing establishments or payroll lenders, laundromats, laundry and dry-cleaning drop-off establishments, photographic studios, mailing or packaging services, photocopy and blueprint services, locksmiths, hair salons and barber/beauty shops, tanning and nail salons, tattoo parlors and body piercing establishments, massage therapy and day spas, dance or music instruction, and psychics or mediums.

TABLE 4.7.2.3: COMMERCIAL USE CATEGORIES

USE CATEGORY	CHARACTERISTICS
	EXAMPLES
Retail	The Retail Sales Use Category includes use types involved in the sale, lease, or rent of new or used products primarily intended for the general public. Accessory uses may include offices, storage of goods, limited assembly, processing, or repackaging of goods for on-site sale, concessions, ATM machines, outdoor display/sales areas, and parking. Use types within this use category are categorized based on their intensity, scale, and function.
	Example use types include stores selling, leasing, or renting consumer, home, and business goods, whether new or used, including art and art supply stores, audio/video stores, bicycle sales, book stores, clothing stores, convenience stores, department stores, dry good sales, electronic equipment stores, fabric shops, furniture stores, florist shops, garden supply centers, gift shops, grocery stores, hardware stores, stores that sell household products, jewelry stores, office supply stores, pet and pet supply stores, and pharmacies. Accessory uses may include storage of products for sale, offices, concessions, seating areas, areas for testing of products prior to purchase, and provision of product-related service or repair.
Storage	The Storage Use Category includes uses engaged in the temporary short-term storage of goods, personal property, vehicles, and similar aspects in off-site areas. Storage of goods can take place in indoor and outdoor facilities.
	Example use types include self-storage facilities.
Visitor Accommodations	The Visitor Accommodations Use Category includes use types that provide lodging units or space for short-term stays for rent, lease, or interval occupancy. Accessory uses may include pools and other recreational facilities, limited storage, restaurants, bars, supporting commercial, meeting facilities, offices, and parking.
	Example use types include hotels, motels, bed and breakfast inns, extended stay facilities, and hunting lodges.
Vehicle-Related	The Vehicle-Related Use Category includes use types involving the direct sale; rental; storage; and servicing of automobiles, trucks, boats, motorcycles, recreational vehicles, and other consumer motor vehicles intended to transport persons or goods over land or water or through the air, whether for recreation, commerce, or personal transport. Accessory uses may include offices, sales of parts, maintenance facilities, parking, outdoor display, and vehicle storage.
	Example use types include vehicle sales or rentals; automotive repair and servicing; automotive painting/bodywork; boat and marine sales or rental; aircraft parts, sales, and maintenance; transmission shops; automotive wrecker services; oil change, state vehicle inspection, and muffler shops; automotive parts sales and maintenance; car wash and auto detailing; and tire sales and mounting services.

D. INDUSTRIAL USES

Table 4.7.2.4, Industrial Use Categories, sets out the use categories included in the industrial use classification in Table 4.2.1, Principal Use Table. It also describes the characteristics and examples of the use types in each use category.

TABLE 4.7.2.4: INDUSTRIAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS
	EXAMPLES
Industrial Services	The Industrial Services Use Category includes use types involving the repair or servicing of industrial, business, or consumer machinery equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include limited retail or wholesale sales, offices, parking, warehousing, and outdoor storage.
	Example use types include machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; heavy equipment sales, rental, or storage; heavy equipment servicing and repair; building, heating, plumbing, or electrical contractors; fuel oil or bottled gas distributors; research and development facilities; laundry, dry-cleaning, and carpet cleaning plants; and general industrial service uses. Contractors and others who perform services off-site are included in the Offices Use Category if equipment and materials are not stored outside and no fabrication, services, or similar work is carried out at the site.
Manufacturing and Production	The Manufacturing and Production Use Category includes use types involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. The use category also includes custom industries (establishments primarily engaged in the on-site production of goods by use of hand tools and small-scale equipment). Goods are generally not displayed or sold on site, but if so, such sales are a subordinate part of total sales. Relatively few customers come to the manufacturing site. Accessory uses may include retail or wholesale sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, fueling facilities, security and caretaker's quarters.
	Manufacturing and production uses include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products; lumber mills, pulp and paper mills, the manufacture of other wood products; production or repair of small machines or electronic parts and equipment; and similar uses.

TABLE 4.7.2.4: INDUSTRIAL USE CATEGORIES

USE CATEGORY	CHARACTERISTICS
	EXAMPLES
Utilities	The Utilities Use Category is characterized by governmental or institutional activities associated with the provision of a utility or infrastructure-related service such as electricity distribution, potable water treatment, storage, or delivery, wastewater collection, storage, or treatment. Facilities are classified as major or minor depending upon their impacts or scale.
	Example use types include potable water treatment plants, utility equipment and storage yards, utility substations, water towers, pump stations, stormwater management facilities, telephone exchanges, and facilities serving transit.
Warehouse and Freight Movement	The Warehouse-Related Use Category includes use types involving the storage or movement of goods for themselves or other firms or businesses. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Accessory uses include offices, truck fleet parking, outdoor storage, and maintenance areas.
	Example use types include separate storage warehouses (used for storage by retail stores such as furniture and appliance stores); distribution warehouses (used for distribution by trucking companies; cold storage plants; and outdoor storage (as a principal use). Self-storage is a commercial use type.
Waste-Related Services	The Waste-Related Use Category includes use types that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. This use category also includes use types that receive waste from others. Accessory uses may include offices, outdoor storage, recycling of materials, and repackaging and trans-shipment of by-products.
	Example use types include recycling and salvage centers, convenience centers, transfer stations, land clearing and construction debris landfills, tire disposal or recycling, waste composting, incinerators, energy recovery plants, salvage yards and junkyards, and recycling drop-off centers.
Wholesale Trade	The Wholesale Trade Use Category includes use types involving the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or taking of orders and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer. Accessory uses may include offices, product repair, warehouses, minor fabrication services, outdoor storage, and repackaging of goods.
	Example use types include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; mail order houses; and wholesalers of food, clothing, plants and landscaping materials, auto parts, and building hardware.

E. AGRICULTURAL USES

Table 4.7.2.5, Agricultural Use Categories, sets out the use categories included in the agricultural use classification in Table 4.2.1, Principal Use Table. It also describes the characteristics and examples of the use types in each use category.

TABLE 4.7.2.5: AGRICULTURAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS
	EXAMPLES
Agricultural Production	The Agricultural Production Use Category is characterized by general agricultural activities, including the cultivation and production of orchard, garden, or nursery crops on a small or large scale, the production of field grown crops, specialty crops, flowers, fruit, grapes, market gardening, nursery stock, nuts, ornamental plants, sod, vegetables, and similar horticultural uses. The use category also includes agronomy, aquaculture, biotechnical agriculture (including education parks for biotechnical agriculture or a demonstration farm), fisheries, honey production, and similar uses. Accessory uses may include offices, storage areas and repair facilities related to agriculture uses.
	Example use types include agronomy, aquaculture, biotechnical, crop farming, fisheries, apiculture, silviculture, plant nurseries, and similar uses.
Animal Husbandry	The Animal Husbandry Use Category is characterized by the commercial and non-commercial propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals and livestock.
	Example use types include the raising and production of cattle (beef and dairy), pigs, mules, ducks, horses, goats, poultry, sheep, and similar livestock or domesticated animals. Breeding and rearing of animals typically thought of as household pets (e.g., dogs, cats, small rodents, etc.) is not animal husbandry.
Horticulture	The Horticulture Use Category includes commercial establishments engaged in the propagation, planting, growing, and sale of plants, plant products, and materials derived from plants. Accessory uses include storage, offices, irrigation facilities, shipping, and sales areas.
	Example use types include nurseries, greenhouses, pick-your-own establishments, and facilities for the sale of plants and plant products.

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5.1 CHAPTER INTRODUCTION

This chapter sets out the standards and review procedures for each development application under this Ordinance. This chapter also describes the enforcement process and the remedies available to the Town for violations of this Ordinance.

5.1.1 GENERALLY

- A.** Section 5.1.2, Application Summary Table, sets out the review authorities who decide particular applications as well as if a pre-application conference is mandatory or optional.
- B.** Section 5.2, Development Applications, describes each type of development application and is listed in alphabetic order.

1. CONTENTS

- a.** Each development application description follows a standardized structure that includes the following subsections:
 - i.** Purpose for the procedure;
 - ii.** Applicability and the types of development exempted from the procedure;
 - iii.** The decision-making authority;
 - iv.** The review standards;
 - v.** How the approved application may be amended (if applicable);
 - vi.** The vesting term of the approval;
 - vii.** If and how the approval may expire; and
 - viii.** How decisions on a particular application are appealed.
- b.** In addition to the standard structure, some development application descriptions include additional or unique subsections addressing application filing issues, recordation, or post-approval actions.

2. FLOWCHARTS

- a.** Each development application section includes a procedural flowchart.
- b.** The procedural flowchart uses a symbol for each step in the process with text inside the symbol describing the step in greater detail. Some boxes may include cross references to other parts of this Ordinance.
- c.** The procedural flowchart is color coded to depict differing responsibilities. For example, white boxes indicate actions or responsibilities of the applicant. Light grey boxes indicate actions of Town staff. Dark green boxes show public hearings or public meetings where applications are reviewed by a review authority.

- C.** Section 5.3, Review Procedures, describes the generic steps in the application review process used by the Town for all types of development applications.

5.1.2 APPLICATION SUMMARY TABLE

The application summary table lists each of the specific development application types under this Ordinance and the review authority(ies) involved in the decision-making process. Review authorities are listed in columns across the top of the table and procedures are listed in rows down the side. Cells in the middle of the table show actions taken by a particular review authority as part of the review process. Blank cells indicate that a particular review authority has no role in the particular procedure. Table notes are included at the bottom of the table.

TABLE 5.1.2: APPLICATION SUMMARY TABLE

PROCEDURE /1/	LMO Section Reference	Pre-Application Conference /2/	REVIEW AUTHORITIES /3/				
			Planning Director /4/	Technical Review Committee	Planning Board	Town Council	Board of Adjustment
Administrative Adjustment	5.2.1	O	D				{A}
Annexation	5.2.2	M	R			[D]	
Appeal	5.2.3	NA					{D}
Certificate of Occupancy	5.2.4	NA	/5/				
Conditional Rezoning	5.2.5	M	R	C	R	[D]	
Conservation Subdivision	5.2.6	M	C	R		{D}	
Determination	5.2.7	O	D				{A}
Development Agreement	5.2.8	M	C		R	[D]	
Fee-in-Lieu	5.2.9	M	R			D	
Fence Permit	5.2.10	O	D				[A]
Final Plat and Exempt Plat	5.2.11	NA	D				
Floodplain Development Permit	5.2.12	O	D				{A}
Major Subdivision	5.2.13	M	C	R	D		{A}
Minor Subdivision	5.2.14	O	D	C			[A]
Performance Guarantee	5.2.15	O	D				
Planned Development	5.2.16	M	R	C	R	[D]	
Reasonable Accommodation	5.2.17	M	R				{D}
Rezoning	5.2.18	M	C		R	[D]	
Sign Permit	5.2.19	O	D				{A}
Site Plan	5.2.20	M		D			{A}
Special Use Permit	5.2.21	M				{D}	
Stormwater Permit	5.2.22	O	D				{A}
Temporary Use Permit	5.2.23	O	D				{A}
Text Amendment	5.2.24	M	R		R	[D]	
Transportation Impact Studies	5.2.25	M		R		{D}/[D]	{A}
Variance	5.2.26	M					{D}
Vested Rights Certificate	5.2.27	O	R			[D]	
Zoning Compliance Permit	5.2.28	O	D				{A}

TABLE NOTES:

/1/ Type of Action: C = Comment; R = Recommendation; D = Decision; A = Appeal. Comments are provided prior to recommendations. Recommendations are provided prior to decisions. Appeals may only take place after decisions.

/2/ Pre-Application Conference: M = Mandatory; O = Optional; NA = Not Applicable.

/3/ Type of Hearing/Meeting: | | = Public Meeting; [] = Legislative Public Hearing; { } = Quasi-Judicial Public Hearing; {} = Decision made as part of a Rezoning or SUP process.

/4/ The Planning Director may delegate review authority in accordance with Section 1.7.9, Delegation of Authority.

/5/ Certificates of Occupancy are issued in cooperation with the Alamance County Inspections Department.

5.2 DEVELOPMENT APPLICATIONS

5.2.1 ADMINISTRATIVE ADJUSTMENT

A. PURPOSE AND INTENT

The purpose for this section is to establish a clear procedure and measurable review criteria for the administrative consideration of requests for minor deviations to certain numeric standards in this Ordinance (like zoning district dimensional standards). The intent of the procedure is to provide relief from practical difficulties in complying with the standards of this Ordinance. Administrative adjustments should only be granted when the proposed development advances the purposes of this Ordinance, and the proposed development can maintain compatibility with its surroundings.

B. APPLICABILITY

1. An administrative adjustment may be requested for a modification or deviation of up to 5 percent of any zoning district dimensional standard in Chapter 3: Zoning Districts, a numeric standard in Chapter 4: Uses, or a numeric standard in Chapter 7: Development Standards. In no instance shall an administrative adjustment application seek to changes any of the following:

- a. The required minimum lot area;
- b. Increases in the maximum residential density of a lot or development;
- c. Reductions to the minimum required distance between two use types;
- d. Reductions to the standards pertaining to flood protection or stormwater management;
- e. Reductions to infrastructure-related requirements, including sight stopping distances, parking lot dimensions, road or right-of-way widths; or
- f. Reductions to requirements or recommendations specified in a transportation impact study.

C. PROCEDURE

The administrative adjustment application review procedure is described in Figure 5.2.1, Administrative Adjustment Procedure, as supplemented by Section 5.3, Review Procedures.

D. DECISION

Decisions on applications for administrative adjustments shall be made by the Planning Director in accordance with the standards in Section 5.2.1.E, Review Criteria.

E. REVIEW CRITERIA

An administrative adjustment shall be approved if the applicant demonstrates all of the following:

1. The administrative adjustment does not exceed the maximum allowable threshold;

Figure 5.2.1: Administrative Adjustment Procedure

Step	Action
1	Pre-Application Conference Optional See Section 5.3.4, Pre-Application Conference
2	File Application See Section 5.3.6, Application Filing May be filed as a stand-alone application or along with a related application, like a site plan
3	Completeness Determination See Section 5.3.6.G, Determination of Application Completeness
4	Staff Review See Section 5.3.9, Staff Review and Action
5	Planning Director Decision Based on Section 5.2.1.E, Review Criteria If submitted with a related application, decision on an administrative adjustment is rendered first
6	Written Notice of Decision See Section 5.3.13, Written Notice of Decision
7	Review Associated Applications If appropriate

2. The administrative adjustment:
 - a. Is required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general; or
 - b. Is necessary to allow for proper functioning of on-site wastewater or stormwater management devices; or
 - c. Saves healthy existing trees; or
 - d. Helps limit the need for site grading or revision to existing drainage patterns; or
3. The administrative adjustment will not pose a danger to the public health or safety;
4. The administrative adjustment will not negatively impact the function or performance of on-site wastewater or stormwater management devices;
5. Adverse impacts resulting from the administrative adjustment will be fully mitigated; and

F. SEQUENCE

1. An administrative adjustment may be requested either as a stand-alone application, or in combination with another application for development review.
2. In cases when submitted with another application, the administrative adjustment application shall be decided prior to the other associated applications.
3. Applications for planned developments, rezonings, variances, or transportation impact studies shall not include requests for administrative adjustments.

G. AMENDMENT

Amendment of an administrative adjustment may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

H. EXPIRATION

1. If an administrative adjustment is submitted with another development application, the expiration of the administrative adjustment shall be the same as the associated development application.
2. In cases where an administrative adjustment is submitted as a stand-alone application, the approval shall become null and expire if the work associated with the administrative adjustment is not commenced within two years from the date of approval.

I. VESTING

The vesting period for an administrative adjustment shall be the longer of:

1. One year from the date of its issuance; or
2. The same time frame associated with the development approval the administrative adjustment is associated with in accordance with G.S. 160D-108 and Section 5.2.27, Vested Rights Certificate, as appropriate.

J. APPEAL

Appeal of a decision on an administrative adjustment shall be reviewed and decided by the Board of Adjustment in accordance with G.S. 160D-405, and Section 5.2.3, Appeal.

5.2.2 ANNEXATION

A. PURPOSE AND INTENT

The purpose of this section is to establish a procedure for the consideration of voluntary annexation petitions from landowners seeking to add additional lands to the corporate limits of the Town.

B. APPLICABILITY

1. The Town Council may review and decide voluntary annexation petitions from:
 - a. The owners of land that is contiguous with the Town's primary corporate limits; and
 - b. The owners of land that is not contiguous to the primary corporate limits when the proposed satellite annexation complies with the following standards:
 - i. The area must be so situated that the Town will be able to provide the same services as it provides within its primary corporate limits; and
 - ii. The nearest point on the proposed satellite annexation is not more than three miles from the primary corporate limits of the Town; and
 - iii. No portion of the land proposed for annexation is closer to the contiguous corporate limits of another municipality unless the land is subject to an approved annexation agreement; and
 - iv. If the land proposed for annexation is part of a recorded subdivision as defined in G.S. 160D-802, all lots in the recorded subdivision are part of the annexation petition; and
 - v. The area within the proposed satellite annexation, when added to the area within all other satellite annexations by the Town of Elon, may not exceed ten percent of the area within the primary corporate limits of the Town.

C. APPLICATION

1. The annexation petition shall be signed by all the owners of land proposed for annexation.
2. An annexation petition shall include a signed statement declaring whether or not any vested right with respect to the land subject to the petition has been established under G.S. 160D-108.

D. PROCEDURE

1. The annexation petition review procedure is described in Figure 5.2.2, Annexation Procedure, as supplemented by Section 5.3, Review Procedures.
2. Following receipt of an annexation petition the Town Clerk shall investigate and certify whether the petition is legally sufficient. Only legally sufficient petitions shall be considered by the Town.
3. The Planning Director shall review the petition and comment on the Town's ability to provide municipal services prior to consideration of the petition by the Town Council. The Planning Director shall also accept and consider comments from the Town Engineer and Finance Director.

Figure 5.2.2: Annexation Procedure

Step	Action
1	Pre-Application Conference See Section 5.3.4, Pre-Application Conference
2	File Petition See Section 5.3.6, Application Filing Includes statement of vested rights
3	Certification of Sufficiency
4	Staff Review See Section 5.3.9, Staff Review and Action Includes analysis of the Town's ability to serve the annexed land
5	Public Hearing Scheduled
6	Public Notification See Section 5.3.10, Public Notice
7	Town Council Review and Decision See Section 5.3.11, Public Hearings and Meetings
8	Written Notice of Decision See Section 5.3.13, Written Notice of Decision
9	Recordation

E. DECISION

1. After the conclusion of a legislative public hearing, the Town Council shall decide the application in accordance with the standards in Section 5.2.2.F, Review Criteria.
2. The decision shall be one of the following:
 - a. Approval of the annexation petition;
 - b. Denial of the annexation petition; or
 - c. Remand of the annexation petition to Town staff for further consideration.

F. REVIEW CRITERIA

Approval of an annexation is a matter committed to the legislative discretion of the Town Council. The voluntary annexation petition may be approved upon a finding the petition complies with all the standards in G.S. 160A-31 or 160A-58, as appropriate, and:

1. The annexation petition bears the signatures of all landowners within the area to be annexed;
2. The area to be annexed can be adequately served by the same municipal services provided within the Town's primary corporate limits;
3. The debt obligations from serving the subject lands do not exceed the anticipated revenues to the Town; and
4. The public health, safety, and welfare of Town residents and the residents of the lands proposed for annexation will be best served by the annexation.

G. EFFECTIVE DATE

1. CONTIGUOUS ANNEXATIONS

In accordance with G.S. 160A-31(d), the Town Council shall make the annexation ordinance effective:

- a. Immediately; or
- b. On June 30 in the year the annexation ordinance was approved; or
- c. June 30 of the following year after the date the annexation ordinance was passed.

2. NONCONTIGUOUS OR SATELLITE ANNEXATIONS

The Town Council shall make the annexation ordinance effective date immediately or on any specified date within six months from the date the annexation ordinance was passed.

H. SEQUENCE

1. In cases where land proposed for annexation is subject to any additional development applications, the annexation application shall be reviewed and decided prior to the decision on any other applications.
2. The Town Council may consider the initial zoning of newly annexed land immediately or at any other time following approval of an annexation application.
3. Nothing shall limit the Town Council from adopting a development agreement that involves land that is not annexed to the Town.

I. RECORDING AND FILING

1. An ordinance approving a voluntary annexation adopted by the Town, together with a map of the annexed area, shall be promptly recorded in the office of the Alamance County Register of Deeds following adoption of the annexation.
2. The ordinance approving a voluntary annexation adopted by the Town, together with a map of the annexed area, shall be filed in the office of the Secretary of State within 30 days following the effective date of the annexation ordinance.

J. EFFECT

Upon the effective date of annexation, the land shall be subject to the debts, laws, ordinances, and regulations of the Town, and shall be entitled to the same privileges and benefits as other parts of the Town.

K. AMENDMENT

1. A decision on an annexation shall not be amended.
2. Land may be de-annexed only by act of the North Carolina General Assembly.

L. EXPIRATION

A decision on an annexation shall not expire.

5.2.3 APPEAL

A. PURPOSE AND INTENT

This appeal procedure is proposed to establish a clear and predictable procedure for persons with standing to appeal a decision or determination by a review authority.

B. APPLICABILITY

1. DECISIONS BY TOWN STAFF OR PLANNING BOARD SUBJECT TO THESE STANDARDS

Certain appeals of decisions or determinations by the Planning Director or a Town official made pursuant to this Ordinance shall be reviewed and decided by the Board of Adjustment in accordance with Table 5.1.2, Application Summary Table, and this section.

2. DECISIONS BY TOWN COUNCIL OR BOARD OF ADJUSTMENT NOT SUBJECT TO THESE STANDARDS

a. Appeals of quasi-judicial decisions made by the Town Council or the Board of Adjustment shall be taken to the Superior Court for Alamance County, in accordance with G.S. 160D-1402.

b. Challenges to legislative decisions made by the Town Council are made through requests for declaratory judgement by the Superior Court for Alamance County, in accordance with G.S. 160D-1401.

3. ORIGINAL CIVIL ACTIONS NOT SUBJECT TO THESE STANDARDS

a. Persons with standing, as defined in G.S. 160D-1403.1 may bring an original civil action in Superior Court without first being heard by the Board of Adjustment for some administrative decisions, determinations of vested rights, and notices of violation in cases where the applicant claims the decision or a provision in this Ordinance is:

- i. Unconstitutional;
- ii. Beyond statutory authority;
- iii. Pre-empted by State law; or
- iv. A taking of all property value.

b. Direct appeals of determinations related to provisions of this Ordinance by a Town official to Superior Court are not permitted and must first be heard by the Board of Adjustment, in accordance with this section.

C. INITIATION

1. A property owner or other person with standing shall initiate an appeal by filing a written notice of appeal with the Planning Director within 30 days of the date they receive the written notice of determination or decision being appealed.

2. Receipt of written notice provided via first class mail in accordance with G.S. 160D-403(b) shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

Figure 5.2.3: Appeal Procedure

Step	Action
1	Pre-Application Conference Optional See Section 5.3.4, Pre-Application Conference
2	File Notice of Appeal See Section 5.3.6, Application Filing Within 30 days of receipt of notice of violation or decision being appealed
3	Completeness Determination See Section 5.3.6.G, Determination of Application Completeness
4	Record Assembly and Transmittal Provided to the Board of Adjustment, the applicant, and the landowner
5	Public Hearing Scheduled
6	Public Notification See Section 5.3.10, Public Notice
7	Board of Adjustment Review and Decision See Section 5.3.11, Public Hearings and Meetings
8	Written Notice of Decision See Section 5.3.13, Written Notice of Decision

D. PROCEDURE

The appeal petition review procedure is described in Figure 5.2.3, Appeal Procedure, as supplemented by Section 5.3, Review Procedures.

E. DECISION

1. The Board of Adjustment, at the conclusion of a quasi-judicial public hearing, shall decide the application for the appeal.
2. The decision shall be based on the competent, material, and substantial evidence in the record of the appeal, as supplemented by arguments presented at the quasi-judicial hearing, and the standards in Section 5.2.3.F, Review Criteria.
3. The decision shall be one of the following:
 - a. Affirmation of the decision or determination (in whole or in part);
 - b. Modification of the decision or determination (in whole or in part); or
 - c. Reversal of the decision or determination (in whole or in part).
4. A vote to reverse or modify a decision or determination shall require approval of a majority of the members present and voting.
5. Each decision shall be made in writing and reflect the Board of Adjustment's determination of contested facts and their application to the standards in this Ordinance.
6. The written decision shall be signed by the Chair or other duly authorized member of the Board of Adjustment.
7. The decision of the Board of Adjustment shall be effective upon the filing of the written decision in the offices of the Planning, Zoning, and Development Services Department.

F. REVIEW CRITERIA

1. The Board of Adjustment is limited to the following determinations in considering the appeal:
 - a. Whether the review authority erred in the interpretation of this Ordinance; or
 - b. Whether the review authority erred in determining whether a standard of this Ordinance was met.
2. The Board of Adjustment shall not hear any evidence or make any decision based on hardships or special conditions, except as part of an application for a variance.

G. EFFECT

1. The filing of an appeal shall stay all of the following:
 - a. Any further proceedings or actions conducted by the applicant except in such cases where such stoppage would cause imminent peril to life or property as determined by the Planning Director;
 - b. The application of any further remedies for violation of this Ordinance by the Town; and
 - c. The accumulation of any further fees or fines associated with violation of this Ordinance.
2. In the event enforcement proceedings are not stayed by an appeal, the appellant may file a request for an expedited hearing of the appeal in accordance with G.S. 160D-405(f), and the Board of Adjustment shall conduct a meeting to hear the appeal within 15 days of the date the request for an expedited hearing is filed.
3. Nothing shall prevent the Board of Adjustment from staying the issuance of any final approval of development applications, including building permits, affected by the issue being appealed in accordance with G.S. 160D-405(f).

H. EXPIRATION

A decision on an appeal shall not expire.

I. APPEAL

1. A decision by the Board of Adjustment shall be subject to review by the Superior Court of Alamance County by proceedings in the nature of certiorari and in accordance with G.S. 160D-1402.

2. The landowner or applicant shall file a petition for review with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

Any other person with standing to appeal shall file a petition for review with the Clerk of Court within 30 days from receipt, by any source, actual or constructive notice of the decision being appealed.

Receipt of written notice provided via first class mail in accordance with G.S. 160D-403(b) shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

5.2.4 CERTIFICATE OF OCCUPANCY

A. PURPOSE AND INTENT

The purpose for the certificate of occupancy procedure is to establish a consistent and standardized method to document a development's compliance (or pending compliance) with all applicable building codes and Town requirements prior to occupancy or initiation.

B. APPLICABILITY

Except where exempted by Section 5.2.4.C, Exemptions, no land, newly erected building or structure, or existing building or structure that has been moved or enlarged or changed in use shall be occupied or used until a certificate of occupancy certifying that the land, building, or structure, and its use complies with this Ordinance and the applicable standards of the State Building Code(s) is issued in accordance with this section.

C. EXEMPTIONS

Development not required to obtain a building permit shall also be exempted from the requirements of this Section.

D. PROCEDURE

The Town works cooperatively with the Alamance County Inspections Department to issue certificates of occupancy. The certificate of occupancy procedure is described in Figure 5.2.4, Certificate of Occupancy Procedure, as supplemented by Section 5.3, Review Procedures.

E. DECISION

The decision on a certificate of occupancy shall be made by the Alamance County Inspections Director. Decisions on certificates of occupancy applications shall be in accordance with the standards in Section 5.2.4.F, Review Criteria.

F. REVIEW CRITERIA

A certificate of occupancy shall be approved if the land, building, structure, or proposed use complies with:

1. All relevant standards of this Ordinance;
2. Any other applicable Town requirements;
3. All applicable conditions of approval;
4. The building permit;
5. The applicable State Building Code(s) requirements; and
6. All applicable state and federal requirements.

G. TEMPORARY CERTIFICATE OF OCCUPANCY

1. A temporary certificate of occupancy or compliance may be issued permitting occupancy for a stated period of time of either the entire building or property or of specified portions of the building if the Alamance County Inspections Department finds that the building or property may safely be occupied prior to the completion of development activity.
2. The Planning Director may require the applicant to submit a performance guarantee (see Section 5.2.15, Performance Guarantees), in an amount necessary to ensure that any work not completed as specified in the development approval will be completed within the specified timeframe for a certificate of occupancy. A performance guarantee, submitted in accordance with Section 5.2.15, Performance Guarantees, shall be required for any incomplete infrastructure or other required site features.

Figure 5.2.4: Certificate of Occupancy Procedure

Step	Action
1	File Application See Section 5.3.6, Application Filing
2	Completeness Determination See Section 5.3.6.G, Determination of Application Completeness
3	Review and Transmittal by Planning Director Planning Director will review the application for compliance with Town requirements and applicable conditions of approval
4	Inspections Director Decision
5	Written Notice of Decision See Section 5.3.13, Written Notice of Decision

H. SEQUENCE

1. Applications for a certificate of occupancy may not be filed until work authorized by other approvals has been completed, or an application for a performance guarantee has been approved.
2. An application for a performance guarantee may be filed with an application for a temporary certificate of occupancy, but in these cases, the performance guarantee application shall be decided first.

I. EFFECT

Approval of a certificate of occupancy authorizes the occupancy of a building or the commencement of activity.

J. AMENDMENT

A temporary certificate of occupancy can be amended to a regular certificate of occupancy in accordance with this section.

K. EXPIRATION

A certificate of occupancy shall not expire. A temporary certificate of occupancy shall expire in accordance with its designated timeframe. In no instance shall a temporary certificate of occupancy remain valid for a period of longer than six months.

L. APPEAL

Appeal of a decision on a certificate of occupancy may be filed with the North Carolina Commissioner of Insurance in accordance with G.S. 160D-1127.

5.2.5 CONDITIONAL REZONING

A. PURPOSE AND INTENT

Conditional zoning districts allow for the establishment of certain uses, which, because of their nature or scale, have particular impacts on both the immediate area and the community as a whole. The development of these uses cannot be predetermined or controlled by general district standards. Therefore, in addition to the general use zoning districts established in Chapter 3 of this Ordinance, most districts have corresponding conditional zoning districts which may be established in accordance with the provisions of this section. The conditional zoning district option allows for the development and use of a particular property, subject to specific standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district, and mutually agreed-upon by both the Town and the applicant(s).

Accordingly, a Conditional Zoning District may be designated upon approval by the Town Council of a petition by all property owners or their agents to establish such district. All Zoning Districts listed in Chapter 3 of this Ordinance have a parallel conditional version.

All descriptions and definitions which apply to a general use zoning district also apply to the corresponding conditional zoning district, and modification of specific general use zoning district provisions may be permitted through the legislative decisions of Town Council.

Property may be placed in a conditional zoning district only in response to a petition by the owners or their agents of all of the property proposed to be included in the conditional zoning district.

Conditional zoning districts are not intended to resolve situations which would be more appropriately addressed through the variance process.

B. APPLICABILITY

There are circumstances in which a general zoning district designation allowing a particular use would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of this Ordinance and adopted Comprehensive Land Use Plan, Transportation Plans, Corridor Plans, Small Area Plans, and other land use policy documents. The rezoning process established in this section provides for the accommodation of such uses by a reclassification of property into a conditional zoning district, subject to additional conditions which ensure compatibility of the proposed use with the use and enjoyment of neighboring properties. A conditional zoning district allows a particular use or uses to be established only in accordance with specified standards and conditions tailored to each individual development project. This is a voluntary rezoning procedure that is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative proposals that may not be undertaken for some time, but that can be applied to areas ripe for development, not speculative in nature and reasonably ready to proceed.

Figure 5.2.5: Conditional Rezoning Procedure

Step	Action
1	Pre-Application Conference See Section 5.3.4, Pre-Application Conference
2	Neighborhood Information Meeting See Section 5.3.5, Neighborhood Information Meeting
3	File Application See Section 5.3.6, Application Filing
4	Completeness Determination See Section 5.3.6.G, Determination of Application Completeness
5	Staff Review See Section 5.3.9, Staff Review and Action Includes TRC review of conceptual site plan
6	Planning Board Review and Recommendation See Section 5.3.11, Public Hearings and Meetings
7	Public Hearing Scheduled
8	Public Notification See Section 5.3.10, Public Notice
9	Town Council Review and Decision See Section 5.3.11, Public Hearings and Meetings
10	Written Notice of Decision See Section 5.3.13, Written Notice of Decision

C. CONVERSION PROHIBITED

Applications filed as a conditional rezoning application shall not be converted to a rezoning application to establish a conventional zoning district during the review process, and shall instead be withdrawn and resubmitted as a conventional rezoning application (see Section 5.2.18, Rezoning).

D. PROCEDURE

The review and approval process for conditional zoning petitions involves a legislative hearing and legislative decision by the Town Council. The review of conditional zoning petitions shall be undertaken in accordance with the procedures for zoning map amendments established in Section 5.2.18, Rezoning and as provided for in this section and shall be subject to judicial review using the same procedures and standard of review applicable to general use district planning decisions.

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 or their authorized agents. A petition for a conditional zoning district shall include, at a minimum:

- 1.** A site plan prepared in accordance with Section 5.2.20, Site Plan, and any other applicable requirements for the zoning district and use(s) being requested;
- 2.** Written supporting documentation that specifies the actual use or uses proposed for the property,
- 3.** Proposed rules, regulations, and conditions that, in addition to all predetermined requirements of this Ordinance, will govern the development and use of the property in conjunction with the requirements of this Ordinance, and/or in lieu of specified portions of this Ordinance as authorized by G.S. 160D-703; and
- 4.** A statement analyzing the reasonableness of the proposed rezoning.

All rules, regulations, and conditions of any corresponding general district and all other requirements of this Ordinance apply to a conditional zoning district except as specifically modified through the use of additional development conditions by the Town Council, and as agreed upon by the petitioner.

In the course of evaluating the proposed use, the Town Council may request additional information deemed appropriate to provide a more complete analysis of the proposal.

E. COMMUNITY INFORMATIONAL MEETING REQUIRED.

No less than thirty (30) calendar days prior to the scheduled meeting of the Planning Board where the conditional zoning petition will be presented, the petitioner must file with the Planning Director a written report of at least one community meeting held by the petitioner. The report shall include, among other items, a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the date, time, and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting. The petitioner shall conduct such meeting in accordance with the following provisions:

- 1.** At least one of the community informational meetings shall be held not more than sixty (60) calendar days nor less than thirty (30) calendar days prior to the date of the next Planning Board meeting at which the petition will be reviewed.
- 2.** At a minimum, notice of the meeting shall be given to the Planning Director as well as the same property owners that are entitled to first class mail notification of the public hearing on the conditional zoning application. Notice shall also be given to any homeowners' associations that have jurisdiction over any property within 500 feet of the subject property.

3. The purpose of the community informational meeting is:
 - a. To provide specific information regarding the proposed development including but not limited to a description of the proposed use(s) of the property, the proposed density and intensity of land uses, the location and arrangement of the proposed land use(s) on the property, the proposed development schedule, and proposed regulations or conditions, in addition to those required by this Ordinance, that will govern the development and use of the property; and
 - b. To receive comments and input from citizens likely to be impacted by the proposed zoning change and subsequent development of the property.
4. In the event the petitioner has not held at least one meeting pursuant to this subsection, the petitioner shall file a report with the Planning Director documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held.
5. The adequacy of a meeting held or report filed pursuant to this section shall be considered by the Town Council but shall not be subject to judicial review.

The conditional rezoning procedure is described in Figure 5.2.5, Conditional Rezoning Procedure, as supplemented by Section 5.2.5.D, Procedure.

F. RECOMMENDATION BY PLANNING BOARD

1. After conclusion of a public meeting, the Planning Board shall make a recommendation on the application in accordance with Section 5.2.5.I, Review Criteria.
2. In making its recommendation, the Planning Board shall prepare a written statement regarding the application's consistency with the Town's adopted policy guidance.
3. During its review, the Planning Board may suggest revisions to the application, consistent with the provisions of Section 5.2.5.J, Conditions. Only those conditions and subsequent revisions agreed to in writing by the applicant shall be incorporated into the application.

G. DECISION BY TOWN COUNCIL

1. After the conclusion of a legislative public hearing, the Town Council shall decide the application in accordance with the standards in Section 5.2.5.I, Review Criteria.
2. The decision shall be one of the following:
 - a. Approval of the application;
 - b. Denial of the application;
 - c. Approval of a revised application; or
 - d. Remand of the application to Town staff and/or the Planning Board for further consideration.
3. The decision shall be based on the legislative discretion of the Town Council, taking into consideration the recommendation of the Planning Board, the standards in Section 5.2.5.I, Review Criteria, and the standards in Chapter 3 regarding Conditional Zoning Districts.
4. In making its decision, the Town Council shall adopt a written statement of reasonableness and consistency with the Town's adopted policy guidance in accordance with G.S. 160D-605.

H. CHANGES TO APPLICATION

The applicant may make changes, including changes recommended by the Planning Board or the Town Council, to the conditional rezoning application at any time prior to the Town Council's decision. The applicant may only propose changes in accordance with the following:

1. Changes shall be made in writing to the Planning Director; and
2. Changes shall be signed by all landowners or their agents.

I. REVIEW CRITERIA

The advisability of approving a conditional rezoning application is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In determining whether to adopt or deny a proposed conditional rezoning, the Town Council may weigh the relevance of and consider the following:

1. Whether the proposed conditional rezoning advances the public health, safety, or welfare;
2. Whether and the extent to which the proposed conditional rezoning is appropriate for its proposed location, with particular consideration of the impacts reasonably expected to be generated by the development or use of the site;
3. Whether and the extent to which the proposal is consistent with the purposes, goals, objectives, and policies of the Town's ordinances and adopted policy guidance, 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. In the event that the proposed conditional use district proposal does not agree in part or in total with a relevant plan, the Town Council may elect to amend that plan for consistency, or may find cause to deny the conditional district petition based on a finding of inconsistency with the plan;
4. Whether an approval of the conditional rezoning is reasonable and in the public interest;
5. Whether and the extent to which the concept plan associated with the conditional rezoning is consistent with this Ordinance; and
6. Any other factors as the Town Council may determine to be relevant.

J. CONDITIONS

1. Unless modified by an approved condition, all requirements of the corresponding general zoning district shall apply to a conditional zoning district.
2. 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 agreed upon by the Town and the petitioner may be incorporated into the zoning regulations or permit requirements. Pursuant to G.S. 160D-703(b), the petitioner's consent to the approval conditions must be provided to the Planning Director in writing. The petitioner shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the Town Council. The effective date of the conditional zoning approval may be set for a reasonable time period following the date of the decision, to allow for a final listing of conditions to be detailed in written form, and for the signatures of all owners of property subject to the rezoning to be obtained. The final listing of conditions may be supplemented with plans or maps, as appropriate to clearly set out the expectations of the conditions.
3. 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 and/or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site. Conditions imposed during the legislative process for approval of the district may allow a specific use on the subject property while ruling out other uses that are objectionable to the neighbors in the immediate area or determined to not be reasonable and in the public interest. Consideration should be given 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 the development, lighting, noise, hours of operation, pedestrian access, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the Town Council may find appropriate. Such conditions for 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. The Town Council may approve conditions that vary, lower, or impose higher standards than those that would ordinarily apply were the property at issue rezoned to something other than a conditional zoning district.
4. Pursuant to G.S. 160D-703(b1), for parcels where multi-family structures are an allowable use, the Town Council may not impose a harmony requirement if the development contains affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.

K. SEQUENCE

1. Applications for subdivisions, site plans, and zoning compliance permits may be submitted with a conditional rezoning application, but the conditional rezoning application establishing the conditional zoning district shall be decided first.
2. A conceptual site plan shall not substitute for a required site plan or subdivision plat.

L. DESIGNATION ON OFFICIAL ZONING MAP AND FUTURE LAND USE MAP

1. Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the Official Zoning Map by the appropriate district designation. A conditional zoning district shall be identified by the name designation as set forth in Section 5.2.5.A, Purpose and Intent. Designation of a conditional zoning district on the Official Zoning Map shall note the ordinance number approving the zoning classification.
2. In cases where the Town Council approves a conditional rezoning application they deem to be inconsistent with the Town's adopted policy guidance, the conditional rezoning approval shall also have the effect of amending any applicable future land use map included in the Town's adopted policy guidance, and no additional request or application for a comprehensive plan amendment shall be required. The future land map shall be amended with a note referencing the conditional rezoning application approval.

M. EFFECT

1. If a petition for a conditional zoning district is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district's classification, the approved site plan or master plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to this Ordinance and to the zoning map.
2. If a petition is approved, only those uses and structures indicated in the approved petition and site plan shall be allowed on the subject property. A change of location of the structures may be authorized pursuant to Section 5.2.5.N, below, provided that such change in building layout does not result in an increase in the number of structures.
3. No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved petition and site plan for the district. Any violation of the approved site plan or any rules, regulations and conditions for the district shall be treated the same as any other violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation.

N. AMENDMENTS

1. Pursuant to G.S. 160D-703(b), individual property owners who are part of a conditional rezoning of multiple parcels of land may propose a revision to conditions on their property only, as long as changes would not affect the ability of the other property owners to meet their required conditions.
2. Except as provided in Section 5.2.5.N.3, below, 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.
3. The Planning Director shall have the delegated authority to approve certain modifications to an approved site plan associated with a conditional zoning, as defined below. The Planning Director shall have no authority to amend the conditions of approval of a petition. Any decision by the Planning Director must be in writing, stating the grounds for approval or denial of the requested modification(s). No changes shall be authorized except in conformity with this section.
 - a. Insignificant Deviations. Insignificant deviations from an approved site plan are permissible, and the Planning Director may authorize such insignificant deviations. A

deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development. Changes to permissible uses or the overall density of the development may not be approved administratively.

- b.** Minor Modifications. Minor design modifications or changes in approved site plans are permissible with the approval of the approval-issuing authority. Unless it is requested by the approval-issuing authority, no public hearing shall be required for such minor modification(s). Minor modifications are those that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development. Minor modifications may include changes to the approved site plan but shall not include changes to the conditions and standards of the original approval. For the purposes of this subsection, substantial impact shall mean any impact with a reasonable likelihood of causing exceedance of the applicable standards alone or in combination with the impact of the other sources.
 - c.** Major Modifications. All other requests for changes in approved plans and all requested changes to approval conditions associated with the conditional zoning shall be processed as new applications. In the Town Council's consideration for approval of the new application, new conditions may be imposed in accordance with Section 5.2.5.J of this Ordinance, but the applicant shall retain the right to reject such additional conditions by withdrawing his or her request for the major modification and proceeding with the previously-issued approval.
- 4.** The Planning Director shall determine whether amendments to and modifications of an approved site plan fall within the categories set forth in Sections 5.2.5.N.3. a, b, or c, above. However, the Planning Director shall always have the discretion to decline to exercise his or her delegated administrative authority as set forth in Section 5.2.5.N.3.a, above, either because of uncertainty regarding the approval of the change pursuant to the standard or based on a determination that a public hearing and /or Town Council decision is a more appropriate course of action under the circumstances. If the Planning Director declines to exercise this authority, the requested changes shall be considered under the appropriate process described in Sections 5.2.5.N.3. b or c, above.
- 5.** The applicant requesting the consideration of a change to a previously-approved conditional zoning shall make such request in writing, signed by all owners of property subject to the change(s), and shall point out to the Planning Director specifically what deviation(s) or change(s) are requested. Upon request, the applicant shall provide any additional information as deemed necessary by the Planning Director to assist in the determination. The Planning Director shall respond in writing with a determination of whether the request constitutes an insignificant deviation, minor modification, or major modification. Having made a determination, the Planning Director shall be provided with a sufficient number of copies of the revised site plan and text modifications as deemed necessary by the Planning Director.

O. EXPIRATION

- 1.** It is the intent that property shall be reclassified to a conditional zoning district only in the event of firm plans to develop the property. Therefore, pursuant to Section 5.2.5.P, below, no sooner than two years (or if a vested right for a longer period has been established in accordance with the provisions of Section 5.2.27, Vested Rights Certificate, after the date of approval of the petition, the Planning Director may examine the progress made toward developing the property in accordance with the approved petition and any conditions attached to the approval.
- 2.** If the Planning Director determines that construction has not commenced, or that substantial progress has not been made in accordance with the approved petition and conditions, the Planning Director shall forward to the Town Council a report which may recommend that the property be rezoned to its previous zoning classification or to another zoning district. Following a recommendation by the Planning Board, the Town Council may make a decision regarding the rezoning of the property in accordance with the procedures delineated in Section 5.2.18, Rezoning,

or may grant an extension of time not to exceed an additional twelve (12) months for substantial progress to be made. Such extension may also be considered following receipt of a written request submitted at least sixty (60) days before expiration of the two-year period provided in subsection 1, above; however, the extension may not be granted based solely on a transfer of ownership during two-year period provided for in this section. Approval of such a time extension by the Town Council may be made without conducting a formal public hearing, at the Town Council's discretion. If, after the expiration of the extended time period, the Planning Director determines that no substantial progress has been made and, following a recommendation by the Planning Board, the Town Council concurs with that determination, the Town Council shall proceed to:

- a. Conduct a public hearing on the matter to evaluate whether or not an additional extension of time is warranted, or
- b. Initiate the rezoning of the property to its previous zoning classification or to another zoning classification using the procedures delineated in Section 5.2.18, Rezoning.

For the purposes of this section, examples of substantial progress may include:

- i. Applicable permitting, studies, analysis, and progress towards the approval of construction plans for streets, utilities, and other infrastructure;
- ii. The initiation of land preparation activities such as clearing and grading;
- iii. The initiation of the construction of a principal building(s); and
- iv. The initiation of the construction of streets, utilities, other infrastructure, or required site amenities.

P. VESTING

A conditional rezoning approval shall be considered a site-specific vesting plan that is vested for a period of two years from the date of its approval. The vesting period may be extended in accordance with Section 5.2.27, Vested Rights Certificate.

Q. CHALLENGE

The decision of the Town Council regarding a conditional rezoning application may be challenged by the filing of a declaratory judgement action in the Superior Court of Alamance County in accordance with G.S. 160D-1401. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

5.2.6 CONSERVATION SUBDIVISION

A. PURPOSE AND INTENT

The purpose for this conservation subdivision procedure is to establish a fair, consistent, and predictable procedure for the review of requests to divide land into a series of lots for development or sale in ways that promote the health, safety, and welfare of the citizens of the Town of Elon, while also preserving significant land for open space. The intent of these standards is to ensure:

1. Orderly growth and development;
2. Coordination of transportation and utility networks;
3. Preservation of open space for purposes of recreation or natural resource protection;
4. Protection from flooding, damaging sedimentation, and decreased surface water quality; and
5. Distribution of population in ways that supports infrastructure investment and diminishes the impact of traffic and overcrowding.

B. APPLICABILITY

Divisions of land meeting the standards for conservation subdivisions as described in Chapter 4, Uses, shall be reviewed and decided in accordance with these standards.

C. APPLICATION

The application shall include a transportation impact study for review, when required by Section 5.2.25, Transportation Impact Studies.

D. PROCEDURE

The conservation subdivision procedure is described in Figure 5.2.6, Conservation Subdivision Procedure, as supplemented by Section 5.3, Review Procedures.

E. DECISION

At the conclusion of a quasi-judicial public hearing, the Town Council shall decide the application in accordance with the standards in Section 5.2.6.F, Review Criteria.

1. The decision shall be one of the following:
 - a. Approval of the application;
 - b. Denial of the application;
 - c. Approval of a revised application; or
 - d. Remand of the application to Town staff for further consideration and resubmission to Council.
2. The decision shall be based on the competent, material, and substantial evidence in the record, as supplemented by the arguments presented at the quasi-judicial hearing, and the applicable standards in Section 5.2.6.F, Review Criteria. All parties presenting testimony and evidence must be duly sworn-in. Testimony regarding the request must be presented and be considered in accordance with the Findings-of-Facts prescribed in this section.

F. REVIEW CRITERIA

1. An application for a conservation subdivision shall be approved, provided:
 - a. The conservation subdivision is prepared and sealed by a licensed professional land surveyor, registered professional landscape architect, or licensed professional engineer;
 - b. The conservation subdivision complies with the applicable standards in G.S. 47-30;

Figure 5.2.6: Conservation Subdivision Procedure

Step	Action
1	Pre-Application Conference See Section 5.3.4, Pre-Application Conference
2	File Application See Section 5.3.6, Application Filing
3	Completeness Determination See Section 5.3.6.G, Determination of Application Completeness
4	Staff Review See Section 5.3.9, Staff Review and Action
5	TRC Review and Recommendation
6	Public Hearing Scheduled
7	Public Notification See Section 5.3.10, Public Notice
8	Town Council Review and Decision See Section 5.3.11, Public Hearings and Meetings
9	Written Notice of Decision See Section 5.3.13, Written Notice of Decision

- c. The conservation subdivision includes all applicable certifications;
 - d. All lots have been certified by the Alamance County Health Department as capable of accommodating the wastewater generated from the proposed use, in cases when the lot(s) is not served by a centralized wastewater system;
 - e. The conservation subdivision is in substantial conformance with all applicable requirements in Chapter 3: Zoning Districts;
 - f. The conservation subdivision complies with all standards and conditions of any applicable permits and development approvals;
 - g. The name of the conservation subdivision shall not duplicate or be similar enough to be indistinguishable to the name of an existing subdivision in Alamance County or the Town; and
 - h. The conservation subdivision complies with all other applicable requirements in this Ordinance and the Town Code of Ordinances.
2. Conservation subdivisions located within a special flood hazard area shall comply with the relevant standards in Section 8.1, Floodplain and Stream Protection Standards, and any recorded plats shall include the following statement:
 "Use of land within a floodplain or flood hazard overlay is substantially restricted by the Town of Elon."

G. SEQUENCE

- 1. Approval of a conservation subdivision by Town Council authorizes the submittal of construction drawings, and/or a final plat.
- 2. Construction drawings shall be required in cases where public infrastructure (e.g., streets, water lines, sanitary sewer, etc.) is being extended to serve lots in the development.

H. EFFECT

- 1. Approval of a conservation subdivision shall not constitute the approval for recording a subdivision with the Alamance County Register of Deeds, or approval for the conveyance of lots.
- 2. Nothing shall prohibit the landowner or the subdivider, as appropriate, from entering into contracts to sell or lease land by reference to an approved conservation subdivision Major Subdivision in accordance with G.S. 160D-807(c), but conveyance of ownership may not take place until after recordation of a final plat in accordance with Section 5.2.11, Final Plat.

I. AMENDMENT

Amendment of a conservation subdivision approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

J. EXPIRATION

- 1. An approved conservation subdivision shall be valid for two years from the date of approval.
- 2. A conservation subdivision approval may be extended once for a maximum duration of one year.

K. VESTING

A conservation subdivision shall be considered a site-specific vesting plan that is vested for a period of two years from the date of its approval. The vesting period may be extended in accordance with Section 5.2.27, Vested Rights Certificate.

L. APPEAL

Appeal of a decision by the Town Council on a conservation subdivision application shall be subject to review by the Superior Court of Alamance County in accordance with G.S. 160D-1403.

Petitions for appeal must be filed with the Town Clerk within thirty (30) days of the date of the decision by the Town Council.

5.2.7 DETERMINATION

A. PURPOSE AND INTENT

The purpose for this determination procedure is to provide a process where an applicant may request documentation from the Planning Director regarding the meaning of language in this Ordinance, boundaries on the Official Zoning Map, or aspects related to prior development application approvals.

B. APPLICABILITY

The Planning Director is responsible for written determinations of the following:

1. The meaning of the text in this Ordinance;
2. The location and extent of zoning district boundaries on the Official Zoning Map, and other maps incorporated by reference into this Ordinance;
3. Determinations of whether an unlisted use is comparable to a use listed in Table 4.2.1, Principal Use Table;
4. Definitions of undefined terms;
5. The meaning of conditions of approval;
6. The vesting status of a prior development application approval; and
7. Other aspects of this Ordinance, as appropriate.

C. DETERMINATIONS DISTINGUISHED

1. Only determinations issued in accordance with this procedure are subject to appeal as an administrative decision.
2. Any written or oral determinations that do not meet the strict requirements of this section are advisory opinions.
3. Advisory opinions have no binding effect and are not considered administrative decisions subject to appeal.

D. PROCEDURE

The Determination procedure is described in Figure 5.2.7, Determination Procedure, as supplemented by Section 5.3, Review Procedures.

E. DECISION

Determinations shall be made by the Planning Director based on the standards in Section 5.2.7.F, Review Criteria.

F. REVIEW CRITERIA

1. OFFICIAL ZONING MAP BOUNDARIES

Determination of district boundaries on the Official Zoning Map shall be in accordance with the standards in Section 3.6, Zoning Map, and consistent with the Town's adopted policy guidance.

2. UNLISTED USES

Determination of whether an unlisted use is similar to a use identified in Table 4.2.1, Principal Use Table, shall be based on consistency with the Town's adopted policy guidance and the following standards:

- a. The function, product, or physical characteristics of the use;
- b. The impact on adjacent lands created by the use;
- c. The type, size, and nature of buildings and structures associated with the use;
- d. The type of sales (retail, wholesale), and the size and type of items sold and displayed on the premises;

Figure 5.2.7: Determination Procedure

Step	Action
1	Pre-Application Conference Optional See Section 5.3.4, Pre-Application Conference
2	File Application See Section 5.3.6, Application Filing Applications should be supplemented with any details or information of relevance in the possession of the applicant
3	Completeness Determination See Section 5.3.6.G, Determination of Application Completeness
4	Staff Review See Section 5.3.9, Staff Review and Action The Planning Director may consult with other Town staff or outside resources
5	Planning Director Decision Based on Section 5.2.7.F, Review Criteria
6	Written Notice of Decision See Section 5.3.13, Written Notice of Decision

- e. The types of items stored (such as vehicles, inventory, merchandise, chemicals, construction materials, scrap and junk, and raw materials including liquids and powders);
- f. The volume and type of vehicle traffic generated by the use, and the parking demands of the use;
- g. Any processing associated with the use, including assembly, manufacturing, warehousing, shipping, distribution, and whether it occurs inside or outside a building;
- h. Any dangerous, hazardous, toxic, or explosive materials associated with the use;
- i. The amount and nature of any nuisances generated on the premises, including noise, smoke, odor, glare, vibration, radiation, and fumes; and
- j. Any prior applicable determinations made by the Planning Director or decisions made by the Board of Adjustment.

3. UNDEFINED TERMS

If a term in this Ordinance is undefined or the meaning is unclear, the Planning Director may make a determination regarding the term based upon appropriate definitions in any of the following sources:

- a. The North Carolina General Statutes;
- b. The North Carolina Administrative Code;
- c. The State Building Code(s);
- d. Planning-related definitions in publications prepared or offered by the American Planning Association or the Urban Land Institute; or
- e. Other professionally-accepted source.

4. TEXT PROVISIONS AND PRIOR APPROVALS

Determinations regarding this text and approved applications shall be based on the standards in Section 1.7, Language Construction, and the following considerations:

- a. The legislative intent of the provision, as indicated by purpose statements, its context and consistency with surrounding and related provisions, and any legislative history related to its adoption;
- b. When the legislative intent of a provision is unclear, the Planning Director shall consider the clear and plain meaning of the provision's wording, as defined by the meaning and significance given specific terms used in the provision, as established in Chapter 2: Definitions, and by the common and accepted usage of the term;
- c. The intended purpose of the provision, as indicated by purpose statements, its context and consistency with surrounding and related provisions, and any legislative history related to its adoption;
- d. The general purposes served by this Ordinance, as set forth in Section 1.6, General Purpose and Intent; and
- e. Consistency with the Town's adopted policy guidance.

5. DETERMINATION OF VESTED RIGHTS

The determination of whether or not certain development activity or a development application approval is vested from changes in this Ordinance and the duration of the vesting shall be based on the following:

- a. The standards in G.S. 160D-108;
- b. The standards in Section 5.2.27, Vested Rights Certificate; and
- c. Prior judicial determination from comparable cases, as determined in the sole discretion of the Planning Director.

G. EFFECT

1. GENERAL

- a. A written determination shall be binding on subsequent decisions by the Planning Director or other administrative officials in applying the same provision of this Ordinance or the Official Zoning Map in the same circumstance, unless the determination is modified in

accordance with this section, the determination is later determined to have been made in error, or the text of this Ordinance is amended.

b. The Planning Director shall maintain a record of written determinations that shall be available in the offices of the Planning Department for public inspection, on reasonable request, during normal business hours.

2. APPROVAL OF UNLISTED USE

a. After the Planning Director determines the use category or use type in which the unlisted use is best classified, then the unlisted use shall be subject to all applicable requirements of that use category or use type.

b. After making a determination of an unlisted use, the Planning Director shall determine whether the unlisted use is likely to be common or recur frequently, and whether its omission is likely to lead to uncertainty and confusion. On determining that the unlisted use is likely to be common and would lead to confusion if unlisted, the Planning Director shall initiate an application for an amendment to the text of this Ordinance. Until final action is taken on the text amendment, the Planning Director's decision shall be binding.

c. If after making a determination of an unlisted use, the Planning Director determines that the unlisted use is of an unusual or transitory nature, and unlikely to recur frequently, the determination shall be binding without further action or amendment of this Ordinance.

H. AMENDMENT

Amendment of a determination may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

I. APPEAL

Appeal of a determination by the Planning Director shall be reviewed and decided by the Board of Adjustment in accordance with G.S. 160D-405 and Section 5.2.3, Appeal.

5.2.8 DEVELOPMENT AGREEMENT

A. PURPOSE AND INTENT

The purpose for the development agreement procedure is to establish a flexible process for the establishment and review of large-scale development projects likely to build out over several years or projects seeking Town utilities but unable to be voluntarily annexed at the time of utility extension. This procedure is intended to:

1. Provide more regulatory certainty for applicants;
2. Establish a schedule for development to allow the Town to plan accordingly;
3. Coordinate the provision of public facilities;
4. Allow for vesting periods that exceed the minimum length for such periods granted by the General Statutes or in Section 5.2.27, Vested Rights Certificate, but that are otherwise authorized by the North Carolina General Statutes; and
5. Improve management of environmentally-sensitive lands.

B. APPLICABILITY

1. At the request of an applicant, the Town Council may enter into a development agreement with a developer for a development of any size and for any reasonable duration, provided the duration is specified in the agreement.
2. All development agreements shall be prepared, executed, and implemented in accordance with this section and G.S. 160D-1001 through 160D-1012.

C. PROCEDURE

The development agreement procedure is described in Figure 5.2.8, Development Agreement Procedure, as supplemented by Section 5.3, Review Procedures.

D. REVIEW BY THE PLANNING BOARD

1. Following staff review, the Planning Board shall review the application during a public meeting. Following the close of the meeting, the Planning Board shall make a recommendation on the application in accordance with Section 5.2.8.F, Review Criteria.
2. During its review, the Planning Board may suggest revisions to the draft agreement language.

E. DECISION

1. The Town Council, after the conclusion of a legislative public hearing, shall decide the application in accordance with Section 5.2.8.F, Review Criteria. The decision shall be the one of the following:
 - a. Enter into the development agreement, as submitted;
 - b. Enter into the development agreement, subject to changes agreed to in writing by the developer; or
 - c. Not enter into the development agreement.
2. Approval of a development agreement shall be by ordinance.

Figure 5.2.8: Development Agreement Procedure

Step	Action
1	Pre-Application Conference See Section 5.3.4, Pre-Application Conference
2	File Application See Section 5.3.6, Application Filing
3	Completeness Determination See Section 5.3.6.G, Determination of Application Completeness
4	Staff Review See Section 5.3.9, Staff Review and Action
5	Planning Board Review and Recommendation See Section 5.3.11, Public Hearings and Meetings
6	Public Hearing Scheduled
7	Public Notification See Section 5.3.10, Public Notice
8	Town Council Review and Decision See Section 5.3.11, Public Hearings and Meetings
9	Written Notice of Decision See Section 5.3.13, Written Notice of Decision
10	Recordation
11	Annual Review

F. REVIEW CRITERIA

For the Town to participate in a development agreement, a development subject to the agreement must:

1. Comply with the requirements in G.S. 160D-1001 through 160D-1012, including all applicable requirements in Section 160D-1006;
2. Indicate the proposed phasing; and
3. 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 recreation, and health systems and facilities.

G. RECORDATION

1. Within 14 days after entering into a development agreement, the applicant shall record the agreement in the office of the Alamance County Register of Deeds.
2. No development approvals shall be issued until the development agreement has been recorded.

H. SEQUENCE

Applications for development agreements may be filed with an associated application for a rezoning, site plan, subdivision, or special use permit, but the development agreement shall be decided prior to any associated application.

I. ANNUAL REVIEW

During any period of time in which a permit or development approval subject to a development agreement is active, the Planning Director shall review the development at least once every year for compliance with the agreement and file a report with the Town Council.

J. AMENDMENT

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. MINOR MODIFICATIONS

The scope and nature of minor modifications shall be outlined in the development agreement and may be accomplished following administrative review and approval by the Planning Director.

3. MAJOR MODIFICATIONS ARE AMENDMENTS

Consideration of a proposed major modification of a development agreement beyond the scope of a minor modification shall be reviewed and considered in accordance with the procedures and standards established for the original approval of a development agreement.

K. EXPIRATION

A development agreement shall run for the duration of its term unless the agreement is terminated.

L. VESTING

The vesting period for a development agreement may be indefinite and shall be established in the development agreement, in accordance with G.S. 160D-108(d).

M. CHALLENGE

A decision of the Town Council regarding a development agreement application may be challenged by the filing of a declaratory judgment action in the Superior Court of Alamance County in accordance with G.S. 160D-1401. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

5.2.9 FEE-IN-LIEU REQUEST

A. PURPOSE AND INTENT

The purpose for this section is to establish a procedure and standards for instances where the Town mandates a fee be provided by an applicant in-lieu of providing street infrastructure, open space, or recreation land, and in cases where an applicant and the Town agree that an applicant's payment of a fee-in-lieu of land dedication, construction of public infrastructure, or inclusion of a private site feature like off-street parking or landscaping is appropriate and in closer alignment with the Town's adopted policy guidance than the actual dedication of land, construction of infrastructure, or inclusion of a site feature. Delayed construction of public infrastructure or inclusion of required private site features is permitted in accordance with Section 5.2.15, Performance Guarantees.

B. APPLICABILITY

Payment of a fee-in-lieu may be approved by the Town only for the following forms of development:

1. LAND DEDICATION

Payment of a fee-in-lieu of dedication of the land to the Town for the following features:

- a. Public street right-of-way land, including land needed for sidewalks, bike lanes, on-street parking, turn lanes, and ingress or egress into a site;
- b. Park land;
- c. Greenway, sidewalk, or trail right-of-way land; and
- d. Land necessary for potable water, sanitary sewer, or street drainage infrastructure.

2. PUBLIC INFRASTRUCTURE

Payment of a fee-in-lieu of construction of the following public infrastructure features:

- a. Streets, including on-street parking;
- b. Curb and gutter;
- c. Bicycle facilities;
- d. Sidewalks, trails, or greenways;
- e. Functional fire protections systems (outside of buildings only); and
- f. Potable water, sanitary, or street drainage facilities.

3. PRIVATE SITE FEATURES

Payment of a fee-in-lieu of inclusion of the following private site features:

- a. Replacement vegetation;
- b. Required off-street parking spaces;
- c. Required off-street loading facilities; and
- d. Required open space set-aside.

C. REQUESTS DISTINGUISHED

Payment of a fee-in-lieu may be requested by the applicant or mandated by the Town in accordance with the following:

Figure 5.2.9: Fee-in-Lieu Procedure (Applicant-Requested)

Step	Action
1	Pre-Application Conference Optional See Section 5.3.4, Pre-Application Conference
2	File Application See Section 5.3.6, Application Filing Town-mandated fee-in-lieu does not require an application
3	Completeness Determination See Section 5.3.6.G, Determination of Application Completeness
4	Staff Review See Section 5.3.9, Staff Review and Action Includes review of fee amount
5	Town Council Review and Decision Based on Section 5.2.9.G, Review Criteria May be decided as part of another application
6	Written Notice of Decision See Section 5.3.13, Written Notice of Decision
7	Payment of Fee

1. APPLICANT-REQUESTED FEE-IN-LIEU

In cases where an applicant or developer desires to receive approval of a development application without providing dedicating land, constructing public infrastructure, or providing a private site feature as required, the process for considering such requests shall be in accordance with this section.

2. TOWN-MANDATED FEE-IN-LIEU

The Town may mandate payment of a fee-in-lieu instead of provision any of the following:

- a. Dedication of land for streets or street-related infrastructure;
- b. Construction of streets, including curb and gutter and street drainage facilities;
- c. Signage and traffic controls associated with a street;
- d. Dedication of land for public parks; and
- e. Dedication of land for open space or recreation purposes.

In cases where the Planning Director determines that construction of required public infrastructure could conflict with another Town, State, or federal infrastructure project that is planned or programmed to begin construction within five years, the applicant or developer shall be required to submit a fee-in-lieu of the required infrastructure element(s) in accordance with this section.

D. APPLICATION

1. Applicant-requested fee-in-lieu proposals shall identify the following:
 - a. The purpose(s) for the fee-in-lieu;
 - b. The rationale for why a fee-in-lieu is in closer alignment with the purpose and intent of this Ordinance;
 - c. The items or site features being replaced by the proposed fee-in-lieu;
 - d. The amount of the proposed fee-in-lieu; and
 - e. How the fee amount was determined.
2. Town staff shall review fee-in-lieu applications in accordance with Section 5.3.9, Staff Review and Action.

E. PROCEDURE

1. APPLICANT-REQUESTED

- a. Applicant-requested fee-in-lieu payments shall be decided by the Town Council.
- b. Notification of the requirement for provision of a fee-in-lieu shall be in writing, and shall be delivered to the applicant or developer prior to the notice of decision on the associated application.
- c. Upon receipt of notification, and applicant shall provide the required fee-in-lieu in accordance with Section 5.2.9.J, Acceptance of Fee-in-Lieu.

2. TOWN-MANDATED

- a. Town-mandated fee-in-lieu payments shall be decided by the Town Council.
- b. Notification of the requirement for provision of a fee-in-lieu shall be in writing, and shall be delivered to the applicant or developer prior to the notice of decision on the associated application.
- c. Upon receipt of notification, and applicant shall provide the required fee-in-lieu in accordance with Section 5.2.9.J, Acceptance of Fee-in-Lieu.

F. DECISION

1. After the conclusion of a public meeting, the Town Council shall decide fee-in-lieu proposals in accordance with Section 5.2.9.G, Review Criteria, and Section 5.2.9.H, Determination of Fee Amount.
2. The decision shall be one of the following:
 - a. Approval of the fee-in-lieu request;
 - b. Denial of the fee-in-lieu request; or
 - c. Remand of the application to Town staff for further consideration.

G. REVIEW CRITERIA

Approval of a fee-in-lieu proposal is a matter committed to the discretion of the Council. The proposal may be approved upon a finding it complies with the following. Where the subsections below use the word “and” to separate each criterion, all provisions in that subsection must be found to be true in order to allow a fee-in-lieu option. Where “or” separates the last two listed subsections, a single criterion must be found to be true for a fee-in-lieu option to be available. For multi-phase projects, requests for fee-in-lieu consideration shall be limited to the first phase of development.

1. GENERALLY

- a.** Approval of the fee-in-lieu proposal will not negatively impact public health or safety; and
- b.** Approval of the fee-in-lieu proposal does not interfere with Town’s ability to serve landowners and residents; and
- c.** The proposal is consistent with necessary amount of funding; and
- d.** The proposal meets any specialized criteria listed below, as appropriate.

2. PARK LAND

- a.** There is sufficient existing, under development, or otherwise funded public park land in proximity to the proposed development based on a review of the Town’s adopted policy guidance and information from Town staff;
- b.** Private common open space resources provided on the subject site will be available for public use and will mitigate park land needs created by the proposed development;
- c.** Collected funds could be utilized to further improve an existing park facility in a proximate location;
- d.** The topography or other natural conditions of the site do not provide adequate opportunities for on-site recreation and park areas;
- e.** The amount of park land to be dedicated is too small to provide adequate recreation and park opportunities or to be efficiently maintained;
- f.** The intended location of the park land is too far from existing recreation and park areas to be efficiently maintained; or
- g.** Adequate access is not available to the proposed park land.

3. GREENWAYS OR TRAILS

- a.** The conditions on the land make installation or operation of a greenway or trail segment impossible or cost prohibitive for the Town;
- b.** The potential for the connection of a proposed greenway segment to the Town’s greenway or trail network is unlikely within the foreseeable future, based on the Town’s adopted Bicycle, Pedestrian, and Lighting Plan; or
- c.** There are suitable alternatives in close proximity to the proposed site.

4. STREETS OR BICYCLE FACILITIES

- a.** The proposed street alignment creates an unacceptable environmental impact;
- b.** The proposed street or bicycle facility is impossible or impractical to build based on topography, slope, soil conditions, or development patterns on adjacent lands;
- c.** The developer is unable to secure the needed right-of-way for off-site transportation improvements; or
- d.** Funded transportation projects overlap with improvements associated with the mitigation recommended in the development’s traffic impact study.

5. SIDEWALKS

- a.** The potential for the connection of a proposed sidewalk segment to the Town’s sidewalk network is unlikely within the foreseeable future, based on the Town’s adopted Bicycle, Pedestrian, and Lighting Plan.

6. OTHER PUBLIC INFRASTRUCTURE

- a.** Construction of the proposed infrastructure would create maintenance or service delivery problems, in the opinion of the Town Engineer; or
- b.** Proposed development may be better served by an alternative configuration.

7. OPEN SPACE SET-ASIDE

- a.** When the permit-issuing authority determines, based on the adopted Recreation and Parks Master Plan, that the open space and recreational needs of a development required by this Ordinance to set aside open space could also be adequately met by public open space and/or facilities constructed on town property that is located close enough to such development to reasonably serve its residents.

8. OFF-STREET PARKING

Adequate off-street parking exists in close proximity to the proposed development to satisfy parking demand per LMO ratios. Such parking may take the form of Town- or privately-owned parking lots or decks.

9. OTHER CRITERIA

- a.** When the decision on a fee-in-lieu requires consideration of additional or different criteria, the Planning Director shall identify those criteria and describe how the proposal does or does not address them.

H. DETERMINATION OF FEE AMOUNT

1. LAND

- a.** The fee-in-lieu shall be calculated based upon the total number of residential units in the proposed development. The dedication may be reduced in full or in part, with the calculation applied accordingly.
- b.** The land's assessed value (as determined by the Alamance County Tax Assessor) following subdivision shall be used to arrive at the required payment-in-lieu amount.

2. INFRASTRUCTURE AND PRIVATE SITE FEATURES

- a.** The amount of fee-in-lieu for streets shall be based on the number of trips generated by the development.
- b.** The amount of fee-in-lieu shall be based on an estimate by a licensed professional authorized by the State to prepare such documents.
- c.** The estimate shall include the cost of all materials and labor based on current unit prices.
- d.** Nothing shall prevent the Planning Director from acquiring an additional estimate for the same infrastructure from another licensed professional.
- e.** The Planning Director or his or her designee may select the estimate that will form the basis for the fee-in-lieu payment.

3. VEGETATION

In cases where a fee-in-lieu is proposed for the replacement of vegetation, the fee amount shall be based upon the unit price of the vegetation along with all associated labor, transportation, and incidental costs such as ground cover, staking, and fertilizer, but not irrigation.

I. DENIAL OF REQUEST

In cases where an applicant-requested fee-in-lieu proposal is denied by the Town Council, the applicant shall dedicate the required land or install the required public infrastructure or private site feature.

J. ACCEPTANCE OF FEE-IN-LIEU

- 1.** All fees collected by the Town pursuant to this section shall be deposited in the Town's revolving fund for purchase of recreation land, replacement of vegetation, provision of parking facilities, or installation of required infrastructure.

2. Use of funds collected in accordance with this section shall only take place within one mile of where funds are collected and may only be used for the purchase of in-kind lands or the same type of infrastructure in accordance with all applicable State and federal law.
3. The Planning Director or other designated Town official shall maintain records of the amounts collected, the timing, and the location, which shall be used by the Town as part of its capital facilities program.

K. SEQUENCE

1. Applications for payment of fee-in-lieu may be submitted with the associated development application or at any time prior to issuance of a certificate of approval or other final approval.
2. In cases where a fee-in-lieu is mandated by the Town or a request for provision of a fee-in-lieu is approved by the Town Council, payment of a fee-in-lieu shall take place prior to the approval of a certificate of occupancy or other final approval. The payment amount shall be verified at the time of such final approval in cases where more than two years have passed between the most recent estimate and the estimated date of final acceptance of the fee by the Town.

L. EFFECT

1. Payment of a fee-in-lieu removes the requirement to provide land, public infrastructure, or private site features from proposed development.
2. Approval of fee-in-lieu for private site features shall not render the site nonconforming.

M. AMENDMENT

In the event the conflict necessitating a Town-mandated fee-in-lieu is eliminated prior to final approval, the fee-in-lieu shall be refunded and the applicant or developer shall be required to dedicate the required land or perform the required installation. The developer or applicant may request the Town retain the funds in accordance with this section.

N. CHALLENGE OR APPEAL

1. APPLICANT- REQUESTED OR TOWN-MANDATED

A decision by of the Town Council on a fee-in-lieu request by an applicant or a Town-Mandated fee-in-lieu decision may be challenged by the filing of a declaratory judgement action in the Superior Court of Alamance County in accordance with G.S. 160D-1401.

- a. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

5.2.10 FENCE PERMIT

A. PURPOSE AND INTENT

The purpose for this fence permit procedure is to regulate the placement and configuration of fences and privacy walls in accordance with the standards in Chapter 7 Development Standards, so as to ensure compliance with all applicable screening requirements while at the same time ensuring that a proposed fence or wall does not negatively impact adjacent lands or environmental resources.

B. APPLICABILITY

The standards in this section shall apply to fences and privacy walls proposed within the Town's jurisdiction.

C. EXEMPTIONS

1. Retaining walls and tree protection fencing shall be reviewed in accordance with the standards in Section 5.2.20, Site Plan, as appropriate, and do not require a fence permit application.
2. Silt fences are reviewed and permitted as part of an erosion control permit issued by the NC Division of Environmental Quality, and do not require a fence permit application.

D. PROCEDURE

The fence permit procedure is described in Figure 5.2.10, Fence Permit Procedure.

E. DECISION

The decision on a fence permit shall be made by the Planning Director based on the standards in Chapter 7, Development Standards.

F. REVIEW CRITERIA

A fence permit application shall be approved provided it complies with the following:

1. The standards in Chapter 7 Development Standards;
2. Any relevant NCDOT standards for sight triangles;
3. All standards or conditions of any prior applicable permits and development approvals; and
4. All other applicable requirements of this Ordinance and in the Town Code of Ordinances.

G. SEQUENCE

1. A fence permit application may be filed along with any other development application type.
2. Fences or walls located within a designated special flood hazard area shall be subject to approval of a floodplain development permit (see Section 5.2.12, Floodplain Development Permit) prior to consideration of a fence permit application.

H. EFFECT

Approval of a fence permit authorizes the construction or replacement of a fence or privacy wall configured in accordance with these standards and the fence permit approval.

I. AMENDMENT

Amendment of a fence permit may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

J. EXPIRATION

A fence permit shall expire and become null and void six months after the date of issuance if no substantial construction activity has taken place.

Figure 5.2.10: Fence Permit Procedure

Step	Action
1	Pre-Application Conference Optional See Section 5.3.4, Pre-Application Conference
2	File Application See Section 5.3.6, Application Filing
3	Completeness Determination See Section 5.3.6.G, Determination of Application Completeness
4	Staff Review
5	Planning Director Decision
6	Written Notice of Decision See Section 5.3.13, Written Notice of Decision

K. VESTING

The vesting period for a fence permit shall be one year from the date of its approval, in accordance with G.S 160D-108(d).

L. APPEAL

Appeal of a decision on a fence permit shall be reviewed and decided by the Board of Adjustment in accordance with G.S. 160D-405 and Section 5.2.3, Appeal.

5.2.11 FINAL PLAT AND EXEMPT PLAT

A. PURPOSE AND INTENT

The purpose for this final plat procedure is to ensure proposed subdivisions of land are completed in substantial conformity with a Major Subdivision (as applicable) and this Ordinance, prior to the conveyance of lots. These standards are intended to ensure preparation and recordation of a map (plat) of sufficient detail to readily determine and accurately reproduce the location, bearing, radius (as applicable) and length of each of the following elements of a subdivision:

1. Every street or private accessway;
2. Lot lines;
3. Easement boundaries;
4. Lands or resources dedicated or reserved for use by the general public;
5. Land or resources owned in common by land owners of the subdivision;
6. Unbuildable resource or conservation lands;
7. Street names;
8. Stormwater management infrastructure; and
9. Sidewalks and greenways.

Exempt plats are addressed in this section in order to establish a procedure to allow for staff review of plats presented as being exempt from the definition of Subdivision pursuant to G.S. 160D-802 to ensure compliance with the provisions of this Ordinance.

B. APPLICABILITY

1. A final plat shall be required for any development subject to a major subdivision (see section 5.2.13, major subdivision).
2. Exempt plats are considered to be plats that depict:
 - a. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the local government as shown in its subdivision regulations.
 - b. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
 - c. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
 - d. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the local government, as shown in its subdivision regulations.
 - e. 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.
 - f. The division of a parcel of land by a new boundary line coterminous with a public street right-of-way line in circumstances where the street prevents the use of the parcel as one lot, so long as the boundaries of the parcel that are not on or within the street right-of-way are not changed.

C. PROCEDURE

The final plat and exempt plat procedure is described in Figure 5.2.11, Final/Exempt Plat Procedure, as supplemented by Section 5.3, Review Procedures.

Figure 5.2.11: Final/Exempt Plat Procedure

Step	Action
1	File Application See Section 5.3.6, Application Filing
2	Completeness Determination See Section 5.3.6.G, Determination of Application Completeness
3	Staff Review
4	Planning Director Review and Decision
5	Written Notice of Decision See Section 5.3.13, Written Notice of Decision
6	Recordation

D. DECISION

The decision on a final plat or exempt plat shall be made by the Planning Director, based on the standards in Section 5.2.11.E, Review Criteria.

E. REVIEW CRITERIA

1. A final plat shall be approved if the application complies with the following:
 - a. The final plat is on a sheet or sheets suitable for recording with the Alamance County Register of Deeds;
 - b. The final plat is prepared and sealed by a professional land surveyor or professional engineer licensed in the State of North Carolina;
 - c. The final plat complies with the standards in G.S. 47-30;
 - d. All lots have been certified by Alamance County Health Department as capable of accommodating the wastewater generated from the proposed use, in cases when the lot(s) is not served by a centralized wastewater system;
 - e. The applicant has secured all required State, federal, and other applicable permit approvals;
 - f. The final plat is in substantial conformance with the Major Subdivision;
 - g. All required improvements depicted on the Major Subdivision and final plat are installed, inspected, and accepted by the Town, or have been insured by the acceptance of a performance guarantee (see Section 5.2.15, Performance Guarantees);
 - h. The final plat contains the following certifications, as applicable:
 - i. Certificate of Approval (Final Plats only)

I hereby certify that all streets shown on this plat are within the Town of Elon's planning jurisdiction, all streets and other improvements shown on this plat have been installed or completed or that their installation or completion has been assured by the posting of a performance bond or other sufficient surety, and that the subdivision shown on this plat is in all respects in compliance with the Elon Land Management Ordinance, and therefore this plat has been approved by the Elon Planning Director, subject to its being recorded in the Alamance County Registry within sixty days of the date below.

Date

Planning Director
 - ii. Certificate of Approval for Recording (Exempt Plats only)

I hereby certify that the plat shown hereon is exempt from the Town of Elon subdivision regulations, other than meeting minimum municipal dimensional standards as required by G.S. 47-30(f)(11) and 160D-802. This plat has been approved by the Town of Elon for recording in the office of the Register of Deeds of Alamance County.

Date

Subdivision Administrator

Approval of this exempt subdivision plat constitutes compliance with North Carolina General Statute 160D-802 only. Further development of the parcels shown subsequent to the date of this plat shall be subject to all applicable Federal, State and local laws, statutes, ordinances, and/or codes.

iii. Certificate of Ownership and Dedication (Final Plats only)

I hereby certify that I am the owner of the property described hereon, which property is located within the subdivision regulation jurisdiction of the Town of Elon, that I hereby freely adopt this plan of subdivision and dedicate to public use all areas shown on this plat as streets, alleys, walks, and easements, except those specifically indicated as private and that I will maintain all such areas until the offer of dedication is accepted by the appropriate public authority. All property shown on this plat as dedicated for a public use shall be deemed to be dedicated for any other public use authorized by law when such other use is approved by the Elon Town Council in the public interest.

Date

Owner

iv. Certificate of Ownership (Exempt Plats only)

I hereby certify that I am the owner of the property shown and described herein, which is located in the jurisdiction of the Town of Elon, and all sheets related hereto, and that I hereby adopt this exempt plat with my free consent.

Date

Owner

v. Certificate of Survey and Accuracy (Final and Exempt Plats)

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision. (Deed description recorded in Book _____, Page _____; that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, Page _____. That the ratio or precision as calculation is 1: _____; that this plat was prepared in accordance with G.S. 47.30. Witness my original signature, registration number and seal this _____ day of _____, A.D. 20____.

Seal or Stamp

Land Surveyor

Registration Number

- vi. Division of Highways District Engineer Certificate (Final Plats only, as applicable)
I hereby certify that the public streets shown on this plat have been completed, or that a performance bond or other sufficient surety has been posted to guarantee their completion, in accordance with at least the minimum specifications and standards in accordance at least the minimum specifications and standards of the State Department of Transportation for acceptance of subdivision streets on the state highway system for maintenance.

Date

District Engineer

vii. Certification of Purpose of Plat (Final and Exempt Plats)

I, _____, certify to one of the following:

- ☐ 1) That the survey creates a subdivision of land within the jurisdictional area of the Town of Elon, North Carolina and that the Town has an ordinance that regulates parcels of land;
- ☐ 2) That the survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
- 3) Is one of the following:
- ☐ That the survey is of an existing parcel or parcels of land and does not create a new street or change an existing street;
- ☐ That the survey is of an existing building or other structure, or natural feature such as a watercourse; or
- ☐ That the survey is a control survey.
- ☐ 4) That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision;
- ☐ 5) That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to the provisions contained in (1) through (4) above.

viii. Certificate of Review Officer (Final and Exempt Plats)

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

Date

Review Officer

i. The final plat complies with all standards and conditions of any applicable permits and development approvals; and

j. The final plat complies with all other applicable requirements in this Ordinance and the Town Code of Ordinances.

2. Final plats of land located within a special flood hazard area shall comply with the standards in Section 8.1, Floodplain and Stream Protection Standards, and any recorded plats shall include the following statement:

"Use of land within a floodplain or special flood hazard area is substantially restricted by the Town of Elon."

F. SEQUENCE

1. An applicant with an approved Major Subdivision shall not file an application for final plat review until all required improvements serving the subdivision are installed and inspected by the Town, or the developer provides a performance guarantee for those required improvements in accordance with Section 5.2.15, Performance Guarantees.
2. Applications for building permits, zoning compliance permits, and performance guarantees may be filed with a final plat application but building permits may only be issued following recordation of the final plat or posting of a performance guarantee.

G. RECORDATION

1. Once a final plat is approved, a signed statement of the approval shall be entered on the face of the plat by the Planning Director as specified in Section 5.1.11.E.1.h.i. The final plat may not be recorded without this certification.
2. Failure to record the final plat in accordance with Section 5.2.11.J, Expiration, shall render the final plat null and void.
3. Following the release of the signed exempt plat to the applicant, the plat shall be recorded with the Alamance County Register of Deeds within sixty (60) days.

H. EFFECT

1. GENERALLY

- a. Approval of a final plat allows the sale or conveyance of lots within the subdivision and the ability to receive a building permit and zoning compliance permit to begin construction.
- b. There is no requirement that all land subject to a Major Subdivision be included within a single final plat.

2. ACCEPTANCE OF PUBLIC INFRASTRUCTURE

- a. The final plat shall include an offer of dedication by the owner of the public right-of-way of each public street, or alley, and any other public infrastructure shown on the plat, if applicable.
- b. Approval of the final plat does not constitute acceptance for maintenance responsibility of any improvements within a right-of-way or easement and the Town assumes no responsibility to open, operate, repair, or maintain any improvements until it is in the public interest to do so.
- c. Improvements within rights-of-way or easements, such as streets, drainage facilities, or sidewalks may be accepted for maintenance by the Town, when deemed appropriate, in the Town's sole discretion, following inspection of such infrastructure by the Town Engineer. Acceptance of any or all infrastructure shall be in writing and a copy shall be filed with the Planning Director, Public Works Director, and Town Clerk.
- d. The subdivider shall retain responsibility for public improvements until maintenance responsibility is accepted by the Town, NCDOT, or a public utility provider, as appropriate.

I. AMENDMENT

Amendment of a final plat or exempt plat may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

J. EXPIRATION

1. A final plat shall be null and void unless it is recorded in the office of the Alamance County Register of Deeds within 30 days of approval.
2. If a final plat is not recorded within two years of an associated Major Subdivision approval, then the Major Subdivision shall expire.
3. An expired Major Subdivision may be resubmitted in accordance with Section 5.2.13, Major Subdivision, and shall be reviewed in accordance with the standards of this Ordinance.
4. A duly recorded final plat shall not expire.

K. VESTING

A final plat shall be considered a site-specific vesting plan that is vested for a period of two years from the date of its approval. The vesting period may be extended in accordance with Section 5.2.27, Vested Rights Certificate.

L. CHALLENGE

The decision by the Planning Director regarding a final plat application may be challenged by the filing of a declaratory judgement action and shall be subject to review by the Superior Court of Alamance County in accordance with G.S. 160D-1401.

Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

5.2.12 FLOODPLAIN DEVELOPMENT PERMIT

A. PURPOSE AND INTENT

The purpose for this floodplain development permit procedure is to establish an application review procedure for development within a special flood hazard area in order to reduce the potential for damage to land, development, and loss of life from flooding or floodwaters in areas subject to periodic inundation.

B. APPLICABILITY

1. Development proposed within a special flood hazard area as defined by the National Flood Insurance Program (NFIP) shall obtain a floodplain development permit in accordance with this section prior to or concurrent with an application for a site plan or building permit, as appropriate.
2. Development that is proximate to and may be impacted by unmapped streams or where regulatory flood elevations are not delineated in the NFIP, in accordance with Section 8.1.16, Standards for Floodplains without Established Base Flood Elevations, shall also obtain a floodplain development permit in accordance with these standards.

C. PROCEDURE

The floodplain development permit procedure is described in Figure 5.2.12, Floodplain Development Permit Procedure

D. DECISION

The decision on a floodplain development permit shall be made by the Planning Director based on the standards in Section 5.2.12.E, Review Criteria.

E. REVIEW CRITERIA

A floodplain development permit shall be approved if it complies with the following:

1. The permit is issued prior to the commencement of development; and
2. The development complies with all applicable standards in Section 8.1, Floodplain and Stream Protection Standards.

F. SEQUENCE

Applications for floodplain development permits may be submitted with any other application for development in a special flood hazard area, but a floodplain development permit shall be reviewed and approved prior to any other application type.

G. EFFECT

Approval of a floodplain development permit authorizes an applicant to obtain all required elevation certificates or other required certificates and proceed with development following issuance of a building permit.

H. ELEVATION CERTIFICATES

1. Unless exempted in accordance with Section 8.1, Floodplain and Stream Protection Standards, development subject to this section shall also file elevation or floodproofing certificates in accordance with Section 8.1.13, Certification Requirements, no more than 21 days after completing the lowest habitable floor.
2. The Planning Director shall review the certificate and advise the applicant of any errors or deficiencies, which shall be corrected prior to any further work progressing. Failure to correct errors or deficiencies on an elevation or floodproofing certificate shall be a violation of this Ordinance subject to the provisions in Section 5.4.6.L, Stop Work Orders.

Figure 5.2.12: Floodplain Development Permit Procedure

Step	Action
1	Pre-Application Conference See Section 5.3.4, Pre-Application Conference
2	File Application See Section 5.3.6, Application Filing
3	Planning Director Decision
4	Written Notice of Decision See Section 5.3.13, Written Notice of Decision
5	File Elevation/ Floodproofing Certificate As appropriate

I. AMENDMENT

Amendment of a floodplain development permit approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

J. REVOCATION

A floodplain development permit may be revoked by the Planning Director, following written notice to the violator, for any of the following reasons:

- a.** Failure or refusal to comply with all applicable state laws or flood damage prevention requirements of this Ordinance;
- b.** Conduct of development activities that represent a substantial departure from an approved permit, plan, or specification; and
- c.** False or misrepresented information provided as part of the application.

K. EXPIRATION

A floodplain development permit shall expire and become null and void if the development it authorizes is not commenced within one year of permit issuance or if activity associated with the permit becomes inactive for a period of one year or longer.

L. VESTING

The vesting period for a floodplain development permit shall be one year from the date of its approval, in accordance with G.S 160D-108(d).

M. APPEAL

Appeal of a decision on a floodplain development permit shall be reviewed and decided by the Board of Adjustment in accordance with G.S. 160D-405 and Section 5.2.3, Appeal.

5.2.13 MAJOR SUBDIVISION

A. PURPOSE AND INTENT

The purpose for this Major Subdivision procedure is to establish a fair, consistent, and predictable procedure for the review of requests to divide land into a series of lots for development or sale in ways that promote the health, safety, and welfare of the citizens of the Town of Elon. The intent of these standards is to ensure:

1. Orderly growth and development;
2. Coordination of transportation and utility networks;
3. Preservation of open space for purposes of recreation or natural resource protection;
4. Protection from flooding, damaging sedimentation, and decreased surface water quality; and
5. Distribution of population in ways that supports infrastructure investment and diminishes the impact of traffic and overcrowding.

B. APPLICABILITY

Divisions of land that qualify as subdivisions in accordance with G.S. 160D-802, but that do not qualify as a Minor Subdivision (see Section 5.2.14, Minor Subdivision) or Exempt Subdivision as described in G.S. 160D-802, shall be reviewed and decided as a Major Subdivision in accordance with these standards.

C. APPLICATION

The application shall include a transportation impact study for review, when required by Section 5.2.25, Transportation Impact Studies.

D. PROCEDURE

The Major Subdivision procedure is described in Figure 5.2.13, Major Subdivision Procedure, as supplemented by Section 5.3, Review Procedures.

E. DECISION

During the course of a public meeting, the Planning Board shall decide the application in accordance with the standards in Section 5.2.13.F, Review Criteria.

1. The decision shall be one of the following:
 - a. Approval of the application;
 - b. Denial of the application
2. The decision on a Major Subdivision shall be administrative in nature and shall be made by the Planning Board in accordance with the applicable standards in Section 5.2.13.F, Review Criteria.

F. REVIEW CRITERIA

1. An application for a Major Subdivision shall be approved, provided:
 - a. The Major Subdivision is prepared and sealed by a licensed professional land surveyor, registered professional landscape architect, or licensed professional engineer;
 - b. The Major Subdivision complies with the applicable standards in G.S. 47-30;
 - c. The Major Subdivision includes all applicable certifications;
 - d. All lots have been certified by the Alamance County Health Department as capable of accommodating the wastewater generated from the proposed use, in cases when the lot(s) is not served by a centralized wastewater system;
 - e. The Major Subdivision is in substantial conformance with all applicable requirements in Chapter 3: Zoning Districts;

Figure 5.2.13: Major Subdivision Procedure

Step	Action
1	Pre-Application Conference See Section 5.3.4, Pre-Application Conference
2	File Application See Section 5.3.6, Application Filing
3	Completeness Determination See Section 5.3.6.G, Determination of Application Completeness
4	Staff Review See Section 5.3.9, Staff Review and Action
5	TRC Review and Recommendation
6	Planning Board Review and Decision See Section 5.3.11, Public Hearings and Meetings
7	Written Notice of Decision See Section 5.3.13, Written Notice of Decision

- “Use of land within a floodplain or flood hazard overlay is substantially restricted by the Town of Elon.”

5.2.14 MINOR SUBDIVISION

A. PURPOSE AND INTENT

The purpose for this subdivision review procedure is to allow certain land divisions to be reviewed via an expedited review procedure based on their small size and limited likelihood to create significant impacts on surrounding lands.

B. APPLICABILITY

1. The standards in this section shall apply to divisions of land meeting all the following criteria:
 - a. The proposed division of land is not exempted from the subdivision standards by G.S. 160D-802;
 - b. The proposed division will not result in more than four lots (including any residual or "parent" parcel);
 - c. No land included in a minor subdivision application shall have been the subject of a minor subdivision application approval within the preceding ten years; and
 - d. No extension of public streets, public water distribution line, public sewer distribution line, or other public utility is proposed. A proposed permanent means of ingress and egress to each lot is recorded.
2. Divisions of land that are not consistent with these criteria shall not be considered minor subdivisions, and shall be subject to the applicable review procedure and requirements for major subdivisions as specified in this Ordinance.
3. Minor subdivisions are not exempted from applicable zoning district dimensional requirements.

C. PROCEDURE

The minor subdivision procedure is as follows:

1. Upon determining that the proposal submittal is complete, the Planning Director will review the documents for compliance with the Ordinance.
2. The Planning Director may solicit comments from the TRC on the proposed minor subdivision as deemed necessary. The TRC will provide comments to the Planning Director regarding compliance with the Ordinance, and Town plans and policies. All TRC comments shall be forwarded to the Applicant in writing.
3. Upon being deemed fully compliant with the Ordinance and Town plans and policies, the Planning Director shall issue a zoning permit, and shall provide the appropriate signature(s) on the final plat. A written notice to proceed shall accompany the zoning permit, and shall list any conditions associated with the approval.

D. APPLICATION

Minor subdivision plats shall be prepared by a registered land surveyor or professional engineer licensed to practice in North Carolina.

E. DECISION

The decision on a minor subdivision shall be made by the Planning Director in accordance with the standards in Section 5.2.14.F, Review Criteria.

F. REVIEW CRITERIA

1. A minor subdivision plat shall be approved if the application complies with the following:
 - a. The minor subdivision plat is on a sheet or sheets suitable for recording with the Alamance County Register of Deeds;

Figure 5.2.14: Minor Subdivision Procedure

Step	Action
1	File Application See Section 5.3.6, Application Filing
2	Completeness Determination See Section 5.3.6.G, Determination of Application Completeness
3	TRC Review and Recommendation
4	Planning Director Decision
5	Written Notice of Decision See Section 5.3.13, Written Notice of Decision
6	Recordation

- b. The minor subdivision plat is prepared and sealed by a licensed professional land surveyor or licensed professional engineer;
 - c. The minor subdivision plat complies with all applicable standards in this Ordinance and G.S. 47-30;
 - d. The minor subdivision plat includes all required certifications;
 - e. The applicant has secured all required State and federal permit approvals;
 - f. The lots in the subdivision have been approved by the Alamance County Health Department, if applicable;
 - g. All lots in the minor subdivision comply with the applicable dimensional requirements for the zoning district where located; and
 - h. The lots are served by a NCDOT-maintained roadway or a right-of-way constructed to and maintained in accordance with Town standards; and
 - i. No land included in a minor subdivision application shall have been the subject of a minor subdivision application approval within the preceding ten years.
2. Minor subdivisions of land located within a special flood hazard area shall comply with the standards in Section 8.1, Floodplain and Stream Protection Standards, and any recorded plats shall include the following statement: "Use of land within a floodplain or special flood hazard area is substantially restricted by the Town of Elon."

G. RECORDATION

- 1. Once a minor subdivision is approved, a signed statement of approval meeting the requirements of Section 5.2.11.E.h shall be entered on the face of the plat by the Planning Director. The minor subdivision plat may not be recorded without this certification. Failure to record the minor subdivision plat in accordance with Section 5.2.14.K, Expiration, shall render the subdivision plat null and void.
- 2. Land may not be conveyed or construction started until the minor subdivision is recorded.
- 3. A paper copy of the recorded plat shall be filed with the Planning Director within five business days of recording or the final plat shall be null and void.

H. SEQUENCE

A site plan, special use permit, or zoning compliance permit application may be filed with a minor subdivision application, but the minor subdivision application should be approved first.

I. EFFECT

- 1. Approval of the minor subdivision plat allows the sale or conveyance of lots within the subdivision. Building permits may be issued following recordation of the minor subdivision plat.
- 2. Land subject to a minor subdivision approval shall not be further subdivided as a minor subdivision within ten years of the date of the prior minor subdivision approval.

J. AMENDMENT

Amendment of a minor subdivision approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

K. EXPIRATION

A minor subdivision plat shall be null and void unless it is recorded in the office of the Alamance County Register of Deeds within 30 days of approval.

L. VESTING

The vesting period for a minor subdivision shall be one year from the date of its approval, in accordance with G.S. 160D-108(d).

M. CHALLENGE

Appeal of a decision on a fence permit shall be reviewed and decided by the Board of Adjustment in accordance with G.S. 160D-405 and Section 5.2.3, Appeal.

5.2.15 PERFORMANCE GUARANTEE

A. PURPOSE AND INTENT

1. These standards create the additional flexibility necessary for lots in a subdivision to be conveyed or for issuance of building and zoning compliance permits to commence with development prior to completion of all required infrastructure or site improvements.
2. These provisions ensure that funds are available for the Town's use to complete required public infrastructure or private site features in the event an applicant is unable to do so.
3. The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion.

B. APPLICABILITY

1. Performance guarantees shall be configured and managed in accordance with the standards in this section. The Town is under no obligation to grant a performance guarantee for any feature or under any circumstance.
2. The following facilities and site features may be eligible for performance guarantees at the discretion of the Town:
 - a. Sidewalks, multi-use paths, and greenways;
 - b. The final lift of asphalt on a street;
 - c. Private stormwater control measures and erosion control facilities;
 - d. Streetlights; and
 - e. Placement of vegetation, except when required as part of erosion control measures.
3. All other public infrastructure or required site features shall be completed prior to issuance of a certificate of occupancy for the development, the conveyance of lots, or approval of the final plat, as appropriate.

C. INELIGIBLE FACILITIES

The following infrastructure facilities are not eligible for performance guarantees, and shall be completed and dedicated to the Town where appropriate, prior to approval of a final plat, conveyance of lots, or issuance of a building permit:

1. Potable water;
2. Sanitary sewer;
3. Functional fire protection infrastructure;
4. The base and initial courses of asphalt on a street;
5. Stormwater drainage facilities associated with a street right-of-way;
6. Curb and gutter; and
7. Street signs and traffic control signals.

D. FORM

1. The form of a performance guarantee shall take one of the following forms, at the sole discretion of the applicant:

Figure 5.2.15: Performance Guarantee Procedure

Step	Action
1	Pre-Application Conference Optional See Section 5.3.4, Pre-Application Conference
2	File Application See Section 5.3.6, Application Filing
3	Completeness Determination See Section 5.3.6.G, Determination of Application Completeness
4	Planning Director Review and Decision
5	Written Notice of Decision See Section 5.3.13, Written Notice of Decision
6	Inspection and Acceptance
7	Provide As-Builts As required for public infrastructure
8	Request Release As required for public infrastructure

- a. A surety bond issued by a firm authorized to do business in the State of North Carolina;
 - b. A letter of credit issued by a financial institution licensed to operate in the State of North Carolina; or
2. In cases where more than one facility or site feature is requested to be subject to a performance guarantee, the applicant may provide a single, consolidated performance guarantee for all facilities or site features. However, in no instance shall performance guarantees associated with private stormwater control mechanisms or sedimentation control be consolidated with any other performance guarantee.

E. PROCEDURE

The performance guarantee procedure is described in Figure 5.2.15, Performance Guarantee Procedure, as supplemented by Section 5.3, Review Procedures.

F. DECISION

1. The Planning Director may authorize the commencement of the intended use or occupancy of buildings or the sale of subdivision lots if the applicant provides a performance guarantee to ensure that all of the requirements covered by the guarantee will be fulfilled within a reasonable period (not to exceed twelve (12) months) as determined by the Planning Director.
2. The decision regarding the acceptance of a performance guarantee shall be one of the following:
 - a. Approval of the performance guarantee;
 - b. Denial of the performance guarantee; or
 - c. Remand of the application to the Town Council for consideration.
3. The Planning Director may determine, in their sole discretion, that the performance guarantee request is of a size or nature that warrants review and approval by the Town Council. In those instances, the Town Council shall review the application during a public meeting conducted in accordance with Section 5.3.11, Public Hearings and Meetings, and after the close of the public meeting, shall decide the performance agreement application in accordance with the standards in this section.

G. REVIEW CRITERIA

1. An application for a performance guarantee shall be approved if the application complies with the following:
 - a. The request is for an eligible facility or site feature;
 - b. The request is in the form and the amount required;
 - c. The term of the guarantee is for the minimum period of time necessary and does not exceed the maximum allowable time; and
 - d. The Town Council finds that approval of the performance guarantee is in alignment with the purpose and intent of this Ordinance and the Town's comprehensive plan.
2. The performance guarantee shall be conditioned on the performance of all work necessary to complete the installation of the required improvements within the term of the guarantee.
3. The Planning Director retains the right to deny any application for a performance guarantee for any reasonable purpose as determined in the sole discretion of the Planning Director.

H. AMOUNT

1. GENERALLY

Performance guarantees shall be in an amount equal to 125 percent of the reasonably estimated cost of completing the installation of the required improvements, including the costs of materials, labor, and project management.

2. ESTIMATED COSTS

Estimated costs of completing installation of required public improvements, vegetation, or stormwater measures shall be itemized by improvement type and certified by the developer's licensed professional, and is subject to approval by the Planning Director, upon consultation with the Town Engineer.

3. RENEWAL

If a performance guarantee is renewed, the Planning Director may require the amount of the performance guarantee to be updated to reflect changes in cost over time and/or to reflect portions of work under the guarantee that have been completed. A developer shall demonstrate reasonable, good faith progress toward completion of the required improvements that are the subject of the performance guarantee or any renewal. The form of the renewal shall remain at the election of the developer.

I. SEQUENCE

1. Performance guarantee applications may be filed along with any application for a subdivision, site plan, special use permit, or zoning compliance permit, as appropriate.
2. Development subject to a performance guarantee shall not receive a certificate of occupancy or final development approval until all infrastructure or site features subject to a performance guarantee have been installed and accepted by the Town.

J. EFFECT

Approval of a performance guarantee allows the issuance of a zoning compliance permit and Town authorization of a building permit, or the conveyance of lots in a subdivision prior to the filing of a final plat. Nothing in this section shall prohibit any property owner or their agent from entering into contracts to sell or lease by reference to an approved Major Subdivision for which a final plat has not yet been properly approved under the Ordinance or recorded with the Register of Deeds, as provided in G.S. 160D-807.

K. AS-BUILT PLANS REQUIRED

1. PUBLIC IMPROVEMENTS

Upon completion of public improvements, an architect or professional engineer licensed by the State of North Carolina and retained by the developer shall certify, in writing, to the Planning Director that the completed public improvements have been constructed in accordance with the approved plans and shall submit actual "as-built" plans for all public improvements after final construction is completed. This certification and as-built drawing requirement shall be a condition precedent to acceptance by the Town of the offer of dedication of such facilities or improvements.

2. STORMWATER MANAGEMENT FACILITIES

- a. Upon completion of a private stormwater control mechanism, the developer shall certify to the Planning Director that the completed project is in accordance with all applicable requirements in this Ordinance, the Town's Code of Ordinances, and State law.
- b. When, as provided for in this Chapter, occupancy, use, or sale is allowed before the completion of any engineered stormwater control facilities or "best management practices" (BMPs) intended for dedication, then the performance guarantee that is posted shall warrant that any defects in such improvements or facilities that appear within one (1) year after the dedication of such facilities or improvements is accepted shall be corrected by the developer.
- c. Whenever any engineered stormwater control facilities or "best management practices" (BMPs) intended for dedication are installed before occupancy, use, or sale is authorized, then the developer shall provide a performance guarantee to the permit-issuing authority to guarantee that he or she will correct all defects in such facilities or improvements that occur within one (1) year after the offer of dedication of such facilities or improvements is accepted.
- d. For the purposes of this section, the term "defects" refers to any condition in publicly dedicated facilities or improvements that requires the Town to make repairs in such facilities over and above the normal amount of maintenance that they would require. If such defects appear, the guarantee may be enforced regardless of whether the facilities or improvements were constructed in accordance with the requirements of this Ordinance.

3. INSPECTION REQUIRED

A final inspection under the direction of and with approval by the Planning Director shall occur before the release of the performance guarantee.

L. MAXIMUM TERM

Performance guarantees shall have a maximum term of twelve (12) months, with renewal subject to approval at the Planning Director's discretion.

M. FORFEITURE

1. NOTICE OF FAILURE TO INSTALL OR COMPLETE IMPROVEMENTS

If the owner or developer fails to complete installation of the guaranteed improvements within the term of the performance guarantee (as may be extended), the Planning Director shall give the owner or developer a thirty (30) day written notice of the scope and degree of the default, by certified mail.

2. TOWN COMPLETION OF IMPROVEMENTS

After the 30-day notice period expires, the Town may draw on the guarantee and use the funds to perform the work necessary to complete installation of the guaranteed improvements. After completing such work, the Town shall provide a complete accounting of the expenditures to the owner or developer. In the event of a default triggering the use of the performance guarantee, the Town shall return any of the unused deposited cash funds or other security.

N. RELEASE OR REDUCTION

1. RELEASE OR REDUCTION REQUESTED

The Planning Director shall release or reduce a performance guarantee only after:

- a.** The owner or developer has submitted to the Town a written request for a release or reduction of the performance guarantee that includes certification by the owner's or developer's engineer or contractor, whichever is appropriate, that installation of the guaranteed improvements has been completed, or portions completed in the case of a reduction request, in accordance with approved plans and specifications, and as-builts (if applicable);
- b.** Town staff has performed an inspection of the improvements and certified in writing that installation of the guaranteed improvements is completed in accordance with approved plans and specifications; and
- c.** No release or reduction in performance guarantee amounts will be considered until more than 25 percent of the work is in place and approved.

2. ACCEPTANCE SHALL BE DOCUMENTED

The Planning Director shall provide written notice of the Town's final acceptance of the improvements subject to performance guarantees.

3. IMPROPER RELEASE OF FINANCIAL GUARANTEES

If the Town releases a performance guarantee through error, the error shall not release the developer from responsibility for the completion of all improvements in accordance with this Ordinance.

O. AMENDMENT

- 1.** Amendment of a performance guarantee may only be reviewed and considered in accordance with the procedures and standards established for its original approval.
- 2.** In cases where the land or development subject to a performance guarantee changes ownership or changes jurisdiction, a new performance guarantee shall be required in accordance with the provisions of this section.

P. APPEAL

Appeal of a decision on a performance guarantee application by the Planning Director shall be reviewed and decided by the Board of Adjustment in accordance with G.S. 160D-405 and Section 5.2.3, Appeal. A decision by the Town Council on a performance guarantee shall be subject to review by the Alamance County Superior Court in accordance with G.S. 160D-1401.

Petitions for appeal must be filed with the Town Clerk within thirty (30) days of the date of the decision by the Planning Director and with the Clerk of Court within thirty (30) days of the date a decision by the Town Council.

5.2.16 PLANNED DEVELOPMENT

A. PURPOSE AND INTENT

The purpose for this planned development procedure is to provide a uniform means for amending the Official Zoning Map to establish a Planned Development (PDD) zoning district in a manner similar to a conditional rezoning (see Section 5.2.5, Conditional Rezoning). The planned development district creates opportunities for master planned development that is developed under unified control in accordance with more flexible standards and procedures that are conducive to creating high quality, mixed-use, pedestrian-oriented development that makes efficient use of land while protecting natural resources. It is the intent of these standards to allow an applicant to propose a wide variety of allowable uses and the flexible application of some of the development standards in Chapter 7: Development Standards, in return for a higher quality of development with more amenities than might otherwise result from a strict application of the standards in this Ordinance.

B. APPLICABILITY

1. The standards in this section may be applied to any land in the Town's planning jurisdiction except for land located in the Downtown Core and Periphery Districts.
2. In no instance shall the PDD designation be applied to land that is less than one acre in buildable area.

C. APPLICATION

1. Applications for a planned development may only be initiated by all the owner(s) of land subject to the application, or their authorized agents.
2. The application shall include a master plan depicting the general configuration and relationship of the principal elements of the proposed development, including:
 - a. Approximate building sizes and placement;
 - b. Proposed density/intensity;
 - c. Environmental resource protection features;
 - d. Anticipated pedestrian and vehicular circulation;
 - e. Open space resource location and configuration;
 - f. Public facility configuration; and
 - g. Phasing, as appropriate.
3. The application shall also include a statement of terms and conditions document that identifies:
 - a. How the proposed development will meet or exceed the standards in Section 3.5, Planned Development (PDD) District;
 - b. Lists the range of allowable use types;
 - c. Describes, how any required environmental mitigation will take place; and
 - d. Outlines how public facilities will be provided to serve the planned development.

Figure 5.2.16: Planned Development Procedure

Step	Action
1	Pre-Application Conference See Section 5.3.4, Pre-Application Conference
2	Neighborhood Information Meeting See Section 5.3.5, Neighborhood Information Meeting
3	File Application See Section 5.3.6, Application Filing
4	Completeness Determination See Section 5.3.6.G, Determination of Application Completeness
5	Staff Review See Section 5.3.9, Staff Review and Action Includes TRC review of master plan
6	Planning Board Review and Recommendation See Section 5.3.11, Public Hearings and Meetings
7	Public Hearing Scheduled
8	Public Notification See Section 5.3.10, Public Notice
9	Town Council Review and Decision See Section 5.3.11, Public Hearings and Meetings
10	Written Notice of Decision See Section 5.3.13, Written Notice of Decision

4. The application shall include a transportation impact study for review, when required by Section 5.2.25, Transportation Impact Studies.
5. To ensure unified control, the application shall also include a copy of the title to all land that is part of the proposed planned development zoning district classification.
6. The Technical Review Committee shall review and comment on the master plan prior to consideration of the application by the Planning Board.

D. PROCEDURE

The planned development procedure is described in Figure 5.2.16, Planned Development Procedure, as supplemented by Section 5.3, Review Procedures.

E. REVIEW OF MASTER PLAN BY TECHNICAL REVIEW COMMITTEE

Prior to consideration of the planned development application by the Planning Board, the Technical Review Committee shall review and comment on the associated planned development master plan.

F. RECOMMENDATION BY THE PLANNING BOARD

1. After conclusion of a public meeting, the Planning Board shall make a recommendation on the application in accordance with Section 5.2.16.I, Review Criteria.
2. In making its recommendation, the Planning Board shall prepare a written statement regarding the application's consistency with the Town's adopted policy guidance.
3. During its review, the Planning Board may suggest revisions to the master plan or terms and conditions statement, consistent with the provisions of Section 5.2.16.J, Conditions of Approval. Only those revisions agreed to in writing by the applicant shall be incorporated into the application.

G. DECISION BY TOWN COUNCIL

1. After the conclusion of a legislative public hearing, the Town Council shall decide the application in accordance with the standards in Section 5.2.16.I, Review Criteria.
2. The decision shall be one of the following:
 - a. Approval of the application;
 - b. Denial of the application;
 - c. Approval of a revised application; or
 - d. Remand of the application to Town staff for further consideration.
3. The decision shall be based on the legislative discretion of the Town Council, taking into consideration the recommendation of the Planning Board, the standards in Section 5.2.16.I, Review Criteria, and the standards in Section 3.5, Planned Development (PDD) District.
4. In making its decision, the Town Council shall adopt a written statement of reasonableness and consistency with the Town's adopted policy guidance in accordance with G.S. 160D-605.

H. CHANGES TO APPLICATION

The applicant may make changes, including changes recommended by the Planning Board or the Town Council, to the application for a planned development district at any time prior to the Town Council's decision. The applicant may only propose changes in accordance with the following:

1. Changes shall be made in writing to the Planning Director; and
2. Changes shall be signed by all landowners or their agents.

I. REVIEW CRITERIA

The advisability of amending the Official Zoning Map to establish a planned development district is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In determining whether to adopt or deny a planned development application, the Town Council may consider the standards in Section 5.2.18.I, (Review Criteria for rezoning applications), and the standards for the district in Section 3.5, Planned Development (PDD) District.

J. CONDITIONS OF APPROVAL

1. Only conditions mutually agreed to in writing by the owner(s) of the property that is the subject of a planned development application may be approved as part of an application establishing a planned development district.
2. Conditions shall be limited to those that address conformance of development and use of the site with Town regulations and adopted plans and that address the impacts reasonably expected to be generated by the development or use of the site.
3. Conditions shall be in writing and may be supplemented with text or plans and maps.
4. No condition shall be made part of the application which:
 - a. Specifies or excludes residents based upon race, religion, income, or other characteristics of the occupants of housing units;
 - b. Establishes a minimum size of a dwelling unit;
 - c. Establishes a minimum value of buildings or improvements; or
 - d. Obligates the Town to perform in any manner relative to the approval of the planned development district or development of the land.
5. All conditions of approval shall be consented to, in writing, by all owners of land subject to the conditions.

K. SEQUENCE

1. Applications for subdivisions, site plans, and zoning compliance permits may be submitted with a planned development application, but the planned development application establishing the PDD district shall be decided prior to any other applications.
2. Any permits or approvals shall comply with the approved master plan and the statement of terms and conditions.

L. DESIGNATION ON OFFICIAL ZONING MAP AND FUTURE LAND USE MAP

1. Designation of a PDD zoning district on the Official Zoning Map shall note the ordinance number approving the PDD zoning classification.
2. Where the Town Council approves a planned development application they deem inconsistent with adopted policy guidance, the future land use map shall be amended with a note referencing the planned development application approval.

M. EFFECT

1. Lands rezoned to a PDD district shall be subject to the approved master plan and the approved statement of terms and conditions.
2. The master plan and terms and conditions are binding on the land as an amendment to the Official Zoning Map.
3. Only those portions of the development subject to an approved master plan and statement of terms and conditions shall be included in development activities.
4. In cases where the Town Council approves a planned development application they deem inconsistent with the Town's adopted policy guidance, the planned development approval shall also have the effect of amending any applicable future land use map included in the Town's adopted policy guidance, with no additional request or application for a comprehensive plan amendment required.
5. Development depicted in a planned development master plan shall require approval of a site plan, subdivision, and building permit, as appropriate.

N. AMENDMENT

Amendments to a planned development application approval shall be considered as minor changes modifications or material changes major modifications, and shall be considered in accordance with the following:

1. MINOR MODIFICATIONS

- a.** Subsequent plans and permits for development within a planned development district may include minor-modifications to the approved master plan map or statement of terms and conditions, provided the development continues to meet the minimum requirements of this Ordinance. Minor modifications are limited to changes that have no material effect on the character of the planned development or changes that address technical considerations that could not reasonably be anticipated at the time of the planned development approval.
- b.** The following minor modifications may be approved by the Planning Director, in consultation with other appropriate Town staff:
 - i.** Changes to the location of entrances or driveways, the rearrangement of internal streets, turn lanes, drives, or access restrictions;
 - ii.** Changes to the configuration of parking areas, but not the number of parking spaces;
 - iii.** Changes to the configuration or location of open space or placement of required amenities, provided the amount of open space (whether passive or active) is unchanged;
 - iv.** Changes to the configuration of landscape yards, including types of materials, provided minimum width and planting requirements are met;
 - v.** Changes to the proposed building elevation or facade, including materials, provided that the change retains the same general architectural character and remains consistent with the design parameters established in the PDD approval; and
 - vi.** Changes to the arrangement or location of buildings provided there is no increase in the number of buildings, size, or amount of impervious surface.
- c.** In no instance shall a minor modification include any changes to the range of permitted uses or the overall density of the development.

2. MAJOR MODIFICATIONS CONSIDERED AMENDMENTS

- a.** Changes that materially affect the basic conceptual configuration of the planned development master plan map or basic parameters establishing the terms and conditions or that exceed the scope of a minor modification are considered major modifications or amendments.
- b.** Amendments include, but are not limited to:
 - i.** Increases in building height;
 - ii.** Changes in use designations;
 - iii.** Changes in density/ or intensity increases;
 - iv.** Decreases in open space;
 - v.** Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected); and
 - vi.** Change in the location of any public easement.
- c.** Major modifications shall be treated as amendments that must be reviewed and considered in accordance with the procedures and standards established for the original approval of a planned development application.

O. EXPIRATION

- 1.** If no application for approval of a Major Subdivision or site plan for any part of the approved master plan is submitted within two years after approval of the planned development, the Town may initiate a rezoning to return the land back to its prior zoning classification or any other base zoning classification determined to be appropriate. Such time period shall not be extended with transfer of ownership.

2. Upon written request submitted at least 30 days before expiration of the two-year period provided in subsection (1) above, and upon a showing of good cause, the Planning Director may grant one extension not to exceed one year for the applicant to submit required development applications.

P. VESTING

A planned development approval shall be considered a site-specific vesting plan that is vested for a period of two years from the date of its approval. The vesting period may be extended in accordance with Section 5.2.27, Vested Rights Certificate.

Q. CHALLENGE

The decision by the Town Council regarding a planned development may be challenged by the filing of a declaratory judgement action in by the Superior Court of Alamance County in accordance with G.S. 160D-1401. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

5.2.17 REASONABLE ACCOMMODATION

A. PURPOSE AND INTENT

This section provides a procedure for reasonable accommodation of eligible persons in cases where the strict application of the standards of this Ordinance would deprive them of their right to equal opportunity to occupy a dwelling under the federal Fair Housing Act.

B. APPLICABILITY

1. For the purposes of this section, an eligible person is a person who meets the definition of a disabled or handicapped person under federal law.
2. A person recovering from substance abuse is considered a person with a disability or handicap, provided they are not currently engaging in the illegal use of controlled substances.

C. PROCEDURE

The reasonable accommodation procedure is described in Figure 5.2.17, Reasonable Accommodation Procedure, as supplemented by Section 5.3, Review Procedures.

D. APPLICATION

1. An application for reasonable accommodation may be made by any of the following:
 - a. A person with a disability or handicap, or their legal representative; or
 - b. A provider of housing for persons with disabilities or handicaps
2. An application for reasonable accommodation shall also include the following:
 - a. The basis for the claim that the applicant or persons receiving services from the applicant is considered disabled or handicapped under federal law;
 - b. The Ordinance provision from which the reasonable accommodation is being requested; and
 - c. An explanation of why the reasonable accommodation is necessary to make specific land or development available for the applicant.

E. DECISION

1. The Board of Adjustment, at the conclusion of a quasi-judicial public hearing, shall decide the application for the reasonable accommodation.
2. The decision shall be based on competent, material, and substantial evidence, as supplemented by arguments presented at the quasi-judicial hearing, and the standards in Section 5.2.17.F, Review Criteria.
3. The decision shall be one of the following:
 - a. Approval of the reasonable accommodation application as proposed;
 - b. Approval of the reasonable accommodation application with revisions; or
 - c. Denial of the application.
4. Each decision shall be made in writing and reflect the Board of Adjustment's determination of contested facts and their application to the standards in this Ordinance.
5. The written decision shall be signed by the Chair or other duly authorized member of the Board of Adjustment.

Figure 5.2.17: Reasonable Accommodation Procedure

Step	Action
1	Pre-Application Conference See Section 5.3.4, Pre-Application Conference
2	File Application See Section 5.3.6, Application Filing
3	Completeness Determination See Section 5.3.6.G, Determination of Application Completeness
4	Staff Review
5	Public Hearing Scheduled
6	Public Notification See Section 5.3.10, Public Notice
7	Board of Adjustment Review and Decision See Section 5.3.11, Public Hearings and Meetings
8	Written Notice of Decision See Section 5.3.13, Written Notice of Decision

6. The decision of the Board of Adjustment shall be effective upon the filing of the written decision in the offices of the Planning Department.

F. REVIEW CRITERIA

1. A reasonable accommodation application shall be approved on a finding the proposed accommodation:
 - a. Will be used by an individual or individuals with a disability or handicap protected under federal law;
 - b. Is the minimum needed to provide accommodation; and
 - c. Is reasonable and necessary.
2. For the purposes of this section, an accommodation is reasonable if it would not undermine the legitimate purposes of this Ordinance, it does not constitute a substantial alteration of this Ordinance or other Town standard, and it will not impose significant financial and administrative burden upon the Town.
3. For the purposes of this section, an accommodation is necessary if it would provide direct or meaningful improvement of the effects of the particular disability or handicap, and would afford handicapped or disabled persons equal opportunity to use housing in the Town.

G. SEQUENCE

A reasonable accommodation application may be filed with a site plan, a zoning compliance permit, or a building permit. A reasonable accommodation application shall be approved prior to other associated applications.

H. EFFECT

A reasonable accommodation shall not affect an applicant's obligation to comply with other applicable standards in this Ordinance that are not the subject of the reasonable accommodation application.

I. AMENDMENT

Amendment of an application for reasonable accommodation may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

J. EXPIRATION

Approval of a reasonable accommodation shall describe the conditions or events that would terminate the reasonable accommodation or cause it to expire.

K. APPEAL

A decision by the Board of Adjustment shall be subject to review by the Superior Court of Alamance County by proceedings in the nature of certiorari and in accordance with G.S. 160D-1402.

Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

5.2.18 REZONING

A. PURPOSE AND INTENT

This section provides a uniform means for reviewing and deciding proposed amendments to the Official Zoning Map whenever the public necessity, general welfare, the Town's adopted policy guidance, or appropriate land use practices justify or require doing so.

B. APPLICABILITY

This procedure sets out the requirements for amendments to the zoning district designation of land within the Town's planning jurisdiction as well as for land coming into the Town's planning jurisdiction via annexation in accordance with G.S. 160D-703.

C. APPLICATIONS DISTINGUISHED

1. Conventional rezoning applications involve legislative procedures used to establish conventional zoning districts or overlay zoning districts on the Town's Official Zoning Map, or to change a property from one conventional zoning district to another conventional zoning district.
2. Conditional rezoning applications are legislative rezoning applications that include conditions agreed to by the applicant and the Town that seek to ensure compatibility of the proposed use with the use and enjoyment of neighboring properties. Conditional rezoning applications shall be processed in accordance with Section 5.2.5, Conditional Rezoning.

D. CONVERSION PROHIBITED

Applications filed as a conventional rezoning application may not be converted to a conditional rezoning or planned development application during the review process, and shall instead be withdrawn and resubmitted as a conditional rezoning or planned development application, as appropriate.

E. PROCEDURE

The zoning map amendment procedure is described in Figure 5.2.18, Rezoning Procedure, as supplemented by Section 5.3, Review Procedures.

F. APPLICATION INITIATION

1. Applications may be initiated by the Town Council, the Planning Board, the Planning Director, landowner(s), or contract purchasers of the land in the proposed application.
2. No amendment to the zoning map that down-zones property shall be initiated nor considered enforceable without the written consent of all property owners whose property is the subject of the down-zoning, unless said down-zoning amendment is initiated by Town staff, or its appointed or elected bodies. For the purposes of this section, down-zoning refers to any zoning petition which 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;

Figure 5.2.18: Rezoning Procedure

Step	Action
1	Pre-Application Conference See Section 5.3.4, Pre-Application Conference
2	Neighborhood Information Meeting Required when establishing a more dense or intense district See Section 5.3.5, Neighborhood Information Meeting
3	File Application See Section 5.3.6, Application Filing
4	Completeness Determination See Section 5.3.6.G, Determination of Application Completeness
5	Staff Review See Section 5.3.9, Staff Review and Action
6	Planning Board Review and Recommendation See Section 5.3.11, Public Hearings and Meetings
7	Public Hearing Scheduled
8	Public Notification See Section 5.3.10, Public Notice
9	Town Council Review and Decision See Section 5.3.11, Public Hearings and Meetings
10	Written Notice of Decision See Section 5.3.13, Written Notice of Decision

- 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 zoning designation.
- 3. An amendment request must be submitted in writing and be accompanied by the appropriate fee as established by the fee schedule approved by the Town Council.

G. REVIEW BY PLANNING BOARD

- 1. All proposed amendments to the zoning map shall be submitted to the Planning Board for review and comment, in accordance with G.S. 160D-604(b). After conclusion of a public meeting, the Planning Board shall make a recommendation on the application in accordance with Section 5.2.18.I, Review Criteria. If no written report is received from the Planning Board within thirty (30) days of referral of the amendment to that board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.
- 2. In making its recommendation, the Planning Board shall prepare a written statement regarding the application's consistency with the Town's adopted comprehensive plan and any other officially adopted plan that is applicable. A comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Town Council.
- 3. During its review, the Planning Board may suggest revisions to the application, consistent with the provisions of G.S. 160D-703. Only those revisions agreed to in writing by the applicant shall be incorporated into the application.

H. DECISION BY TOWN COUNCIL

- 1. After the conclusion of a legislative public hearing, the Town Council shall decide the application in accordance with the standards in Section 5.2.18.I, Review Criteria.
- 2. The decision shall be one of the following:
 - a. Approval of the application;
 - b. Denial of the application;
 - c. Approval of a revised application; or
 - d. Remand of the application to the Planning Board for further consideration.
- 3. The decision shall be based on the legislative discretion of the Town Council, taking into consideration the recommendation of the Planning Board and the standards in Section 5.2.18.I, Review Criteria.
- 4. In making its decision, the Town Council shall adopt a written statement describing whether its action is consistent or inconsistent with the adopted comprehensive plan in accordance with G.S. 160D-605. Such plan consistency statement is not subject to judicial review. 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. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the Town Council statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken. For the purposes of this section, a "large-scale rezoning" shall be a zoning map amendment that proposes to change the zoning designation of more than fifty (50) properties, owned by at least fifty (50) property owners.
- 5. Additional Reasonableness Statement for Rezoning – When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the Town Council. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the Town Council's statement of reasonableness and the plan consistency statement required by this section may be approved as a single statement.

6. This statement of reasonableness may consider, among other factors:
 - a. The size, physical conditions, and other attributes of the area proposed to be rezoned;
 - b. The benefits and detriments to the landowners, the neighbors, and the surrounding community;
 - c. 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;
 - d. Why the action taken is in the public interest; and
 - e. Any changed conditions warranting the amendment.

I. REVIEW CRITERIA

The advisability of approval of a rezoning application is a matter committed to the legislative discretion of the Town Council, and is not controlled by any one factor. In determining whether to adopt or deny a rezoning application, the Town Council may weigh the relevance of and consider the following:

1. Whether the proposed rezoning advances the public health, safety, or welfare;
2. Whether and the extent to which the proposed rezoning is appropriate for its proposed location, and is consistent with the purposes, goals, objectives, and policies of the Town's adopted policy guidance;
3. Whether an approval of the rezoning is reasonable and in the public interest; and
4. Other factors as the Town Council may determine to be relevant.

J. SEQUENCE

A rezoning application may be filed with an annexation petition, but no other application types shall be submitted with a rezoning application. Where a rezoning application and an annexation petition are submitted concurrently, the annexation shall be approved prior to the Town Council making a decision on the rezoning application.

K. EFFECT

1. Lands subject to an approved rezoning application shall be subject to all the applicable standards in this Ordinance, which shall be binding and shall run with the land.
2. Development located outside the Elon corporate limits shall comply with all Town policies related to annexation and the extension of utilities.

L. AMENDMENT

Amendment of a rezoning may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

M. EXPIRATION

Zoning district designations do not expire, but run with the land in perpetuity or until otherwise amended in accordance with this Ordinance.

N. CHALLENGE

Any decision of the Town Council regarding a rezoning application may be challenged by the filing of a declaratory judgement action in the Superior Court of Alamance County in accordance with G.S. 160D-1401. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

5.2.19 SIGN PERMIT

A. PURPOSE AND INTENT

The purpose of this section is to provide a uniform mechanism for reviewing applications for sign permits to ensure all signs comply with the standards of Section 7.4, Signage Standards.

B. APPLICABILITY

All signs (excluding banners and other temporary signs), shall require obtaining a sign permit in accordance with this section before being erected, replaced, relocated, or altered.

C. EXEMPTIONS

Signs exempted from obtaining a sign permit in Section 7.4.6, Signs Allowed Without Permits, shall be exempted from this section.

D. PROCEDURE

The sign permit procedure is described in Figure 5.2.19, Sign Permit Procedure, as supplemented by Section 5.3, Review Procedures.

E. DECISION

The decision on a sign permit shall be made by the Planning Director in accordance with the standards in Section 5.2.19.F, Review Criteria.

F. REVIEW CRITERIA

A sign permit shall be approved on a decision the application complies with:

1. The standards in Section 7.4, Signage Standards;
2. The State Building Code(s);
3. All standards or conditions of any prior applicable permits and developments approvals; and
4. All other applicable requirements of this Ordinance and in the Town Code of Ordinances.

G. SEQUENCE

Applications for a sign permit may be submitted with applications for subdivisions, site plans, zoning compliance permits, and building permits.

H. EFFECT

Approval of a sign permit allows the placement or modification of signage in accordance with the application approval.

I. AMENDMENT

Amendment of a sign permit may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

J. EXPIRATION

If the work authorized by a sign permit is not commenced within six months from the date of issuance, the permit shall become null and void.

K. VESTING

The vesting period for a sign permit shall be one year from the date of its approval, in accordance with G.S 160D-108(d).

L. APPEAL

Appeal of the decision on a sign permit shall be reviewed and decided by the Board of Adjustment in accordance with G.S 160D-405 and Section 5.2.3, Appeal.

Figure 5.2.19: Sign Permit Procedure

Step	Action
1	Pre-Application Conference Optional See Section 5.3.4, Pre-Application Conference
2	File Application See Section 5.3.6, Application Filing
3	Completeness Determination See Section 5.3.6.G, Determination of Application Completeness
4	Staff Review
5	Planning Director Decision
6	Written Notice of Decision See Section 5.3.13, Written Notice of Decision

5.2.20 SITE PLAN

A. PURPOSE AND INTENT

The purpose for the site plan procedure is to establish a consistent and predictable process for the review of proposed development, through a graphical representation of the proposal. Site plan review is an analysis to ensure that allowable development is configured in accordance with the standards in this Ordinance and all other applicable regulations, not a consideration of whether or not a proposed development is allowed.

B. APPLICABILITY

Except for development exempted from site plan review in accordance with Section 5.2.20.C, Exemptions, all forms of development that involve construction, moving, or significant alteration of a building or habitable structure, that result in the increase in the amount of impervious surface on a lot, or that involve the provision of landscaping, off-street parking, stormwater control mechanisms, or similar site features shall be subject to site plan review in accordance with this section.

C. EXEMPTIONS

The following forms of development are exempted from site plan review, but may require a plot plan and shall be subject to the standards in Section 5.2.28, Zoning Compliance Permit, and a building permit as issued by Alamance County, as appropriate, and review and approval by the Planning Director:

1. Construction of a single-family detached dwelling on its own individual lot;
2. Establishment of an accessory use or structure; and
3. Changes of use that do not result in the need for additional off-street parking spaces, additional screening, differing stormwater practices, or additional landscaping.

A building permit from Alamance County may also be required.

D. APPLICATION

The application shall include a transportation impact study for review, when required by Section 5.2.25, Transportation Impact Studies.

E. PROCEDURE

The site plan procedure is described in Figure 5.2.20, Site Plan Procedure, as supplemented by Section 5.3, Review Procedures.

F. DECISION

The Technical Review Committee shall review and decide the application in accordance with Section 5.2.20.G, Review Criteria, except for site plans submitted as part of review processes listed in Table 5.1.2, Application Summary Table as being decided by other entities. In such cases, the TRC shall only make a recommendation on the submitted site plan.

G. REVIEW CRITERIA

A site plan shall be approved on a decision the application complies with:

1. All standards or conditions of any prior permits and development approvals;
2. Any applicable conceptual site plans or master plans;
3. All applicable requirements of this Ordinance and the Town Code of Ordinances; and
4. All applicable county, State, and federal requirements.

Figure 5.2.20: Site Plan Procedure

Step	Action
1	Pre-Application Conference See Section 5.3.4, Pre-Application Conference
2	File Application See Section 5.3.6, Application Filing
3	Completeness Determination See Section 5.3.6.G, Determination of Application Completeness
4	Technical Review Committee Review and Decision
5	Written Notice of Decision See Section 5.3.13, Written Notice of Decision
6	Construction Plans As appropriate

H. SEQUENCE

Site plan applications may be submitted or reviewed concurrently with any other development application, but site plans shall not receive final approval until after an associated annexation, development agreement, planned development, rezoning, or subdivision application, when one or more of these processes are part of the development proposal.

I. EFFECT

1. CONSTRUCTION PLANS

a. Construction plans for all public improvements included with or filed subsequent to the site plan shall be approved prior to street and utility construction in accordance with the applicable Town standards.

b. In the case of a multi-phase site plan, any street and utility construction plans shall include all improvements within a phase and all public improvements outside the phase but necessary to serve development within that phase.

2. PERFORMANCE GUARANTEES

All public improvements that have not been installed by the developer, inspected, and accepted by the Town shall comply with the requirements in Section 5.2.15, Performance Guarantees, prior to the issuance of a certificate of occupancy.

3. AS-BUILT PLANS

As-built plans for all public improvements shall be submitted in accordance with Section 5.2.15.K, As-Built Plans Required.

J. AMENDMENT

Amendment of a site plan may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

K. EXPIRATION

If the work authorized by a site plan approval is not commenced within one year from the date of issuance, the approval shall become null and void.

L. VESTING

A site plan shall be considered a site-specific vesting plan that is vested for a period of two years from the date of its approval. The vesting period may be extended in accordance with Section 5.2.27, Vested Rights Certificate.

M. APPEAL

Appeal of the decision by the Technical Review Committee on a site plan shall be reviewed and decided by the Board of Adjustment in accordance with G.S. 160D-405 and Section 5.2.3, Appeal.

5.2.21 SPECIAL USE PERMIT

A. PURPOSE AND INTENT

This section sets out the procedure for consideration of an application for a special use permit. A special use is a use that may be appropriate in a zoning district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings.

B. APPLICABILITY

Applications for uses identified as requiring a special use in Table 4.2.1, Principal Use Table, shall be reviewed in accordance with the procedures and standards of this section.

C. PROCEDURE

The Special Use Permit procedure is described in Figure 5.2.21, Special Use Permit Procedure, as supplemented by Section 5.3, Review Procedures.

D. APPLICATION

1. An application for a special use permit shall include a conceptual site plan that depicts the proposed use and site configuration. The Technical Review Committee shall review and provide comments on the conceptual site plan prior to consideration of the application by the Town Council. The conceptual site plan is not intended to be a fully-engineered plan, but shall accurately and clearly depict the proposed use's configuration on the site.
2. The application shall include a transportation impact study or design analysis for review, when required by Section 5.2.25, Transportation Impact Studies.

E. DECISION

Following the conclusion of a quasi-judicial public hearing, the Town Council shall review and decide the application in accordance with Section 5.2.21.F, Review Criteria. The decision shall be one of the following:

1. Approval of the special use and conceptual site plan as proposed;
2. Approval of a revised special use and conceptual site plan;
3. Denial of the special use and conceptual site plan; or
4. Remand of the special use application for further consideration by Town staff.

F. REVIEW CRITERIA

A special use shall be approved only upon a determination that the special use:

1. Will not materially endanger the public health, safety, comfort, or general welfare if located where proposed;
2. Complies with all required standards, conditions, and specifications of this Ordinance, including Chapter 4: Uses;
3. Will not substantially injure the value of the abutting land, or impede the orderly development and improvement of surrounding property for uses permitted within the zoning district;

Figure 5.2.21: Special Use Permit Procedure

Step	Action
1	Pre-Application Conference See Section 5.3.4, Pre-Application Conference
2	Neighborhood Information Meeting See Section 5.3.5, Neighborhood Information Meeting
3	File Application See Section 5.3.6, Application Filing Must include a conceptual site plan
4	Completeness Determination See Section 5.3.6.G, Determination of Application Completeness
5	Staff Review Includes review and comment on the conceptual site plan by the Technical Review Committee
6	Public Hearing Scheduled
7	Public Notification See Section 5.3.10, Public Notice
8	Town Council Review and Decision See Section 5.3.11, Public Hearings and Meetings
9	Written Notice of Decision See Section 5.3.13, Written Notice of Decision

4. Will be in harmony with the area in which it is to be located and will not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;
5. Is in general conformity with the Town's adopted policy guidance; and
6. Can be adequately served by public facilities;

G. CONDITIONS OF APPROVAL

1. The Town Council may apply conditions of approval that are reasonable and appropriate in accordance with G.S. 160D-705(c) and Section 5.2.21.G, Conditions of Approval.
2. Conditions may include, but not need to be limited to:
 - a. Assure that the use will be harmonious with the area where proposed;
 - b. Ensure the use is and consistent with the purpose and intent of this Ordinance;
 - c. Provide adequate and reasonable mitigation of potentially adverse effects on adjacent properties;
 - d. Ensure the provision of adequate public facilities or services;
 - e. Accommodate the dedication of easements where needed;
 - f. Require the creation of restrictive covenants;
 - g. Designate appropriate phasing of the Development;
 - h. Ensure that a mechanism for maintenance of open space set-asides or common areas is in place;
 - i. The creation of standards that mitigate the effects of traffic, circulation, noise, lighting, hours of operation, protection of environmentally sensitive areas, and similar characteristics;
 - j. Provide for adequate measures for ingress and egress to minimize traffic hazards and congestion on public roads;
 - k. Place limits on the phasing of proposed residential dwelling units to coincide with the provision or maintenance of adequate public facilities; or
 - l. Address other considerations as determined necessary by the Town Council to achieve the purposes of this section and the Ordinance.
3. All conditions shall be identified in the approval and the notice of decision.
4. The notice of decision shall not be provided until the applicant has consented to all applicable conditions of approval in writing.

H. SEQUENCE

1. Special use permit applications shall include a conceptual site plan, and may include an application for a site plan, zoning compliance permit, and building permit.
2. A conceptual site plan shall not substitute for a required site plan or subdivision plat.

I. EFFECT

1. A special use approval is perpetually binding and runs with the land, unless amended or otherwise limited in duration by the Town Council.
2. Approval of a special use permit shall also constitute approval of the associated conceptual site plan.
3. Any action in violation of a special use permit condition of approval (such as an intensity or hours of operation limitation) shall render the special use permit and associated site plan null and void.
4. Special uses shall meet all applicable State and federal requirements for location and operation. Failure to maintain compliance with those requirements may result in the revocation of the special use permit and associated site plan.

J. AMENDMENTS TO AND MODIFICATIONS OF SPECIAL USE PERMITS

Amendments to a special use permit application approval shall be considered as insignificant deviations, minor modifications, or major modifications, in accordance with the following. The Planning Director shall determine whether amendments to and modifications of a special use permit fall within the categories set forth in subsections 1, 2, or 3 below. The applicant requesting a change to an approved special use permit shall point out to the Planning Director, specifically and in writing, what deviation or changes are requested. The Planning

Director shall respond in writing with a determination of whether the request constitutes an insignificant deviation, minor modification, or major modification. No changes shall be authorized except in conformity with this section.

1. INSIGNIFICANT DEVIATIONS

- a.** Insignificant deviations from a special use permit (including approved plans associated with the permit) are permissible, and the Planning Director may authorize such insignificant deviations. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

2. MINOR MODIFICATIONS

- a.** Minor design modifications or changes in special use permits (including approved plans) are permissible with the approval of the permit-issuing authority. Unless it is requested by the permit-issuing authority, no public hearing shall be required for such minor modification(s). Minor modifications are those that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
- b.** Examples of minor modifications may include, but shall not be limited to, the following:
 - i.** Changes to the location of entrances or driveways, the minor rearrangement of internal streets, turn lanes, drives, or access restrictions;
 - ii.** Changes to the configuration of parking areas, but not the number of parking spaces;
 - iii.** Changes to the configuration or location of open space or placement of required amenities, provided the amount of open space (whether passive or active) is unchanged and the proposed new location of the open space is in compliance with this Ordinance;
 - iv.** Changes to the configuration of landscape yards and buffers, including types of materials, provided minimum width and planting requirements are met;
 - v.** Changes to the proposed building elevation or facade, including materials, provided that the change retains the same general architectural character and remains consistent with the design parameters established in the approval; and
 - vi.** Minor changes to the arrangement or location of buildings provided there is no increase in the number of buildings, size, or amount of impervious surface.
- c.** In no instance shall a minor modification include any changes to the range of permitted uses or the overall density of the development.

3. MAJOR MODIFICATIONS

All other requests for changes in approved special use permits and associated plan(s) shall be processed as new applications.

4. ADDITIONAL CONDITIONS IMPOSED BY TOWN COUNCIL

Where requests for changes are required to be acted upon by the Town Council, new conditions may be imposed in accordance with this Ordinance. However, the applicant shall retain the right to reject such additional conditions by withdrawing his or her request for an amendment and may proceed in accordance with the previously issued permit.

5. REPLACEMENT

If a special use is replaced by a use otherwise permitted by right in the zoning district, the special use permit approval is deemed abandoned and the special use permit approval is null and void.

6. FAILURE TO COMPLETE CONSTRUCTION

Unless otherwise stated in the special use permit approval, a special use permit shall expire and become null and void two years after the date of issuance if:

- a.** The authorized use has not commenced;
- b.** No substantial construction activity has taken place;
- c.** Construction activities have started, but the value of all construction activity is less than five percent of the estimated total cost of construction; or

- d. A valid zoning permit has not been issued for any activity authorized by the Special Use Permit. If a valid zoning permit has not been issued during this time period.

7. EXTENSION

- a. An applicant may request an extension of a special use permit approval in writing to the Planning Director at least 60 days prior to expiration.
- b. Extension requests shall be reviewed and decided by the Town Council.
- c. Up to one extension for a maximum period of one year may be granted if:
 - i. The applicant has proceeded towards completion of construction in good faith and with due diligence; and
 - ii. Conditions have not changed to the extent that a new application is warranted in the sole discretion of the Town Council.

K. VESTING

A special use permit approval shall be considered a site-specific vesting plan that is vested for a period of two years from the date of its approval. The vesting period may be extended in accordance with Section 5.2.27, Vested Rights Certificate.

L. APPEAL

A decision by the Town Council on a special use permit shall be subject to review by the Superior Court of Alamance County by proceedings in the nature of certiorari and in accordance with G.S. 160D-1402.

Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

5.2.22 STORMWATER PERMIT

A. PURPOSE AND INTENT

This stormwater permit section sets out the procedure for consideration of a stormwater permit, which is intended to prevent or mitigate any adverse effects of increased post-development stormwater runoff into receiving surface waters or adjacent lands in accordance with Section 8.3, Stormwater Standards, and G.S. 160D-925.

B. APPLICABILITY

Unless exempted by Section 5.2.22.C, Exemptions, the standards in this section shall apply to all forms of new development, including, but not limited to site plans, Major Subdivisions, final plats, and erosion control permits.

C. EXEMPTIONS

The following forms of development are exempted from these standards:

1. Development or redevelopment that cumulatively disturbs less than one acre, and is not part of a larger common plan of development or sale subject to these standards;
2. Activities that are exempt from permit requirements of Section 404 of the Federal Clean Water Act as specified in 40 CFR 232 (primarily, ongoing farming and forestry activities); and
3. Activities of the State or Federal government that are subject to an approved National Pollutant Discharge Elimination System (NPDES) stormwater permit.

D. PROCEDURE

The stormwater permit procedure is described in Figure 5.2.22, Stormwater Permit Procedure, as supplemented by Section 5.3, Review Procedures, and Section 8.3, Stormwater Standards.

E. APPLICATION

1. The stormwater permit application shall include a stormwater management plan prepared by a qualified North Carolina professional engineer, land surveyor, soil scientist, or landscape architect. The preparer shall perform services only within their area of competence.
2. The stormwater management plan shall contain a signed and sealed statement certifying that the design of all stormwater management facilities and practices will comply with this Ordinance and all applicable State requirements.

F. DECISION

The decision on a stormwater permit shall be made by the Planning Director based on the standards in Section 5.2.22.G, Review Criteria.

G. REVIEW CRITERIA

A stormwater permit application shall be approved if it complies with the following:

1. The standards in Section 8.3, Stormwater Standards;
2. A stormwater management concept and maintenance plan, if required;
3. All standards or conditions of any prior applicable permits or development approvals;
4. All other applicable requirements of this Ordinance and the Town Code of Ordinances; and
5. All applicable State and federal requirements.

Figure 5.2.22: Stormwater Permit Procedure

Step	Action
1	Pre-Application Conference See Section 5.3.4, Pre-Application Conference
2	File Application See Section 5.3.6, Application Filing Includes a stormwater management plan
3	Completeness Determination See Section 5.3.6.G, Determination of Application Completeness
4	Staff Review
5	Planning Director Decision
6	Written Notice of Decision See Section 5.3.13, Written Notice of Decision
7	Certification Certify improvements in accordance with approved stormwater management plan

H. FINAL APPROVAL

1. COMPLETENESS PRIOR TO RECORDATION

The construction of all structural stormwater management improvements shown on an approved stormwater management plan shall be substantially complete prior to final plat recordation or issuance of any certificate of occupancy.

2. CERTIFICATION

Upon completion of a project and its associated structural stormwater management improvements, and before a certificate of occupancy shall be granted, the professional responsible for the stormwater management plan shall certify, under seal, that the completed project is in accordance with the approved plan and the requirements of this Ordinance.

3. PERFORMANCE GUARANTEES

a. When Required

When use, occupancy, or transfer of land is permitted prior to completion or dedication of required structural stormwater management improvements, the applicant shall provide a performance guarantee for all stormwater management improvements in accordance with Section 5.2.15, Performance Guarantee.

b. Release of Performance Guarantees

The following shall occur prior to the release of any performance guarantees for the installation of structural stormwater management improvements:

- i. As-built drawings and submittals shall be submitted and approved by the Planning Director; and
- ii. The project shall be in compliance with Section 8.4, Grading Standards.

c. Maintenance Warranty

Regardless of the need to post performance guarantees for completion of structural stormwater management improvements, the developer shall provide a maintenance guarantee in accordance with Section 8.3, Stormwater Standards, clarifying that the developer shall correct any defects associated with a structural stormwater management improvement and related facilities for a period of one year following the acceptance of stormwater control measures by the Town.

I. SEQUENCE

A stormwater permit may be submitted with a zoning compliance permit or a building permit.

J. EFFECT

Approval of a stormwater permit shall authorize land disturbance and the installation of stormwater control mechanisms.

K. AMENDMENT

Amendment of a stormwater permit may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

L. EXPIRATION

A stormwater permit shall expire and become null and void if construction has not begun within one year from the date of the approval.

M. VESTING

The vesting period for a stormwater permit shall be one year from the date of its approval, in accordance with G.S. 160D-108(d).

N. APPEAL

Appeal of a decision by the Planning Director on a stormwater permit shall be reviewed and decided by the Board of Adjustment in accordance with G.S. 160D-405 and Section 5.2.3, Appeal.

5.2.23 TEMPORARY USE PERMIT

A. PURPOSE AND INTENT

The purpose of this section is to establish a uniform mechanism for reviewing temporary uses and structures to ensure they comply with the standards in Section 4.6, Temporary Uses. Temporary uses include temporary structures and activities that are proposed on an individual lot or site for a limited duration and that have a clear commencement and cessation.

B. APPLICABILITY

The provisions of this section shall apply to all proposed temporary uses and temporary structures set forth in Section 4.6, Temporary Uses, but shall not apply to applications for temporary signage, which are subject to the standards in Section 5.2.19, Sign Permit, or to special events, which are regulated by the Town Code.

C. PROCEDURE

The Temporary Use Permit procedure is described in Figure 5.2.23, Temporary Use Permit Procedure, as supplemented by Section 5.3, Review Procedures.

D. DECISION

The decision on a temporary use permit shall be made by the Planning Director in accordance with the standards in Section 5.2.23.E, Review Criteria.

E. REVIEW CRITERIA

An application for a temporary use permit shall be approved provided it complies with the following:

1. The temporary use permit complies with all applicable requirements in Section 4.6, Temporary Uses;
2. The applicant has written permission from the landowner, or is otherwise authorized to make use of the land;
3. The applicant has obtained the appropriate permits and licenses from the Town and other agencies;
4. The temporary use meets public utility and Town requirements for proper connection to water, sewer, electrical and other utility service connections, as applicable;
5. The temporary use does not violate the applicable conditions of approval that apply to a site or use on the site;
6. The proposed site contains sufficient land area for the temporary use and for the parking and traffic movement associated with the temporary use, without impacting environmentally sensitive lands;
7. The temporary use is located outside a special flood hazard area; and
8. Includes a sketch plan that accurately depicts the proposed use's configuration, as applicable.

F. EFFECT

Approval of a temporary use permit allows the establishment of a temporary, structure, use, or activity for the duration specified in the permit.

G. AMENDMENT

Amendment of a temporary use permit may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

Figure 5.2.23: Temporary Use Permit Procedure

Step	Action
1	Pre-Application Conference Optional See Section 5.3.4, Pre-Application Conference
2	File Application See Section 5.3.6, Application Filing
3	Completeness Determination See Section 5.3.6.G, Determination of Application Completeness
4	Staff Review
5	Planning Director Decision
6	Written Notice of Decision See Section 5.3.13, Written Notice of Decision

H. EXPIRATION

Approval of a temporary use permit shall be effective beginning on the date of approval and shall remain effective for the period indicated on the permit.

I. APPEAL

Appeal of the Planning Director's decision on a temporary use permit shall be reviewed and decided by the Board of Adjustment in accordance with G.S. 160D-405 and Section 5.2.3, Appeal.

5.2.24 TEXT AMENDMENT

A. PURPOSE AND INTENT

This section provides a uniform means for amending the text of this Ordinance whenever public necessity, changed conditions, convenience, general welfare, appropriate land use practices, or statutory changes or land use case law justify or require doing so.

B. APPLICABILITY

The standards and requirements of this section shall apply to applications to revise the text of this Ordinance.

C. APPLICATION

1. Text amendment applications may be initiated by Town staff, the Technical Review Committee, any appointed board, the Town Council, or any interested party.

D. PROCEDURE

The text amendment procedure is described in Figure 5.2.24, Text Amendment Procedure, as supplemented by Section 5.3, Review Procedures.

E. REVIEW BY PLANNING BOARD

1. All proposed amendments to the Ordinance shall be submitted to the Planning Board for review and comment, in accordance with G.S. 160D-604. After conclusion of a public meeting, the Planning Board shall make a recommendation on the application in accordance with Section 5.2.24.G, Review Criteria. If no written report is received from the Planning Board within thirty (30) days of referral of the amendment to that board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board. In making its recommendation, the Planning Board shall prepare a written statement regarding the application's consistency with the Town's adopted comprehensive plan and any other officially adopted plan that is applicable. A comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Town Council.
2. During its review, the Planning Board may suggest revisions to the application. Only those revisions agreed to in writing by the applicant shall be incorporated into the application.

F. DECISION BY TOWN COUNCIL

1. After the conclusion of a legislative public hearing, the Town Council shall decide the application in accordance with the standards in Section 5.2.24.G, Review Criteria.
2. The decision shall be one of the following:
 - a. Approval of the application;
 - b. Denial of the application;
 - c. Approval of a revised application; or
 - d. Remand of the application to the Planning Board for further consideration.

Figure 5.2.24: Text Amendment Procedure

Step	Action
1	Pre-Application Conference Required when not Town-initiated See Section 5.3.4, Pre-Application Conference
2	File Application See Section 5.3.6, Application Filing
3	Completeness Determination See Section 5.3.6.G, Determination of Application Completeness
4	Staff Review See Section 5.3.9, Staff Review and Action
5	Planning Board Review and Recommendation See Section 5.3.11, Public Hearings and Meetings
6	Public Hearing Scheduled
7	Public Notification See Section 5.3.10, Public Notice
8	Town Council Review and Decision See Section 5.3.11, Public Hearings and Meetings
9	Written Notice of Decision See Section 5.3.13, Written Notice of Decision Provided when not Town-initiated

3. The decision shall be based on the legislative discretion of the Town Council, taking into consideration the recommendation of the Planning Board and the standards in Section 5.2.24.G, Review Criteria.

4. In making its decision, the Town Council shall adopt a written statement describing whether its action is consistent or inconsistent with the adopted comprehensive plan in accordance with G.S. 160D-605. Such plan consistency statement is not subject to judicial review.

G. REVIEW CRITERIA

The advisability of amending the text of this Ordinance is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Town Council may, but is not required to, consider whether and the extent to which the proposed text amendment:

1. Enhances the public's health, safety, and welfare;
2. Is consistent with the Town's adopted policy guidance;
3. Is not in conflict with any provision of this Ordinance or the Town Code of Ordinances;
4. Is required by changed conditions;
5. Addresses a demonstrated community need;
6. Addresses an unforeseen matter not present when the Ordinance was adopted;
7. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the Town;
8. Would result in a logical and orderly development pattern;
9. Addresses other factors determined to be relevant by the Town Council; and
10. Would not result in significantly adverse impacts on the natural environment, including water, air, noise, stormwater management, wildlife, vegetation, and the natural functioning of the environment.

H. EFFECT

Approval of a text amendment shall result in modification of the text of this Ordinance.

I. AMENDMENT

Amendment of the decision on a text amendment may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

J. EXPIRATION

Upon adoption, Text amendments shall become part of the UDO in perpetuity, except where particular provisions are modified by a subsequent text amendment.

K. CHALLENGE

A decision of the Town Council regarding a text amendment application may be challenged by the filing of a declaratory judgement action in shall be subject to review by the Superior Court of Alamance County in accordance with G.S. 160D-1401.

Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

5.2.25 TRANSPORTATION IMPACT STUDIES

A. PURPOSE AND INTENT

A Transportation Impact Study is a specialized study that evaluates the effects of a proposed development's traffic on the surrounding transportation infrastructure. The study helps identify where the development may have a significant impact on safety, traffic, and transportation operations, and provides a means for the developer and governmental agencies to mitigate these impacts. Ultimately, the study can be used to evaluate whether the scale and design of development is appropriate for a particular site and identifies necessary on-site and off-site transportation system improvements to be included as a part of the proposed development to ensure safe and efficient access and traffic flow. A Traffic Impact Study will be required for development applications exceeding specific trip generation thresholds as established in this section.

The gross trip generation shall be calculated by the applicant based on the standards in this section and shall be verified by the Town. Information on the proposal including a proposed project summary and schematic site plan shall be provided by the applicant for review by the Town and the final determination for requiring the TIS will be made by the Town. All required traffic studies shall be conducted at the expense of the developer by a professional engineer licensed in the State of North Carolina.

B. APPLICABILITY – GENERAL THRESHOLDS

1. TRAFFIC IMPACT ANALYSIS (TIA) A Transportation Impact Analysis is required for all development applications that meet or exceed any of the following thresholds, based on the most recent edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual or comparable research data approved by the Town Engineer:

- a. One hundred (100) or more average vehicle trips during any one-hour period or one thousand (1000) or more average vehicle trips per day at full build-out;
- b. The proposed development would increase the Town's population by one percent or greater (based upon current US Census data and average household size);
- c. The proposed development includes driveways and/or street connections to existing roadways with a Level of Service (LOS) of E or F;
- d. The proposed development is expected to concentrate three hundred (300) or more trips per day through a single access point at full build-out;
- e. The proposed development project includes a drive-through facility.
- f. The proposed development includes significant on-site circulation that may have an off-site impact to adjoining roads and/or intersections (for example, schools and shopping centers).

2. ALTERNATIVES TO TIA.

- a. **TRANSPORTATION DESIGN ANALYSIS (TDA).** All development projected to generate at least two hundred (200) average daily trips more than existing conditions which would not otherwise require a TIA shall be required to complete a Transportation Design Analysis (TDA). The TDA shall include the information and study area as required for a TIA, except as modified by the Town Engineer. The applicant shall make the request for the TDA process, and provide justification, during the pre-application scoping meeting process. The determination to allow a TDA shall be provided to the applicant in writing, and shall clearly indicate what component(s) of the TIA submittal requirements are being waived.

Figure 5.2.25: Transportation Impact Study Procedure

Step	Action
1	Pre-Application Conference See Section 5.3.4, Pre-Application Conference
2	File Application See Section 5.3.6, Application Filing
3	Completeness Determination See Section 5.3.6.G, Determination of Application Completeness
4	Staff Review May include review by outside experts paid for by the applicant
5	Technical Review Committee Decision
6	Written Notice of Decision See Section 5.3.13, Written Notice of Decision

C. PROCEDURE

In considering the transportation impacts of land development, it is important to determine early in the process if and when a traffic study is needed. The Elon Technical Review Committee (TRC), using the parameters described in this ordinance, shall make the final determination of whether a study is required, and what type of study will be sufficient.

- 1. PRE-APPLICATION SCOPING MEETING.** All proposals of twenty (20) or more lots and/or twenty (20) or more dwelling units and/or all nonresidential projects that could be expected to generate additional (more than existing conditions) vehicular, pedestrian, or bicycle trips are required to request and attend a pre-application meeting with the TRC. The applicant shall assemble the following information (pre-scoping package) and submit it to the Planning Director no less than ten (10) business days prior to the scheduled TRC meeting. A written determination of whether a study will be required for the project shall be provided to the applicant by the Planning Director no later than five (5) business days following the meeting.

All pre-application scoping packages shall include the following items (as applicable):

- a. Conceptual site plan and vicinity map (to include proposed number of units and land use type, project phasing, any existing stub-out roads adjacent to the site, proposed access points, and controlled-access information for roads fronting the development site;
 - b. Assumptions in terms of trip generation, distribution, and diversion;
 - c. Most recent available traffic count data;
 - d. Proposed study area boundary, as per specifications in this ordinance;
 - e. Annual growth rate for future year traffic estimations;
 - f. Transportation improvement recommendations identified in plans adopted by the Town or within the geographic region that includes the Town (i.e., Burlington-Graham MPO Metropolitan Transportation Plan; Elon Bicycle, Pedestrian, and Lighting Plan; Haggard Avenue Corridor Study);
 - g. Anticipated construction timeline;
 - h. Expected timeline for analysis period;
 - i. Funded capital improvement projects (local, state, and federal) or approved development projects that have the potential to increase the capacity of the facilities in question;
 - j. Any additional questions, issues, or assumptions that should be taken into account or addressed at this stage of the process.
- 2. TIA OR TDA SUBMITTAL.** The formal submittal of a required TIA or TDA shall occur in accordance with the following:
 - a. No later than forty-five (45) calendar days prior to the review of an associated rezoning or planned development application by the Planning Board;
 - b. No later than forty-five (45) calendar days prior to review of a special use permit by the Town Council;
 - c. No later than thirty (30) calendar days prior to the submittal of an associated site plan or preliminary plat by the TRC.
- 3. DETERMINATION OF STUDY AREA.** The limits of the study area shall be based on the location, size and extent of the proposed project, development type, and an understanding of existing and future land uses and traffic conditions surrounding the site. The limits of the study area for the TIS shall be reviewed and approved by the Elon TRC during the pre-application scoping meeting process.

At a minimum, the study area shall include all streets and intersections on or within 150 feet of the proposed project site; all intersections along collector or arterial streets within one-half (1/2) mile radius of the proposed project site and/or all intersections along arterial streets where site traffic estimated for full build-out of the project will constitute 5% or more of traffic during the peak AM or

PM hours. During the scoping process, the TRC may reduce the radius based on conditions specific to the site by applicant request and when supported with valid reasoning.

4. REQUIRED ANALYSIS COMPONENTS. At a minimum, the TIS shall address the following aspects:

- a.** Project Description – A detailed description of the proposed development, including the size of the parcel, development type and size (expected number of units and range of uses), and anticipated completion dates (including phasing). A vicinity map and schematic site plan shall also be included, as well as a description of the zoning reclassification request, if applicable.
- b.** Site Description – A description of the project location, existing zoning and use, and key physical characteristics of the site, including general terrain and environmentally sensitive or protected areas.
- c.** Site Access – A complete description of the ingress/egress constraints and opportunities of the site shall be provided and depicted graphically, both for the existing condition as well as with consideration to the proposed project. This shall include number of driveways, their locations, distances between driveways and intersections, access control (full-movement, leftover, right-in/right-out, etc.), types of driveways (two-way, one-way, medians, etc.), and traffic controls. Internal streets (lanes, flow, and queuing), parking lots, sidewalks, bicycle lanes, and designated loading/unloading areas shall also be described. Sufficient information for adjacent properties, including topographic grade relationship, shall be provided to evaluate opportunities for internal connections. Driveways serving the site from state roads shall be designed in accordance with NCDOT's Policy on Street and Driveway Access, and/or the Town standards, as applicable.
- d.** Existing Conditions Survey
 - i.** Street System Description – The existing street system within the study area shall be described, including geometric features, lane usage, traffic control, signage, sight distances, and adjacent uses and curb cuts.
 - ii.** Traffic Volumes
 - a)** Existing traffic volumes shall be provided for the study area, including both average annual daily traffic (AADT) and peak hour volumes.
 - b)** AADT may be derived from counts as documented by NCDOT within a twenty-four-month period preceding the submission of the survey; peak hour volumes and AADT where NCDOT data is unavailable for the twenty-four-month period preceding submission of the survey shall be determined by field counts.
 - c)** All traffic counts must be conducted when Elon University and Alamance-Burlington School System are in session. Where existing NCDOT traffic counts are used, applicant must show evidence that the counts were conducted when these two primary influencers of the local transportation system were in session. Traffic counts conducted during out-of-session periods, during holidays, or during inclement weather will not be considered as valid counts;
 - d)** Turning movement counts for peak hour shall be provided for intersections where the AADT exceeds 300.
 - iii.** Capacity Analysis – The existing capacity of signalized and unsignalized intersections in the study area shall be included.
 - iv.** Other Details as Required – Additional details may be required at the discretion of the Technical Review Committee depending upon the type and scale of the project. These may include, but are not limited to:
 - a)** Queue length analysis;
 - b)** Pedestrian counts;
 - c)** Accident data and/or crash rates;

- d) Bicycle and pedestrian access;
 - e) Traffic speeds for the 50th and 85th percentiles; and
 - f) Stopping distances.
- v. Future Condition Without Proposed Development. The capacity analysis shall be based upon NCDOT requirements, or other specifications identified by the Town.
- vi. Future Condition With Proposed Development
 - a) Projections of peak hour traffic generation shall be analyzed for the year the development is expected to be at full occupancy (build-out year) and five years after the build-out.
 - b) Projections of peak hour traffic generation shall be analyzed for the year the development is expected to be at full occupancy (build-out year) and five years after the build-out.

D. DECISION

The final decision on acceptance of a TIS shall rest with the Town Council, with a recommendation from the TRC.

1. If the proposed development meets the applicable service level standards above and the project only affects Town or private streets, the TRC shall recommend acceptance of the traffic analysis and its findings to the Town Council.
2. If the proposed development meets the applicable service level standards and the project affects any NCDOT street, the TRC shall not make a recommendation to either accept or deny the analysis until it is in receipt of written comment from NCDOT.
3. If the proposed development will not meet applicable service level standards at the build-out projections and/or the 5-year post build-out projections, the TRC shall recommend denial of the analysis unless the applicant submits a mitigation plan that sufficiently addresses the deficiencies through one or more of the following actions:
 - a. Reduce the size, scale, scope, or density of the development to bring the proposal within the applicable service level standards;
 - b. Divide the project into phases, with only one phase at a time being authorized until traffic capacity is adequate for the next phase of development;
 - c. Dedicate right-of-way for street improvements or agree to construct new street improvements to reach the applicable service level;
 - d. Expand the capacity of existing streets and/or intersections to reach the applicable service level;
 - e. Redesign ingress and egress to the project to reduce traffic conflicts; or
 - f. Alter the use and type of development to reduce peak hour traffic.

E. REVIEW CRITERIA

The standards for traffic level of service that shall be used to evaluate the findings of a TIA or TDA are:

1. Level of Service. Level of Service D (LOS D) or less shall be maintained at all arterial and collector street intersections. LOS C or less shall be maintained at all other street intersections. For multi-phase developments, the applicable levels of service shall be maintained for each phase. No development shall result in a decline in the level of service of an adjacent street by more than two (2) letters (e.g., a drop from LOS A to LOS D) unless specifically approved by the Town Council.
2. Number of Access Points. The spacing of access points shall comply with applicable Town, state and AASHTO standards.
3. Internal Circulation. On-site vehicular circulation and parking patterns shall be designed so as not to interfere with the flow of traffic on any public street and shall accommodate all anticipated types of site traffic at projected volumes.
4. Safety. Access points shall be designed to provide adequate sight distance and appropriate facilities to accommodate acceleration and deceleration of site traffic.
5. Curb Space Use Plan. Details shall be provided on curb space use on public streets along the edge of the development site when it is intended that such areas be used for parking, parking space access, delivery and loading zones, passenger zones, transit stops, fire zones, and/or other official or

emergency zones. This review shall include a description of existing conditions prior to development, and proposed changes resulting from the development, including a description of any loss or gain in curb space use by the activities intended.

F. EFFECT

Acceptance of a TIA or TDA shall be incorporated into the final development approval by Town Council, and allows the development to move forward in accordance with transportation improvements identified in the study.

G. AMENDMENT

Amendment of a Transportation Impact Study shall only be reviewed and considered in accordance with the procedures and standards established for its original acceptance.

H. EXPIRATION

A TIS for a built-out or partially built-out development where approval was granted more than twenty-four (24) months prior to the date of the proposed pre-application scoping meeting, would be required to be updated if one or more of the following thresholds are met:.

1. The development is proposed to have changes in access, intensity, or use as compared to the prior approval; or
2. The development is impacted by any major changes to the roadway system, including but not limited to, road closures and new thoroughfares.

Proposals where the TRC determines that the amount, assignment, behavior, and/or character of traffic from the proposed development is determined to be significantly different than a TIS approved for the site within the previous twenty-four (24) months may also trigger a new TIS to address these differences, as determined by the TRC. This requirement shall not apply to any part of a development that has been determined to be vested in accordance with this Ordinance and state law.

I. CHALLENGE

A challenge to a decision regarding a Transportation Impact Study shall be made in accordance with the appeal/challenge process set forth for the type of development review process associated with the study.

5.2.26 VARIANCE

A. PURPOSE AND INTENT

The purpose of this section is to allow deviations from certain standards of this Ordinance when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as topographical conditions, narrowness, shallowness, or shape of a specific parcel of land), a literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest.

B. APPLICABILITY

1. Development that would otherwise be subject to undue and unique hardship from the applications of the standards in this Ordinance may seek relief from the standards in accordance with this section.
2. No variance may be sought that increases development density (e.g., units per acre) beyond that allowed in a base zoning district, or that would permit a use not allowed in a zoning district.

C. PROCEDURE

The variance procedure is described in Figure 5.2.26, Variance Procedure, as supplemented by Section 5.3, Review Procedures.

D. DECISION

1. The Board of Adjustment, after the conclusion of a quasi-judicial public hearing, shall decide the application for a variance.
2. The decision shall be based on the competent, material, and substantial evidence in the record, as supplemented by the arguments presented at the quasi-judicial hearing, and the applicable standards in Section 5.2.26.E, Review Criteria. All parties presenting testimony and evidence must be duly sworn-in. Testimony regarding the request must be presented and be considered in accordance with the Findings-of-Facts prescribed in this section.
3. The decision shall be one of the following:
 - a. Approval of the variance as proposed;
 - b. Approval of the variance with revisions; or
 - c. Denial of the variance.
4. The Board of Adjustment, in granting a variance, may prescribe appropriate conditions and safeguards in conformity with this Ordinance, provided that the conditions are reasonably related to the variance. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, will be deemed a violation of this Ordinance.
5. Unless otherwise authorized by the Board of Adjustment and included in its decision to grant a variance, an order of the Board of Adjustment in granting a variance will expire if a building permit or certificate of occupancy has not been obtained within one year from the date of its decision.
6. If an application for a variance is approved by the Board of Adjustment, the owner of the property will have the ability to develop the use in accordance with the stipulations contained in the variance or develop any other use listed as a "permitted use" for the zoning district in which it is located.

Figure 5.2.26: Variance Procedure

Step	Action
1	Pre-Application Conference See Section 5.3.4, Pre-Application Conference
2	File Application See Section 5.3.6, Application Filing
3	Completeness Determination See Section 5.3.6.G, Determination of Application Completeness
4	Staff Review See Section 5.3.9, Staff Review and Action
5	Public Hearing Scheduled
6	Public Notification See Section 5.3.10, Public Notice
7	Board of Adjustment Review and Decision See Section 5.3.11, Public Hearings and Meetings
8	Written Notice of Decision See Section 5.3.13, Written Notice of Decision
9	Recordation Optional

7. The concurring vote of four-fifths of the Board of Adjustment's quorum shall be necessary to grant a variance.
8. Each decision shall be made in writing and reflect the Board of Adjustment's determination of facts and their application to the standards in this Ordinance.
9. The written decision shall be signed by the Chair or other duly authorized member of the Board of Adjustment.
10. The decision of the Board of Adjustment shall be effective upon the filing of the written decision.

E. REVIEW CRITERIA

1. VARIANCE STANDARDS

a. Required Findings of Fact

A zoning variance shall be approved on a finding the applicant demonstrates all of the following:

- i. Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- ii. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- iii. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of the variance shall not be regarded as a self-created hardship.
- iv. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

b. Other Considerations

In addition to the making the required findings in subsection (a) above, the Board of Adjustment may also consider the following:

- i. The variance approval is the minimum necessary to make possible the reasonable use of the land, building, or structure.

c. Factors that may not be Considered

None of the following may be used as the basis for approving a variance:

- i. Personal circumstances;
- ii. A request for a particular use that is expressly, or by inference, prohibited in the zoning district;
- iii. Hardships resulting from factors other than application of the relevant standards of this Ordinance;
- iv. The fact that land or a structure may be utilized more profitably or be more marketable with a variance;
- v. The citing of other conforming or nonconforming uses of land or structures in the same or other zoning districts; or
- vi. Financial hardship.

F. INSUFFICIENT GROUNDS FOR A VARIANCE

The following factors shall not constitute sufficient grounds for approval of any variance:

1. A request for a particular use that is expressly, or by inference, prohibited in the zoning district;
2. Hardships resulting from factors other than application of requirements of this Ordinance;
3. The fact that land or a structure may be utilized more profitably or be more marketable with a variance; or
4. The citing of other nonconforming or conforming uses of land or structures in the same or other zoning districts.

G. CONDITIONS OF APPROVAL

In granting a variance, the Board of Adjustment may prescribe conditions of approval to ensure compliance with the standards of this section, and to assure that the use of the land to which the variance applies will be compatible with surrounding lands and will not alter the essential character of the neighborhood.

1. Conditions must be reasonably related to the variance application.
2. A variance granted subject to a condition of approval shall be permitted as long as there is compliance with the condition.
3. Violation of a condition of approval shall be deemed a violation of this Ordinance.
4. If a violation or invalidation of a condition of approval occurs, the Planning Director may revoke the authorization for the development subject to the variance.
5. All conditions of approval shall be consented to, in writing, by the applicant.

H. RECORDATION

If a variance application is approved, the notice of decision may be recorded by the applicant in the office of the Alamance County Register of Deeds.

I. SEQUENCE

A variance application may be filed with any other application except an appeal or planned development, but the variance approval shall always be required prior to any other associated application.

J. EFFECT

1. GENERAL

Approval of a variance authorizes only the particular regulatory relief approved by the Board of Adjustment. It does not exempt the applicant from the responsibility to obtain all other permits or development approvals required by this Ordinance or any other applicable laws, and does not indicate that the development for which the variance is granted should receive other permits or development approvals under this Ordinance unless the relevant and applicable portions of this Ordinance are met.

2. RECORDS

Upon request, the Planning Director shall report all flood-related variances approved in accordance with this section to the Federal Emergency Management Agency and the State of North Carolina.

K. AMENDMENT

Amendment of a variance may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

L. EXPIRATION

1. If the Board of Adjustment does not include a time period by which development subject to variance expires, development shall commence within 12 months of the date of issuance of the variance, or the variance shall expire and become null and void.
2. A variance shall expire and become invalid if the property owner changes development on the site such that the extraordinary and exceptional conditions that warranted the hardship and variance no longer do so.

M. APPEAL

1. A decision by the Board of Adjustment shall be subject to review by the Superior Court of Alamance County by proceedings in the nature of certiorari and in accordance with G.S. 160D-1402.
2. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

5.2.27 VESTED RIGHTS CERTIFICATE

A. PURPOSE AND INTENT

The purpose for this section is to establish a clear procedure for an applicant seeking approval of a site-specific vesting plan to request an extension of the maximum vesting period of up to five years from the date of the site-specific vesting plan's approval in accordance with G.S 160D-108(d). For the purposes of this section, a site-specific vesting plan is defined as a plan of land development submitted to the Town for purposes of obtaining approval. A site-specific vesting plan must provide, with reasonable certainty, all items from the following list. A variance, sketch plan, or any other document that fails to describe with reasonable certainty the type and intensity of use for a specific lot or lots of property shall not constitute a site-specific vesting plan.

1. The boundaries of the development;
2. Topographic and natural features affecting the site;
3. The approximate location of proposed buildings, structures, and other improvements;
4. The approximate dimensions, including height, of proposed buildings and other structures;
5. The approximate location of all existing and proposed infrastructure on the site, including water, sewer, streets, and pedestrian ways;
6. The type or types of proposed land uses; and
7. The density or intensity of development.

B. APPLICABILITY

1. A developer may obtain a vested right to commence a project at a future date as provided by G.S. 160D-108, following approval of a development application in accordance with this Ordinance and the applicable requirements in the North Carolina General Statutes. A common law vested right is established only when the following can be demonstrated by the landowner:
 - a. There is an affirmative governmental act by the Town in the form of an approval of a permit or development approval under this Ordinance; and
 - b. The landowner relies on this affirmative governmental act in good faith and makes substantial expenditures to develop the land; and
 - c. It would be inequitable to prevent the landowner from proceeding to develop the land consistent with the terms and conditions of the permit or development approval relied upon.
2. Applications for a vested rights certificate may be submitted as part of the initial application for approval of any site-specific vesting plan.
3. Applications for a vested rights certificate must be submitted within 30 days of approval of any associated site-specific vesting plan. Such application shall include information to substantiate the applicant's claim of vesting status.

Figure 5.2.27: Vested Rights Certificate Procedure

Step	Action
1	Pre-Application Conference Optional See Section 5.3.4, Pre-Application Conference
2	File Application See Section 5.3.6, Application Filing Must be filed with or within 30 days of approval of an associated site-specific vesting plan
3	Completeness Determination See Section 5.3.6.G, Determination of Application Completeness
4	Staff Review
5	Public Hearing Scheduled
6	Public Notification See Section 5.3.10, Public Notice
7	Town Council Review and Decision See Section 5.3.11, Public Hearings and Meetings
8	Written Notice of Decision See Section 5.3.13, Written Notice of Decision

4. The following development application approvals shall be considered site-specific vesting plans for the purposes of this Ordinance:

- a. Conditional rezoning;
- b. Final plat;
- c. Planned development;
- d. Major Subdivision;
- e. Site plan; or
- f. Special use permit.

5. In no instance shall an application approval that does not constitute a site-specific vesting plan be permitted to seek approval of a vested rights certificate.

C. PROCEDURE

The vested rights certificate procedure is described in Figure 5.2.27, Vested Rights Certificate Procedure, as supplemented by Section 5.3, Review Procedures.

D. DECISION

1. The Town Council, after the conclusion of a legislative public hearing, shall decide the application in accordance with Section 5.2.27.E, Review Criteria.
2. The decision shall be one of the following:
 - a. Approval of the vested rights certificate as proposed;
 - b. Approval of a revised vested rights certificate; or
 - c. Denial of a vested rights certificate.

E. REVIEW CRITERIA

A vested rights certificate shall be approved if:

1. The vested rights certificate is for an approved site-specific vesting plan;
2. The development is valid and unexpired;
3. All of the requirements listed in Section A above have been satisfied;
4. Any required variances have been obtained; and
5. The request is in accordance with G.S. 160D-108.

F. SEQUENCE

1. An application for a vested rights certificate may be filed with any application associated with a site-specific vesting plan, but the vested rights certificate shall be decided as quickly as possible following approval of the site-specific vesting plan.
2. In no instance shall a vested rights certificate application be filed more than 30 days after the approval of the associated site-specific vesting plan.
3. A vested rights certificate shall be approved prior to issuance of a building permit.

G. EFFECT

1. Development approvals that have an established vested right in accordance with statutes and the provisions of this Ordinance shall preclude any action by the Town that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property authorized by the development approval, except where a change in State or federal law occurs and has a retroactive effect on the development or use.
2. Each document used to establish a site-specific vesting plan shall bear the following notation: "Approval of this plan establishes a zoning vested right under G.S. 160D-108, as amended. Unless terminated at an earlier date, the vested right shall be valid until _____(date)."
3. The establishment of a vested right shall not preclude the application of overlay zoning district provisions that impose additional requirements but do not affect the allowable type and intensity of use, or through ordinances that are general in nature and are applicable to all property subject to land use regulation by the Town, including building, fire, plumbing, electrical, and mechanical codes.

4. Except when subject to the standards of Section 5.2.27.G.5, amendments to this Ordinance shall not be applicable to any of the following development approvals after they are vested:
 - a. Building or uses of land for which a development permit application has been submitted and approved in accordance with this Ordinance and G.S. 143-755;
 - b. Subdivisions of land for which an application has been submitted and approved in accordance with this Ordinance and G.S. 143-755;
 - c. A site-specific vesting plan approved in accordance with this Ordinance and G.S. 160D-108; or
 - d. A vested right established by the terms of an approved development agreement in accordance with this Ordinance and G.S. 160D, Article 10.
5. Amendments to this Ordinance shall apply to vested development approvals if:
 - a. A change to State or federal law occurs and has a retroactive effect on the development or use;
 - b. There is a written consent to be subject to the amendment by the landowner;
 - c. The development approval expires; or
 - d. The development is not undertaken or completed in accordance with the approval.
6. The vested rights granted by this Ordinance shall run with the land. Nothing in this Ordinance shall preclude judicial determination, based on common law principles or other statutory provisions, that a vested right exists in a particular case or that a compensable taking has occurred.

H. AMENDMENT

Amendment of vested rights certificate may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

I. DURATION AND EXPIRATION

1. Vested rights shall commence upon approval of a development application and shall continue through the maximum duration periods established in this Ordinance. In no instance shall vesting status extend beyond the maximum duration for the type of development application approval identified in this section.
2. The duration of a development agreement shall be vested in accordance with the vesting term identified in the development agreement.
3. The issuance of a building permit establishes a vested right to develop for a period of six (6) months, as long as the building permit complies with the terms and conditions of approval of that building permit.
4. Except for building permits, site-specific vesting plans, development agreements, and multi-phase developments, any development approval under this Ordinance shall be vested from changes in this Ordinance for a period of one year from the date of approval, provided the development subject to the approval complies with all applicable terms and conditions.
5. Site-specific Vesting Plans
 - a. Development approvals identified by this Ordinance as site-specific vesting plans shall be granted a vested right to develop for a maximum period of two (2) years from the date of the approval, provided the development subject to the approval complies with all applicable terms and conditions.
 - b. The two (2) year vesting duration of a site-specific vesting plan may be extended up to five (5) years from the date of approval.
 - c. Site-specific vesting plans meeting the definition of a multi-phase development shall be vested in accordance with Subsection X, below.
 - d. A site-specific vesting plan is deemed approved upon the effective date of the Town's decision approving the plan or another date determined by the Town Council upon approval.

- e. Approval of a site-specific development plan with the condition that a variance or modification be obtained will not confer a vested right unless and until the necessary variance or modification is obtained.
 - f. An approved site-specific vesting plan and its conditions may be amended with the approval of the owner and the Town as follows: any substantial modification must be reviewed and approved in the same manner as the original approval; insignificant deviations may be approved by staff and minor modifications may be approved by the permit-issuing authority. For the purposes of this section, insignificant deviations are considered to be deviations that has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the development associated with the site-specific vesting plan. Minor modifications are considered to be those that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
6. In no instance shall a vested right certificate provide a vested right for a period of longer than five years from the date of approval.
7. A vested right certificate shall expire and become null and void:
- a. At the end of the applicable vesting period; or
 - b. If a building permit application for the development subject to the certificate is not submitted within two years of the approval of the vested rights certificate associated with a special use permit, Major Subdivision, final plat, or site plan, or five years of the approval of a vested rights determination certificate associated with a conditional rezoning or planned development; or
 - c. Upon a finding by the Town Council after public notice and a public hearing, that:
 - i. Natural or man-made hazards on or in the immediate vicinity of the land, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated;
 - ii. The landowner or landowner's representative intentionally supplied inaccurate information or made material misrepresentations which affected the approval of the site-specific development vesting plan;
 - iii. The landowner failed to comply with any condition imposed upon the establishment of the site-specific vesting development plan or vested rights determination certificate; or
 - d. Upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner, including all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant fees incurred after approval of the certificate by the Town, together with interest at the legal rate until paid. Compensation shall not include any diminution in the value of the land which is caused by such action; or
 - e. With the written consent of the affected landowner.
8. Upon enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the site-specific vesting plan, the Town Council may modify the affected provisions of the determination certificate by ordinance, if after conducting a hearing, it finds the changed conditions created by the change in the State or federal law have a fundamental effect on the site-specific vesting plan.

J. CHALLENGE

The decision by of the Town Council of regarding a vested rights certificate application may be challenged by an applicant claiming a vested right through the filing of a declaratory judgement action shall be subject to review by the Superior Court of Alamance County in accordance with G.S. 160D-1401.

Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

5.2.28 ZONING COMPLIANCE PERMIT

A. PURPOSE AND INTENT

The purpose of a zoning compliance permit is to ensure no development occurs until there is assurance the development complies with the requirements of this Ordinance and all other applicable requirements.

B. APPLICABILITY

1. The use of property may not be substantially changed; substantial clearing, grading, or excavation may not be commenced, and buildings or other structures subject to a building permit or to setback requirements may not be constructed, erected, moved, or substantially altered except in accordance with and pursuant to one of the following permits:
 - a. A zoning compliance permit issued as described in Figure 5.2.28, Zoning Compliance Permit Procedure,
 - b. A special use permit issued by the Town Council, as described in Section 5.2.21, Special Use Permit. Where a Special Use Permit is issued, a valid zoning permit must be issued for any activity authorized by said Special Use Permit within twenty-four (24) months of the date of approval of the Special Use Permit. If a valid zoning permit has not been issued during this time period, Town Council may revoke the Special Use Permit.
2. Nothing shall prevent a zoning compliance permit from being issued concurrently with a building permit. A zoning compliance permit shall always accompany the Planning Director's approval of a building permit prior to being forwarded to Alamance County for final permitting.

C. PROCEDURE

The zoning compliance permit procedure is described in Figure 5.2.28, Zoning Compliance Permit Procedure, as supplemented by Section 5.3, Review Procedures.

D. DECISION

The decision on a zoning compliance permit shall be made by the Planning Director in accordance with the standards in Section 5.2.28.E, Review Criteria.

E. REVIEW CRITERIA

A zoning compliance permit shall be approved upon a determination that the application complies with:

1. All standards or conditions of any prior applicable permits and developments approvals;
2. Any applicable requirements of the Alamance County Health Department; and
3. All applicable requirements of this Ordinance and the Town Code of Ordinances.

F. SEQUENCE

A zoning compliance permit application shall be approved prior to or concurrent with the approval of any application for a building permit, site plan, subdivision, or special use permit.

G. EFFECT

Approval of a zoning compliance permit authorizes an applicant to apply for a building permit, commence construction, or proceed with the approved development in cases where a building permit is not required.

Figure 5.2.28: Zoning Compliance Permit Procedure

Step	Action
1	Pre-Application Conference Optional See Section 5.3.4, Pre-Application Conference
2	File Application See Section 5.3.6, Application Filing
3	Completeness Determination See Section 5.3.6.G, Determination of Application Completeness
4	Staff Review
5	Planning Director Decision
6	Written Notice of Decision See Section 5.3.13, Written Notice of Decision

If the zoning compliance permit application is filed concurrently with a building permit application, approval of the zoning compliance permit authorizes the Town to complete its review of the building permit application.

H. AMENDMENT

Amendment of a zoning compliance permit may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

I. EXPIRATION

A zoning compliance permit shall expire and become null and void one year after the date of issuance if the authorized use has not commenced.

J. VESTING

The vesting period for a zoning compliance permit shall be one year from the date of its approval, in accordance with G.S 160D-108(d).

K. APPEAL

Appeal of the decision on a zoning compliance permit shall be reviewed and decided by the Board of Adjustment in accordance with G.S. 160D-405 and Section 5.2.3, Appeal.

5.3 REVIEW PROCEDURES

5.3.1 OVERVIEW

This section describes the basic procedural steps and rules followed by the Town during review of all development applications in this Ordinance. The standards in this section are organized by the review process sequence rather than alphabetic order. All steps detailed in Section 5.3 will not apply to every development type.

5.3.2 PURPOSE AND INTENT

The purpose of this section is to establish a uniform set of processes to foster greater efficiency and predictability for applicants, Town residents, Town staff, and elected and appointed officials during the review of development applications.

5.3.3 CONFLICT

In instances where the standards in this section are in conflict with the standards for a specific development application in Section 5.2, Development Applications, the standards in Section 5.2 shall control.

5.3.4 PRE-APPLICATION CONFERENCE

A. PURPOSE

The purpose of a pre-application conference is to provide an opportunity for the applicant to learn about the submittal requirements, procedures, and standards applicable to a particular development application. A pre-application conference is also an opportunity for Town staff to become familiar with, and offer preliminary comments about the scope, features, and impacts of the proposed development, as it relates to the standards in this Ordinance.

B. APPLICABILITY

1. PRE-APPLICATION CONFERENCE REQUIRED, OPTIONAL, OR NOT APPLICABLE

A pre-application conference between the applicant and Town staff is required before submittal of some applications, and is optional for other applications, in accordance with Table 5.1.2, Application Summary Table. Some applications do not have a pre-application conference option associated with them, though an applicant may contact Town staff with questions about any development application procedure.

2. DISCUSSIONS NON-BINDING

Discussions at a pre-application conference are not binding on the Town and do not constitute submittal or review of an application.

C. SCHEDULING

Applicants shall contact the Planning Department to schedule a pre-application conference.

D. PROCEDURE

Following receipt of a request for a pre-application conference, the Planning Director shall schedule the conference and notify the applicant of the time, location, and any suggested submittal requirements. During the conference, Town staff members will explain the application review process and any special issues or concerns regarding the subject proposal.

E. SUBMITTAL REQUIREMENTS

Pre-application conferences for development applications that include a site plan, subdivision, or master plan shall require the applicant to provide a generalized site sketch or plot plan of the development as part of the request to schedule a pre-application conference.

For other types of development applications, the applicant may submit supplemental information regarding their application, as appropriate, with their request for a pre-application conference, though there is no requirement to submit any material in advance of the conference.

No material submitted during a pre-application conference shall be binding on the Town or an applicant.

F. EFFECT

When required, a completed pre-application conference entitles an applicant to take the next step in the application process. Applications subject to a mandatory pre-application conference will not be considered as complete applications until after the mandatory pre-application conference has been completed.

5.3.5 NEIGHBORHOOD INFORMATION MEETING

A. PURPOSE

The purpose of the neighborhood information meeting is to inform landowners and occupants of nearby lands about a development application that is going to be reviewed under this Ordinance, and to provide the applicant an opportunity to hear comments and concerns about a development application prior to the review process. The neighborhood information meeting is proposed as a means of resolving potential conflicts and outstanding issues with nearby landowners, where possible, in an informal context.

B. APPLICABILITY

- a. Neighborhood information meetings shall be conducted prior to filing of an application for the following types of development applications:
 - i. Conditional rezonings;
 - ii. Planned developments;
 - iii. Rezonings seeking to establish a more dense or intense zoning district as identified in Section 3.1.3, Zoning Districts Established; or
 - iv. Special use permits.
- b. A neighborhood information meeting is optional, at the applicant's discretion, for any proposed development application not listed in subsection (1) above.

C. PROCEDURE

In cases when a neighborhood information meeting is conducted, it shall comply with the following procedure:

1. TIMING

- a. The meeting should be held at a time of day when the maximum number of neighbors may attend, typically between the hours of 10AM and 8PM.
- b. The meeting shall take place such that the required meeting summary report is received by the Planning Director no less than ten (10) calendar days before the initial public meeting or hearing that includes the item on the Planning Board or Town Council's agenda, as appropriate.

2. LOCATION

- a. The neighborhood information meeting shall take place either in-person in a public or community space as close as possible to the site where development is proposed, or virtually via a communication platform such as Zoom.
- b. Where an in-person meeting is selected but no public or community space is suitable, the meeting may take place at another Town-owned site, subject to a prior reservation made by the applicant and payment of any applicable fees.

3. NOTIFICATION

- a. The applicant shall provide notification of the neighborhood information meeting via first class mail to all landowners and occupants within 500 linear feet of the outer perimeter of the parcel(s) where the subject development is proposed.

- b. Mailed notice shall be provided no less than ten days prior to the date of the neighborhood information meeting.

4. INFORMATION PROVIDED

The applicant shall provide the following in the neighborhood information meeting invitation:
The purpose of the meeting;

- a. A description of the proposed development;
- b. The time, date, and location of the meeting;
- c. Contact information for the applicant or applicant's representative; and
- d. Any additional information that would promote understanding of the development proposal.

5. CONDUCT OF MEETING

At the meeting, the applicant shall explain the development proposal and the proposed application, respond to questions and concerns attendees raise about the application, and propose ways to resolve conflicts and concerns.

6. STAFF ATTENDANCE

Town staff shall not attend a neighborhood information meeting in a professional capacity. Nothing shall limit a Town staff member from attending a neighborhood information meeting as an interested citizen.

7. WRITTEN SUMMARY

The applicant shall submit a written summary of each neighborhood information meeting, accompanied by copies of what was presented. At a minimum, the written summary shall include all of the following:

- a. An affidavit of mailing listing all parties (including mailing address) who were mailed a meeting invitation and the date the mailings occurred;
- b. A copy of the meeting invitation;
- c. A sign-in sheet of meeting attendees; and
- d. A summary of the items discussed during the meeting, and a description of any changes to the proposal made by the applicant as a result of the meeting.

5.3.6 APPLICATION FILING

A. AUTHORITY TO FILE APPLICATIONS

Unless expressly stated otherwise in this Ordinance, development applications associated with a particular lot or site reviewed under this Ordinance shall be submitted by the landowner, contract purchaser, or other person having a recognized property interest in the land on which development is proposed.

B. APPLICATION CONTENT

The Town of Elon shall establish development application content and forms, which shall be maintained by the Planning Director.

C. APPLICATION FEES

1. The Town Council shall establish application fees, and may amend and update those fees as necessary. Fees shall cover the costs of review, including public notification, as required.
2. No action shall be taken on an application and no application approval shall be issued until all required application fees are paid in full.

D. SUBMITTAL AND REVIEW SCHEDULE

The submittal and review schedule for processes described in this chapter shall be maintained by Town Planning staff. Copies of the schedule shall be made available in the Planning Department office and on the Town website.

E. APPLICATION FILING

1. Applications shall be filed with the Town in the form established by the Town, along with the appropriate application fee.
2. An application shall not be considered to be submitted until determined to be complete in accordance with Section 5.3.6.G, Determination of Application Completeness.
3. No application shall be reviewed or decided until after it is determined to be complete, and all requisite fees have been paid in full.
4. No application shall be accepted for development proposed on a lot or site until property taxes for the land are paid in full, as determined by the Alamance County Tax Assessor.

F. BURDEN OF PRESENTING COMPLETE APPLICATION

The burden of presenting and maintaining a complete application shall be solely upon the applicant.

G. DETERMINATION OF APPLICATION COMPLETENESS

Upon development application filing, the Planning Director shall determine, pursuant to the Submittal and Review Schedule, whether the application is complete or incomplete. A complete application is one that:

1. Contains all information and materials identified in this Ordinance and all supporting documentation, as required for submittal of the particular type of application;
2. Is in the form and number of copies required by the Town;
3. Is legible and printed to scale, where appropriate;
4. Is signed by the person(s) with the authority to file the application;
5. Includes information in sufficient detail to evaluate whether or not the application complies with the applicable review standards in this Ordinance;
6. Is accompanied by the fee established for the particular type of application;
7. Includes material associated with a pre-application conference, if one is required;
8. Includes the written summary of a neighborhood information meeting, if one was conducted prior to application submittal; and
9. Is not subject to the limitations described in Section 5.3.17, Limitation on Subsequent Similar Applications.

H. APPLICATION INCOMPLETE

If the application is incomplete, the Planning Director shall notify the applicant of the deficiencies in writing within the timetable prescribed in Section 5.3.6.D, Submittal and Review Schedule. The applicant may correct the deficiencies and resubmit the application for completeness determination in accordance with Section 5.3.6.D, Submittal and Review Schedule.

I. APPLICATION COMPLETE

1. On determining that the application is complete, it shall be considered as submitted, and the Town shall notify the applicant and commence review in accordance with the procedures and standards of this Ordinance.
2. Nothing shall preclude the Planning Director or a review authority from re-evaluating an application for completeness in the event application inadequacies are revealed at a date subsequent to an application being declared complete.

5.3.7 PENDING APPLICATIONS

A. APPROVED APPLICATIONS

The following standards apply to applications approved prior to November 27, 2023, that involve development that is not completed prior to November 27, 2023:

1. Any development approvals shall remain valid until their expiration date.
2. Developments with valid approvals or permits may be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval, provided the permit or approval is valid and has not expired.

3. Portions of developments, including subdivisions, reserved as future development sites where no lot lines are shown on a Major Subdivision, site plan, or other approved plan of development shall comply with the provisions of this Ordinance.
4. If an approval expires or is revoked (e.g., for failure to comply with the terms and conditions of approval), any subsequent development of the site shall be applied for in accordance with the procedures and standards of this Ordinance.
5. Timelines for the commencement or expiration of development in accordance with an approved application shall be suspended in the event of legal challenge.

B. PENDING APPLICATIONS

The following standards apply to applications pending on November 27, 2023:

1. FINAL ACTION PENDING

- a. Any development application filed and accepted as complete before November 27, 2023, but still pending final action as of that date, may be decided in accordance with either the regulations in affect at the time the application was determined complete or the regulations in this Ordinance, as requested by the applicant in accordance with Section 5.3.8, Permit Choice.
- b. To the extent an application is approved and proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Chapter 6: Nonconformities.
- c. If the development subject to an application approved under the Town's prior development regulations fails to comply with the required time frames, it shall expire and future development shall be subject to the requirements of this Ordinance.

2. FILED, BUT NOT COMPLETE APPLICATIONS

Applications that have been filed prior to November 27, 2023, but not determined to be complete by the Planning Director by November 27, 2023, shall be reviewed and decided in accordance with this Ordinance.

5.3.8 PERMIT CHOICE

In cases where the applicable provisions of this Ordinance are amended between the time that a development application is declared complete (see Section 5.3.6.G, Determination of Application Completeness) and the time written notice of decision on the application is provided (see Section 5.3.13, Written Notice of Decision), the applicant may choose which version of this Ordinance shall apply to their application, in accordance with G.S. 143-755.

The Town shall notify applicants, in writing, when a choice under this section is available, and the applicant shall respond, in writing, with their choice of the applicable provisions. The applicant's decision shall be final, and review under a different set of requirements may only be accomplished through a withdrawal and re-submittal of the application.

In cases where an applicant has had an opportunity to exercise permit choice under this section, and subsequently places their application on hold, or fails to respond to requests for further information from the Town for a period of six months or more, review of the application shall be discontinued, and the requirements in effect at the time application review recommences shall apply.

5.3.9 STAFF REVIEW AND ACTION

A. INITIAL STAFF REVIEW

Following application completeness determination, development application materials shall be distributed by the Planning Director to all appropriate staff and review agencies for review and comment.

Applications shall be reviewed during the review cycle in place when the application is determined to be complete.

In considering the application, the Planning Director or other Town staff (as appropriate), shall review the application, relevant support material, and any comments or recommendations from other staff and review agencies to which the application was referred.

If deficiencies in complying with applicable standards of this Ordinance are identified, the Planning Director shall notify the applicant of such deficiencies in writing and provide the applicant a reasonable opportunity to discuss them and revise the application accordingly.

B. STAFF REPORT AND RECOMMENDATION

The Planning Director shall prepare a written staff report on any application to be reviewed or decided by the Planning Board, Town Council, or the Board of Adjustment.

The staff report shall conclude whether the application complies with all applicable review standards of this Ordinance, and recommend one of the decisions authorized for the particular type of application, based on the review standards applicable to the application type, in accordance with Section 5.2, Development Applications.

The staff report shall not include a recommendation from Town staff on Variance applications, Appeals, or Special Use Permits.

In cases where the staff finds an application does not comply with the provisions of this Ordinance the staff report shall cite the specific code section(s) in question and the reasons why the application fails to comply.

The staff report may identify and recommend modifications to the development proposal that specify how compliance deficiencies might be corrected and how adverse effects of the development application (if any) might be mitigated.

A staff report is not required for applications decided by the Planning Director or the Technical Review Committee, though one may be prepared.

C. DISTRIBUTION OF APPLICATION AND STAFF REPORT

In cases where a staff report is prepared, the Planning Director shall take the following actions within a reasonable time period before the application is scheduled for review:

- a.** Schedule and ensure any required public notice of the application (if appropriate) is prepared in accordance with Section 5.3.10, Public Notice;
- b.** Transmit the application, related materials, and staff report to the appropriate review authority(ies);
- c.** Transmit a copy of the staff report and any related materials to the applicant; and
- d.** Make the application, related materials, and staff report available for examination by the public.

D. APPLICATIONS SUBJECT TO DECISION BY STAFF

In cases where a development application is decided by the Planning Director or other designated Town staff member, the appropriate Town staff member shall make one of the following decisions, based on the review standards set forth in Section 5.2, Development Applications:

- a.** Approve the application;
- b.** Disapprove the application; or
- c.** Delay decision making for a specified time to allow the applicant to revise the application for compliance with the requirements in this Ordinance.
- d.** In some instances, Town staff may decide an application contingent upon further revision by the applicant in accordance with the direction provided in the decision.

E. CONFLICT OF INTEREST

A Town staff member shall not make a decision on an application where:

- a. The outcome of the matter being considered is reasonably likely to have a direct, substantial, or readily identifiable financial impact on them or a member of their immediate family; or
- b. In cases where there is a close familial, business, or other associational relationship with the landowner or applicant.

5.3.10 PUBLIC NOTICE

A. PUBLIC MEETING DISTINGUISHED

Public meetings conducted in accordance with this Ordinance are not public hearings, and do not require the provision of public notification in accordance with this section.

B. PUBLIC HEARING SCHEDULING

When a development application is subject to a public hearing, the Planning Director shall ensure that the public hearing is scheduled for a regular meeting or a meeting specially called for that purpose by the review authority.

C. PUBLIC NOTIFICATION REQUIREMENTS

All development applications subject to public notification shall comply with the appropriate standards in G.S. 160D-406, 160D-601, 160D-602, 160D-1005, and other applicable sections, as appropriate.

Table 5.3.10, Public Notification Requirements, summarizes the provisions related to public notice. In computing the required time periods, the day the notice is published, mailed, or posted shall not be included, but the day of the hearing shall be included.

Table 5.3.10: Public Notification Requirements			
Application Type	Type of Notification Required (X=Required)		
	Published [1]	Mailed [2]	Posted [3]
Annexation	X		
Appeal	X	X [4]	
Development Agreement	X	X	X
Planned Development	X	X	X
Reasonable Accommodation	X	X [4]	
Rezoning	X	X	X
Special Use Permit	X	X	X
Text Amendment	X		
Variance	X	X	X
Vested Rights Certificate	X	X	
TABLE NOTES:			
[1] Published notice shall be provided once a week for two successive calendar weeks, with the first notice published between 10 and 25 days before the public hearing.			
[2] Mailed notice shall be provided to the applicant, affected landowners, and landowners of abutting land between 10 and 25 days before the public hearing.			
[3] Posted notice shall be provided between 10 and 25 days before the public hearing.			
[4] Mailed notice shall only be required in cases where an appeal pertains to a particular lot or site.			

D. PUBLISHED NOTICE REQUIREMENTS

When the North Carolina General Statutes require that public notice be published, the designated review authority shall publish a notice in a newspaper that is regularly published at least one time per week and that has general circulation in the Town.

E. MAILED NOTICE REQUIREMENTS

When the North Carolina General Statutes require that public notice be mailed, the designated review authority shall provide the required mailed public notice in accordance with the following:

- a.** Mailed notice specified in Table 5.3.10, Public Notification Requirements, shall be mailed to:
 - i.** The landowner;
 - ii.** The applicant, if different from the landowner;
 - iii.** Landowners of properties adjacent to the land that is the subject of the application, but located across a street, railroad, or other transportation corridor; and
 - iv.** Any others entitled to receive notice in accordance with G.S. 160D-602.
- b.** Notice shall be deemed mailed by its deposit in the United States first class mail, properly addressed, postage paid. The content and form of the notice shall comply with Section 5.3.10.G, Notice Content.
- c.** A copy of the mailed notice shall be maintained in the offices of the designated review authority for public inspection during normal business hours.
- d.** Mailed notice shall not be required when a rezoning includes more than 50 lots or tracts owned by at least 50 different landowners, provided the Town publishes a map (occupying at least ½ of a newspaper page) showing the boundaries of the affected area in a newspaper of general circulation once a week for two successive calendar weeks between 10 days and 25 days before the public hearing. Affected landowners residing outside the newspaper circulation area shall be notified via first class mail pursuant to Section 5.3.10.E, Mailed Notice Requirements.

F. POSTED NOTICE REQUIREMENTS

When the North Carolina General Statutes require that public notice be posted, the Planning Director shall provide the required posted public notice in accordance with the following:

- a.** A sign (or signs) shall be placed on the subject property in a conspicuous location so as to be clearly visible to the traveled portion(s) of the respective street(s). Where the land subject to the notice does not have frontage on a public street, the sign shall be erected on the nearest street right-of-way.
- b.** The content and form of the notice shall comply with Section 5.3.10.G, Notice Content.

G. NOTICE CONTENT

Unless expressly indicated otherwise by the North Carolina General Statutes, all notices by mail or publication shall:

- a.** Identify the date, time, and place of the public hearing;
- b.** Describe the land involved by parcel identification number (PIN), street address, or by its relationship to a fronting street and the nearest cross street (if applicable);
- c.** Describe the nature and scope of the proposed development or action; and
- d.** Identify the means to contact a Town official for further information.
- e.** With respect to development agreements, public notice must include the location of the land subject to the development agreement, the proposed uses of the land, and where a copy of the proposed development agreement may be obtained.

H. CONSTRUCTIVE NOTICE

Minor defects in any notice shall not impair the notice or invalidate proceedings if a bona fide attempt is made to comply with applicable notice requirements. Minor defects in notice may include, but are not limited to:

- a.** Errors such as landowner name, title, or address existing in the county tax listing; or

- b.** Typographical or grammatical errors that do not impede communication of the notice to affected parties.

Failure of a party to receive written notice shall not invalidate subsequent action. A posted notice that becomes no longer visible due to weather, theft, or other unintended circumstances shall not invalidate proceedings if a bona fide attempt is made to comply with applicable posted notice requirements. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a public hearing and the location of the subject property shall be strictly adhered to.

5.3.11 PUBLIC HEARINGS AND MEETINGS

A. HEARINGS DISTINGUISHED

Public hearings identified in this ordinance shall be either legislative or quasi-judicial in nature.

B. LEGISLATIVE PUBLIC HEARINGS

Table 5.1.2, Application Summary Table, identifies the kinds of development applications decided following completion of a legislative public hearing, which shall be conducted in accordance with the following requirements:

1. PROCEDURE

Legislative public hearings shall not be conducted until after provision of required public notification in accordance with Section 5.3.10, Public Notice.

The legislative public hearing shall be open to the public and shall be conducted in accordance with the review authority's adopted rules of procedure for public hearings.

Attendees shall be afforded the opportunity to comment during a public hearing, as authorized in the adopted rules of procedure.

2. VOTING

The Town Council shall consider the application, relevant support materials, staff report, any recommendations, and public comments. After the conclusion of the public hearing, it shall make one of the decisions authorized for the particular type of application based on the review standards applicable to the application type, as set forth in Section 5.2, Development Applications.

A Town Council member shall not vote on an application where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member in accordance G.S 160D-109.

A Town Council member shall not vote on an application where the landowner or applicant is a person with whom the member has a close, familial, business, or other associational relationship.

A decision of the Town Council on an application shall be decided by a simple majority of the Town Council, excluding any members who are recused from voting due to a conflict of interest.

3. APPLICATION REVISION

An applicant may revise an application during a public hearing in response to recommendations or suggestions of the Town Council.

In cases where a substantial change to an application is proposed following review by the Planning Board, the Town Council shall not make a decision on the application until after it is remanded to the Planning Board for consideration of the substantial change.

The Town Council may approve an application modified during a public hearing provided that all changes are properly identified in the motion of approval by the Town Council and that any conditions of approval are consented to, in writing, by the applicant.

In cases where an application has been modified during a public hearing, the applicant shall submit any necessary site plans, plats, or other documents depicting the modification to the appropriate Town staff for consideration and approval prior to issuance of any development permit approvals.

4. REMAND

The Town Council may delay a decision on the application if additional information is requested of the applicant.

The Town Council may remand the application to the Planning Board and/or Town staff for further consideration of new information or specified issues or concerns, if appropriate.

5. RECORD

A recording may be made of all public hearings and the recordings shall be maintained in accordance with Town policy.

Accurate minutes shall also be kept of all proceedings, but a transcript need not be made.

C. QUASI-JUDICIAL PUBLIC HEARINGS

Table 5.1.2, Application Summary Table, identifies the kinds of development applications decided following a quasi-judicial public hearing, which shall be conducted in accordance with State law, the review authority's rules of procedure, and the following requirements:

1. NOTICE REQUIRED

Quasi-judicial public hearings shall not be conducted until after provision of required public notification in accordance with Section 5.3.10, Public Notice.

2. OPPORTUNITY TO PRESENT TESTIMONY AND EVIDENCE

The applicant, the Town, and any party in attendance with standing shall be afforded a reasonable opportunity to present testimony and evidence in support of or in opposition to the application, and to ask questions of or cross examine the applicant, the applicant's representatives, Town staff, and the Town staff's representatives.

3. LIMITATION ON EVIDENCE

The Chair or other presiding officer may limit or exclude incompetent evidence, immaterial evidence, repetitive evidence, and personal attacks.

Decisions shall not be based upon hearsay evidence though such evidence may be entered into the record.

Only evidence presented during the public hearing may be relied upon in making a decision on the application.

4. EX PARTE COMMUNICATION

Ex-parte communications between an applicant or an affected party and a member of the decision-making body are prohibited. If it occurs, it shall be disclosed during the quasi-judicial public hearing.

5. VOTING

a. Generally

The review authority shall consider the application, relevant support materials, staff report, any recommendations, and public comments. After the conclusion of the public hearing, it shall make one of the decisions authorized for the particular type of application based on the review standards applicable to the application type, as set forth in Section 5.3, Review Procedures.

b. Clearly State Factors for Decision

Unless stated otherwise in this Ordinance, the decision shall clearly state the factors considered in making the decision and the basis or rationale for the decision reflect the Town Council's determination of any contested facts and their application to the applicable standards.

c. Conflicts of Interest

A review authority member shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker.

Impermissible violations of due process include but are not limited to: a member having a fixed opinion prior to hearing the matter that is not susceptible to change; an undisclosed ex parte communication; a close familial, business, or other associational relationship with an affected person; or a direct, substantial, and readily identifiable financial impact on the member.

If an objection is raised to a member's participation and that member does not recuse themselves, the remaining members shall, by majority vote, rule on the objection.

6. APPLICATION REVISION

An applicant may revise an application during a public hearing in response to recommendations or suggestions of the review authority.

The review authority may approve an application modified during a public hearing provided all changes are properly identified in the motion of approval by the review authority and that any conditions of approval are consented to, in writing, by the applicant.

In cases where an application has been modified during a public hearing, the applicant shall submit any necessary site plans, plats, or other documents depicting the modification to the appropriate Town staff prior to issuance of any development permit approvals.

7. DELAY OF DECISION

The review authority may delay a decision on the application if additional information is requested of the applicant.

8. RECORD

A recording may be made of all public hearings and the recordings shall be maintained in accordance with Town policy.

Accurate minutes shall also be kept of all proceedings, but a transcript need not be made.

D. PUBLIC MEETINGS

Table 5.1.2, Application Summary Table, identifies the kinds of development applications subject to a required public meeting, which shall be conducted in accordance with the review authority's rules of procedure and the following requirements:

1. PROCEDURE

Public meetings shall not require prior public notice, though it may be provided at the Town's discretion.

The public meeting shall be open to the public and shall be conducted in accordance with the review authority's adopted rules of procedure for public meetings.

There is no requirement to allow public comment or testimony during a public meeting, though it may be provided at the Chair or other presiding officer's discretion.

2. VOTING

A decision of a review authority shall be decided by a simple majority of the members present and voting.

A review authority member shall recuse themselves from voting on an application where:

- a.** The outcome of the matter being considered is reasonably likely to have a direct, substantial, or readily identifiable financial impact on them or a member of their immediate family; or
- b.** In cases where there is a close familial, business, or other associational relationship with the landowner or applicant.

5.3.12 CONDITIONS OF APPROVAL

Conditions shall be limited to those that address conformance of development and use of the site with Town regulations and adopted plans and that address the impacts reasonably expected to be generated by the development or use of the site.

Conditions shall be in writing and may be supplemented with text or plans and maps.

No condition shall be made part of the application which:

- a.** Specifies the ownership status, race, religion, or other characteristics of the occupants of housing units;
- b.** Establishes a minimum size of a dwelling unit;
- c.** Establishes a minimum value of buildings or improvements;
- d.** Excludes residents based upon race, religion, or income; or
- e.** Obligates the Town to perform in any manner relative to the approval of the application or the development of the land.

All conditions of approval shall be consented to, in writing, by all owners of land or applicants subject to the conditions.

5.3.13 WRITTEN NOTICE OF DECISION

A. CONTENT

The notification of a decision on a development application shall be issued in the name of the applicant or applicant's agent, as appropriate, directed to the address(es) identified in the application materials, and shall identify the following:

- a.** The land or matter subject to the application;
- b.** A reference to any approved plans, as appropriate;
- c.** The approved use(s), if any; and
- d.** Any conditions of approval or other applicable requirements.

B. TIMING

Except where otherwise stated in this Ordinance, the Planning Director shall provide the applicant written notification of a decision or action within fifteen (15) business days after a final decision on a development application.

C. COPY OF DECISION

In addition to providing the notification of a decision on an application to an applicant, the Planning Director shall make a copy of the decision available to anyone who submits a written request prior to the issuance of the decision.

The Planning Director shall also make a copy of the notice of decision available to the public in the offices of the Planning, Zoning, and Development Services Department during normal business hours.

5.3.14 SIMULTANEOUS PROCESSING

Whenever possible, the Town shall process related development applications (e.g., a site plan, a zoning compliance permit, and a building permit) simultaneously or concurrently where possible, subject to the sequence provisions for each application type in Section 5.2, Development Applications.

In the event a permit or development approval is a prerequisite to another permit or development approval (e.g., administrative adjustment or variance approval prior to a site plan approval), development may not take place until all prerequisite approvals are obtained. Approval of one development application does not guarantee approval of any subsequent development application.

5.3.15 EFFECT OF DEVELOPMENT APPROVAL

Approval of a development application in accordance with this Ordinance authorizes only the particular use, plan for development, or other specific activity approved.

5.3.16 CONTINUANCE OR WITHDRAWAL

An applicant may request that a review authority's consideration of a development application be continued or withdrawn by submitting a written request to the appropriate review authority.

A. PROCEDURE FOR APPLICATIONS SUBJECT TO A PUBLIC HEARING

In cases where an applicant seeks a continuance of an application subject to a public hearing, but public notification of the hearing has not yet been provided, the Planning Director shall consider and decide the request.

If public notification of the pending public hearing has been provided in accordance with this Ordinance, the request for continuance shall be placed on the public hearing agenda and be considered by the review authority. Additional public notification may be required.

A request for continuance may be approved in cases where the applicant needs additional time to prepare evidence, secure approval from outside agencies, bring the application into closer alignment with the Town's adopted policy guidance or the requirements of this Ordinance, or for good cause, as determined by the review authority.

B. WITHDRAWAL

An applicant may withdraw an application at any time.

If an applicant withdraws an application for the same land after public notification two times within a single calendar year, the same application may not be resubmitted for a period of one year from the date of the second withdrawal.

Application fees for withdrawn applications shall not be refunded.

5.3.17 LIMITATION ON SUBSEQUENT APPLICATIONS

A. APPLICATION DENIED

1. LEGISLATIVE DECISIONS

If a development application requiring a legislative public hearing is denied, no application proposing the same or similar development on all or part of the same site shall be submitted within one year after the date of denial. For the purposes of this section, "the same or similar development" shall mean:

- a. The same use type(s) in the same approximate location(s) as the denied application; or
- b. The same use type(s) in the same approximate building configuration (e.g., building height, floor area, massing) as the denied application.

2. QUASI-JUDICIAL DECISIONS

There is no time limit on resubmitting an application that is denied during a quasi-judicial public hearing provided that any subsequent application may not be similar or substantially similar to the application that was denied, in the sole discretion of the review authority responsible for the decision.

5.4 VIOLATIONS AND REMEDIES

5.4.1 PURPOSE

This section establishes procedures through which the Town seeks to ensure compliance with the provisions of this Ordinance and obtain corrections for Ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this section are intended to encourage the voluntary correction of violations, where possible.

5.4.2 COMPLIANCE REQUIRED

Compliance with all the procedures, standards, and other provisions of this Ordinance is required by all persons owning, developing, managing, using, or occupying land or structures in the Town.

5.4.3 ENFORCEMENT PROCEDURE

When any of the review authorities listed in this section finds a violation of this Ordinance, they shall notify the responsible person(s) of the violation in accordance with the following:

A. WRITTEN NOTICE OF VIOLATION

A written notice of violation shall be prepared and shall include all of following:

1. VIOLATION EXISTS

That the land, building, structure, sign, or use is in violation of this Ordinance;

2. NATURE OF THE VIOLATION

The nature of the violation, and citation of the section(s) of this Ordinance violated;

3. REMEDY

The measures necessary to remedy the violation;

4. ALLOWABLE TIME PERIOD

The time period in which the violation must be corrected;

5. PENALTIES THAT MAY BE ASSESSED

That penalties or remedies may be assessed; and

6. APPEAL

That the party cited has the right to appeal the notice in accordance with Section 5.2.3, Appeal.

B. DELIVERY OF WRITTEN NOTICE

The notice of violation shall be delivered to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity.

The notice of violation may be posted on the property.

The Town official providing the notice of violation shall certify that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud.

Written notice of violation shall be provided to the landowner, occupant, or any other responsible person by any of the following means:

- a. Certified mail;
- b. Registered mail to their last known address;
- c. Personal service; or
- d. Posting notice conspicuously on the property.

C. REMEDY UPON NOTICE

Upon delivery of a written notice of a violation, the landowner or any other responsible person shall remedy the violation within the allowable time period.

D. FAILURE TO COMPLY WITH ORDER

If the landowner, occupant, or any other responsible person fails to comply with a notice of violation from which no appeal has been taken, or a final decision by the Board of Adjustment following an appeal, the landowner or occupant shall be subject to such remedies and penalties as may be provided for by State law or Section 5.4.6, Remedies.

E. EACH DAY A SEPARATE VIOLATION

Each day a violation continues following notice or failure to comply is considered a separate and distinct offense.

Filing of an appeal of a notice of violation stops the clock on daily violations while the appeal is being considered by the Board of Adjustment.

5.4.4 ENFORCEMENT RESPONSIBILITIES

1. GENERAL

The landowner, tenant, or other occupant of any land or structure and an architect, engineer, builder, contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this Ordinance may be held responsible for the violation and is subject to the remedies and penalties set forth in this Ordinance.

2. FAILURE BY TOWN DOES NOT RELIEVE INDIVIDUAL

Failure of a Town official charged with enforcement responsibility to observe or recognize conditions which violate the intent and purpose of this section of the Ordinance, or to deny the issuance of a development permit, shall not relieve the landowner from responsibility for the condition or damages that may result and shall not result in the Town, its officers, or agents being responsible for conditions or damages.

5.4.5 PRIOR VIOLATIONS

Violations of the Town's Land Development Ordinance prior to November 27, 2023, shall continue to be violations under this Ordinance, unless the development complies with this Ordinance and is no longer considered to be in violation, or the ability to address the violation has lapsed in accordance with Section 5.4.8, Statute of Limitations. Violations of this Ordinance shall be subject to the penalties and enforcement provisions in Section 5.4, Violations and Remedies.

5.4.6 REMEDIES

A. CIVIL PENALTIES

Any responsible person who violates any provision of this Ordinance shall be subject to the assessment of a civil penalty of \$100.00 per day under the procedures provided in this Section.

1. RESPONSIBLE PARTIES

Any person who violates any provision of this Ordinance, including the owner or occupant of any land, building, structure, sign, use of land, or part thereof, may be held responsible for the violation and subject to the penalties and remedies provided in this Ordinance.

2. NOTICE

a. Notification Required

Civil penalties may not be assessed until the responsible person in violation has been notified in accordance with Section 5.4.3, Enforcement Procedure.

b. Civil Penalty Imposed

If after receiving a written notice of violation under Section 5.4.3, Enforcement Procedure, the person fails to take corrective action or file an appeal, a civil penalty may be imposed in accordance with this section.

c. Notice of Penalty Assessment

Notice of the civil penalty assessment shall be served in the same manner as a notice of violation.

d. Assessment Contents

The assessment notice 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 30 days of the date of the notice.

e. Separate Notices

Separate notices must be provided for the first or second violations. The Town may, in its discretion, treat the first notice for a violation as the final notice for chronic violators.

f. Assessment Until Compliance

Civil penalties may be assessed until compliance is achieved. Appeal of a notice of violation shall stay the accumulation of civil penalties while the matter is under consideration by the Board of Adjustment.

3. 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. Appeal of a notice of violation shall stay the accumulation of civil penalties while the matter is under consideration by the Board of Adjustment.

4. DEMAND FOR PAYMENT

If compliance is not achieved, then any of the review authorities listed in this section as appropriate shall make written demand for payment of penalties that have accrued while the property has been in violation. The demand for payment shall be sent to the responsible person in violation and must include a description of the violation for which the civil penalties have been imposed.

5. NONPAYMENT

If payment is not received or an equitable settlement reached within 30 days after the demand for payment is made, the Town may recover any unpaid civil penalty by filing a civil action in the nature of debt.

6. PENALTIES

Any person who violates any provision of this Ordinance shall be subject to assessment of a civil penalty for each succeeding violation over the course of a calendar year.

B. SUBDIVISION IN VIOLATION

Persons who subdivide or convey ownership of land in violation of this Ordinance or State law shall be subject to the penalties in G.S. 160D-807.

C. CONDITIONAL APPROVAL

A review authority may condition the approval of any permit, certificate, or other application approval for land, subdivision, building, structure, sign, use, or development activity with a violation or outstanding enforcement action mandating any of the following:

- a.** Correction of the violation;
- b.** Payment of civil penalties within a specified time; or
- c.** Posting of a performance guarantee to ensure compliance with this Ordinance.

In no instance shall a review authority condition the approval of any permit, certificate, or other application approval for one property in order to address a violation or outstanding enforcement action on a different property under common ownership.

D. CRIMINAL PENALTIES

1. VIOLATION OF EROSION AND SEDIMENTATION CONTROL

Any person who knowingly or willfully violates any soil erosion and sedimentation control provision 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 a soil 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 Class 2 misdemeanor that may include a fine not to exceed five thousand dollars (\$5,000).

E. DENIAL OF PERMIT OR CERTIFICATE

As appropriate, a review authority may withhold or deny a permit, certificate, or other application approval for the same land, subdivision, building, structure, sign, use, or development activity in which there is an uncorrected violation of a provision of this Ordinance, or of a condition or qualification of a permit, certificate, or other application approval previously granted.

F. EQUITABLE REMEDY

The Town may apply to a court of law for any appropriate equitable remedy to enforce the provisions of this Ordinance. The fact that other remedies are provided under general law or this Ordinance shall not be used by a violator as a defense to the Town's application for equitable relief.

G. INJUNCTIVE RELIEF

1. ACTION BY TOWN COUNCIL

Whenever the Town Council has reasonable cause to believe that any person is violating or threatening to violate this Ordinance, or any rule or order adopted or issued pursuant to this Ordinance, or any term, condition, or provision of an approved development plan, or soil erosion and sedimentation control plan, it may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the Town, for injunctive relief to restrain, correct, abate, mandate, or enjoin the violation or threatened violation.

2. SUPERIOR COURT

The action shall be brought in the Superior Court of Alamance County. Upon determination by a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation.

3. NO RELIEF FROM CRIMINAL PENALTIES

The institution of an action for injunctive relief under this section shall not relieve any party to such proceedings from any civil or criminal penalty prescribed for violations of this Ordinance.

H. ORDER OF ABATEMENT

In addition to an injunction, the Town may apply for and the court may enter an Order of Abatement as part of the judgment in the case. An Order of Abatement may direct any of the following actions:

- a.** That buildings or other structures on the property be closed, demolished, or removed;
- b.** That fixtures, furniture, or other moveable property be moved or removed entirely;
- c.** That improvements, alterations, modifications, or repairs be made; or
- d.** That any other action be taken as necessary to bring the property into compliance with this Ordinance.

I. PREVIOUS ENFORCEMENT

Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions.

J. REVOCATION OF PERMITS

As appropriate, a review authority(ies) may revoke and require the return of a permit by notifying the permit holder in writing, stating the reason for the revocation. Any permit or certificate mistakenly issued in violation of an applicable State or Town law may also be revoked.

K. STATE AND COMMON LAW REMEDIES

In addition to other enforcement provisions contained in this section, the Town Council may exercise any and all enforcement powers granted to it by State law or common law.

L. STOP WORK ORDERS

1. GENERAL

Whenever a review authority determines that a person is engaged in doing work that constitutes, creates, or results in a violation of this Ordinance and that irreparable injury will occur if the violation is not terminated immediately, the review authority may order the specific part of the work that constitutes, creates, or results in a violation of this Ordinance to be immediately stopped.

2. ORDER IN WRITING

The stop work order shall be in writing and directed to the landowner, and the occupant or person doing the work. The stop work 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. A copy of the order shall be delivered to the holder of the development approval and to the owner of the property involved (if that person is not the holder of the development approval) by personal delivery, electronic delivery, or first-class mail. The Town official delivering the notice shall certify that the order was delivered and that certificate shall be deemed conclusive in the absence of fraud.

3. APPEAL

Any person aggrieved by the issuance of a stop work order may appeal the issuance of the order to the Board of Adjustment in accordance with Section 5.2.3, Appeal. An appeal shall not stay the stop work order unless the Board of Adjustment fails to hear the appeal within 60 days of receipt of the notice of appeal. If the Board of Adjustment fails to hear the appeal within 60 days, the stop work order shall be stayed until the Board of Adjustment acts on the appeal. No further work or activity shall take place in violation of a stop work order pending a ruling on the appeal.

4. COMPLIANCE REQUIRED

Neither the responsible person nor a landowner upon whom a stop work order is served shall continue with work in violation of the stop work order while it remains in effect unless the order is stayed in accordance with subsection (1) above.

5.4.7 REMEDIES; CUMULATIVE AND CONTINUOUS

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.

5.4.8 STATUTE OF LIMITATIONS

Enforcement of violations of this Ordinance shall be in accordance with G.S 1-49(3) and 1-51(5).

5.4.9 VIOLATIONS IDENTIFIED

Any of the following shall be a violation of this Ordinance and shall be subject to the remedies and penalties provided by this Ordinance and by State law:

A. DEVELOPMENT WITHOUT AUTHORIZATION

Engaging in any development, use, construction, land disturbance, or other activity of any nature upon land or improvements thereon subject to the jurisdiction of this Ordinance without all required plans, permits, certificates, or other forms of authorization as set forth in this Ordinance;

B. DEVELOPMENT INCONSISTENT WITH AUTHORIZATION

Engaging in any development, use, construction, land disturbance, 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;

C. VIOLATION BY ACT OR OMISSION

Violating, by act or omission, any term, variance, modification, adjustment, condition, or qualification placed upon any required plan, permit, certificate, or other form of authorization for the development, use, construction, land disturbance, or other activity upon land or improvements thereon;

D. USE IN VIOLATION

Erecting, constructing, altering, repairing, maintaining, or using any building or structure, or use of any land in violation of this Ordinance or any regulation made under the authority conferred thereby;

E. SUBDIVIDE IN VIOLATION

Subdividing land in violation of this Ordinance, or transferring land by reference to 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 Alamance County Register of Deeds; and

F. VIOLATION OF ENVIRONMENTAL REGULATIONS

Failing to follow or violating the rules or regulations of Chapter 8: Environmental Standards.

6 NONCONFORMITIES

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6.1 NONCONFORMITIES, GENERALLY

6.1.1 PURPOSE AND INTENT

There are existing structures, uses of land, lots of record, development sites, and other situations that were lawfully established before the effective date of this Ordinance or a subsequent amendment thereto, that do not conform to standards and requirements of this Ordinance. Such uses, structures, lots, sites, and situations are collectively referred to as “nonconformities.” The purpose and intent of this Chapter is to allow nonconformities to continue to exist, but to regulate and limit their expansion so as to bring them into conformity with these standards to the extent that is reasonably practicable.

6.1.2 DETERMINATION OF NONCONFORMITY STATUS

In all cases, the burden of establishing that a nonconformity lawfully exists shall be the responsibility of the landowner of the land on which the alleged nonconformity is located.

6.1.3 CONTINUATION, MINOR REPAIRS, AND MAINTENANCE ALLOWED

A. CONTINUATION

Unless otherwise specifically restricted in this ordinance, nonconforming situations that were otherwise lawful on the effective date of this ordinance may be continued.

B. COMPLETION

Nonconforming projects incomplete as of November 27, 2023 shall only be completed in accordance with this Chapter and Section 1.12, Transitional Provisions. Nothing in these standards shall require a change in approved plans or approved uses for development upon which construction was lawfully commenced prior to November 27, 2023. For the purposes of this section, commencement of construction shall mean excavation or demolition, permanent placement of construction materials on site, or the permanent fastening of building materials.

C. MAINTENANCE ALLOWED

Nonconformities are allowed and encouraged to receive minor repairs and routine maintenance as necessary to keep the nonconformity and its surroundings in a safe condition and to protect against health hazards.

D. STRENGTHENING ALLOWED

Nothing in this Ordinance shall prevent the strengthening or restoration to a safe or lawful condition of any part of any building or structure declared unsafe or unlawful by a duly authorized Town or County official.

6.1.4 CHANGE OF TENANCY OR OWNERSHIP

No change in tenancy or ownership of land shall limit the continuance of a lawfully established nonconformity.

6.2 NONCONFORMING LOTS

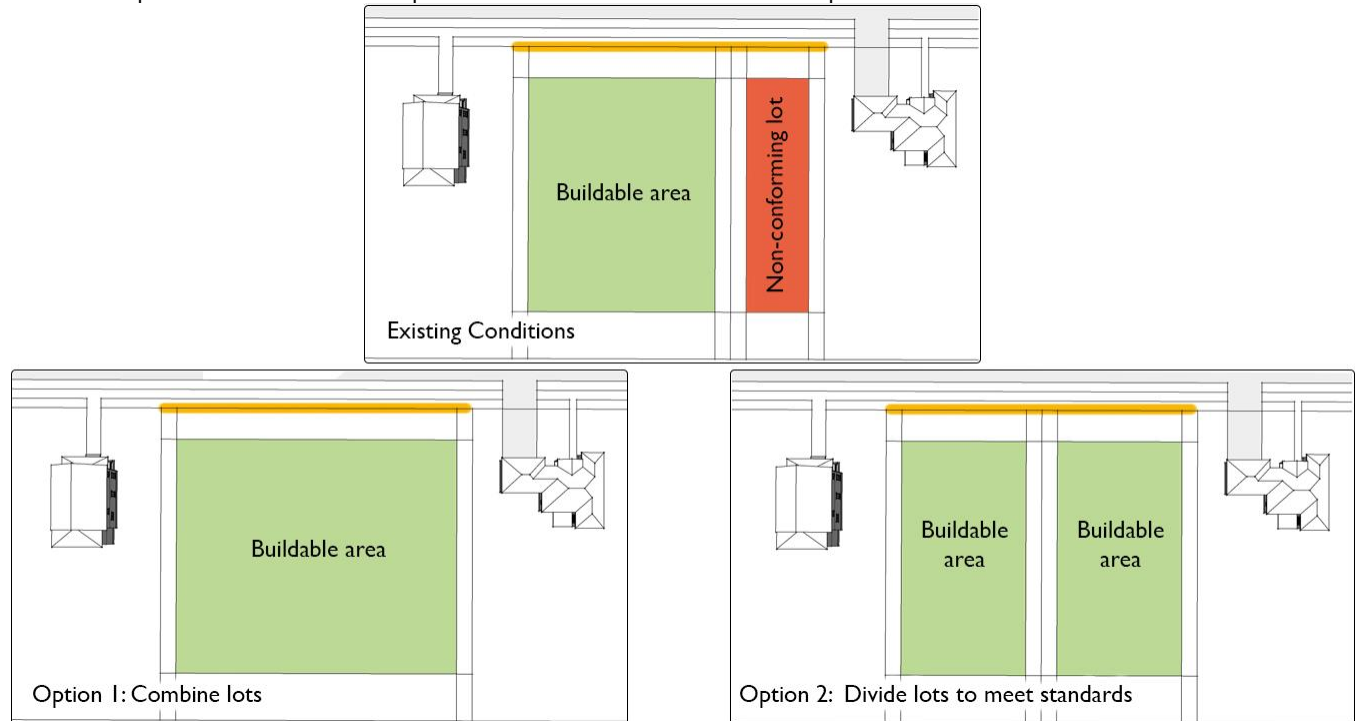
6.2.1 APPLICABILITY

Lawfully established nonconforming lots of record may be developed in accordance with the standards in this section.

6.2.2 NONCONFORMING LOT WIDTH OR AREA

A. LOTS WITH CONTIGUOUS FRONTAGE IN ONE OWNERSHIP

When two or more adjoining lots with contiguous frontage are under common ownership and one or more of the lots are nonconforming in terms of width or area, such lots shall be combined prior to filing a development application to create one or more lots, each of which conforms to the applicable dimensional requirements of the district prior to the commencement of development.



B. SINGLE LOT OF RECORD IN ANY DISTRICT

When development is proposed on a platted lot in any zoning district that has an area or width which does not conform to the dimensional requirements of the district where it is located but was lawfully established on or before November 27, 2023, the lot may be built upon, subject to compliance with applicable setbacks. Approval of an administrative adjustment (see Section 5.2.1, Administrative Adjustment) or a variance (see Section 5.2.26, Variance) is required in cases when the proposed development cannot meet the setback requirements for the district where located.

6.2.3 NONCONFORMITY AFFECTS REQUIRED SETBACKS

In cases where the size or shape of a nonconforming lot inhibits the ability of a use to comply with required setbacks, an applicant may apply to reduce the setback requirements by the minimum amount necessary in accordance with the standards and requirements in Section 5.2.1: Administrative Adjustment.

6.2.4 EXPANSION OR ENLARGEMENT

The boundaries, shape, or size of a nonconforming lot may be modified through a lot line adjustment, boundary adjustment, recombination, or consolidation, provided it reduces the extent of the nonconformity.

6.2.5 PHYSICALLY CONSTRAINED PROPERTIES

Lands that are physically constrained due to limited size, topography, or other environmental considerations may seek a reduction to these standards in accordance with Section 5.2.1, Administrative Adjustment, or Section 5.2.26, Variance.

6.2.6 GOVERNMENTAL ACQUISITION OF LAND

Conforming lots subject to governmental acquisition of a portion of the lot for a public purpose that results in the lot becoming nonconforming because it no longer complies with lot area, width, or depth standards of the zoning district where located shall be deemed conforming, provided the development complies with the requirements in Section 4.2.1, Principal Use Table and complies with all other dimensional standards for the district where located.

6.3 NONCONFORMING SIGNS

6.3.1 GENERAL

A sign that was legally in existence on November 27, 2023, and was constructed, erected, affixed, or maintained in accordance with the applicable laws and ordinances in effect on the date that such action occurred, shall be regarded as a lawful nonconforming sign. Although it is not the intent of the ordinance to encourage the continued use of nonconforming signs, nonconforming signs shall be allowed to be continued and a decision as to the continued existence and use or removal of such signs shall be controlled as set forth in this section.

6.3.2 PROHIBITED ACTIONS

The following actions associated with a nonconforming sign shall be prohibited:

A. ENLARGEMENT OR ALTERATION

Structural alteration, enlargement, or extension of a nonconforming sign or sign structure shall not be permitted; however, nothing shall limit the ability to modernize an outdoor advertising use in accordance with Section 136.131.2 of the North Carolina General Statutes; and

B. RELOCATION

Relocation of a nonconforming sign upon the premises, unless the relocation meets the requirements of this Ordinance, is prohibited, however, nothing shall limit the ability to modernize an outdoor advertising use in accordance with Section 136.131.2 of the North Carolina General Statutes. Nonconforming signs required to be moved because of public right-of-way improvements or expansion may be re-established in the same manner and to the same extent of nonconformity as existed prior to the relocation.

6.3.3 MAINTENANCE OF NONCONFORMING SIGNAGE ALLOWED

A nonconforming sign may remain in place and be maintained, subject to the following standards:

A. MAINTENANCE ACTIONS

Normal maintenance of a nonconforming sign shall be allowed, and shall be limited to the following:

1. Nonstructural repairs, such as repainting or electrical repairs;
2. Incidental alterations which do not increase the degree or extent of the nonconformity; and
3. Changing of copy, as provided in this section.
4. Normal maintenance shall not include repairs or maintenance that involve costs that exceed fifty percent (50%) of the estimated total value of the sign at the time of the repair or maintenance. Maintenance exceeding this value shall be considered deterioration/damage in accordance with Section 6.3.4.

B. CHANGE OF SIGN COPY

Nonconforming signs may change copy in the form of replacement panels or replacement lettering, provided such change does not worsen the degree of nonconformity.

6.3.4 REPLACEMENT OF NONCONFORMING SIGNAGE

A. REMOVAL

Any nonconforming sign that is removed for any reason, with the exception of temporary removal to perform sign maintenance or repair, shall only be replaced with a sign that complies with the provisions of this Ordinance. Should such temporary removal occur, the landowner or agent shall inform the Planning Director in writing of the action prior to its occurrence. If the responsible party fails to inform the Planning Director, the nonconforming status for the sign will be lost and any sign erected on the site must comply with current regulations.

B. DETERIORATION/DAMAGE

1. If a nonconforming sign is deteriorated or damaged such that the cost to repair or maintain the sign exceeds fifty percent (50%) of the estimated cost of replacement, the sign shall not be reestablished and shall be removed immediately.
2. If damage to a nonconforming sign from any cause is fifty percent (50%) or less of its replacement cost, the sign may be rebuilt or repaired to its original condition in its original location and may continue to be displayed as long as the use it serves remains in operation. In such instances, all repairs to the damaged sign must be complete within ninety (90) calendar days of the time such damage occurred, or the sign shall lose its legal nonconforming status and must be replaced by a sign that complies with current regulations.
3. For the purposes of this section, the costs associated with the repair or replacement of a sign shall be determined based on estimates provided by a qualified professional. The burden of acquiring such a cost estimate shall be upon the property owner or business owner responsible for the sign in question. The estimate shall include both the cost of repair of the sign and the comparative cost of replacement of the sign, and shall be provided to the Planning Director, who will make the final determination regarding the ability of the sign to be repaired as opposed to replaced.

6.3.5 DISCONTINUANCE OF BUSINESS ACTIVITY

No nonconforming sign shall be reestablished after the activity, business, or use to which it relates has been discontinued, and such sign shall be removed within ninety (90) calendar days after the activity, business, or use has been discontinued.

6.4 NONCONFORMING SITUATIONS

6.4.1 APPLICABILITY

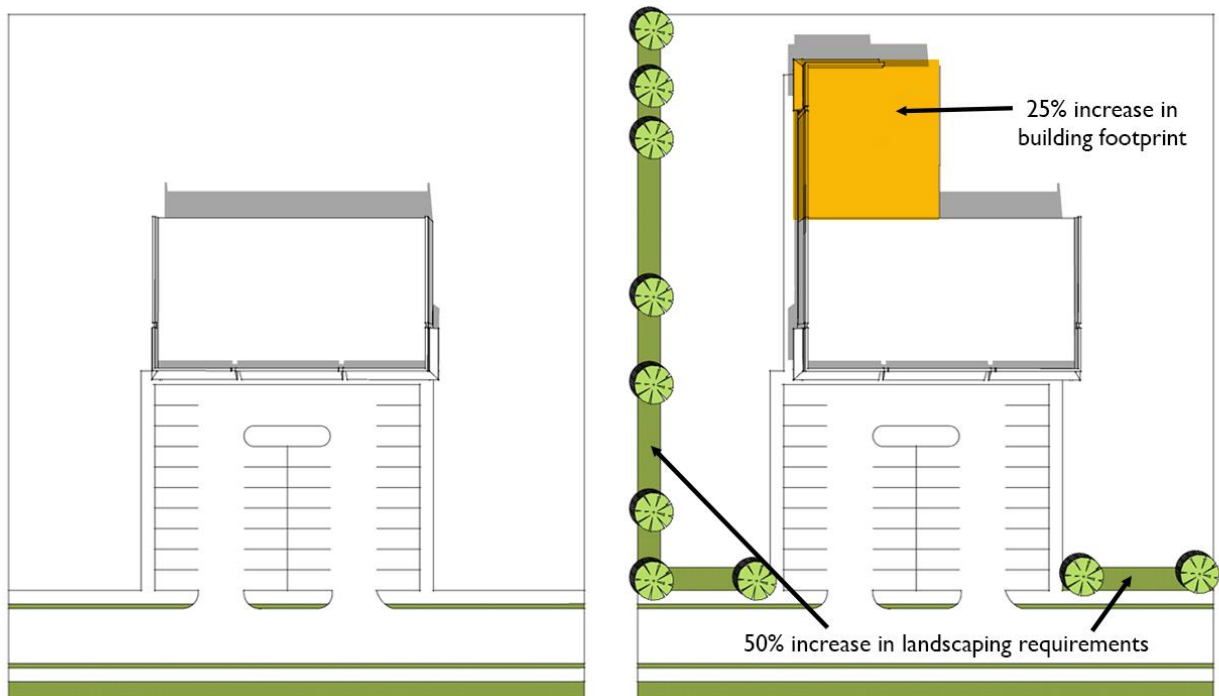
- A. For purposes of this section, the term “nonconforming site features” includes the following:
 1. Nonconforming off-street parking;
 2. Nonconforming landscaping;
 3. Nonconforming screening;
 4. Nonconforming walls or fences; and
 5. Nonconforming exterior lighting.
- B. Expansion of existing buildings or structures on nonconforming sites shall comply with the standards in this section, with Section 6.2, Nonconforming Lots, and with Section 6.5, Nonconforming Structures.

6.4.2 EXPANSION OF BUILDINGS OR STRUCTURES

If a building permit is required for expansion of a building or structure where a nonconforming situation exists, the expansion shall require correction of existing on-site nonconforming off-street parking, landscaping, screening, wall or fencing, and exterior lighting in accordance with this Section.

A. EXCEPTIONS

1. The provisions of Section 6.4.2 shall not apply to Single-Family Attached, Single-Family Detached, or Duplex uses, regardless of project size or value.
2. The provisions of this Section shall only apply to expansion(s) which cumulatively exceed twenty-five percent (25%) of the floor area of a building or structure as of November 27, 2023, except that said expansions shall still be required to install streetyards, bufferyards, and parking lot landscaping at a rate of fifty percent (50%) of the requirements specified in Section 7.3. Additionally, any changes to the site of the building or structure being expanded shall not make the site less conforming with LMO standards.



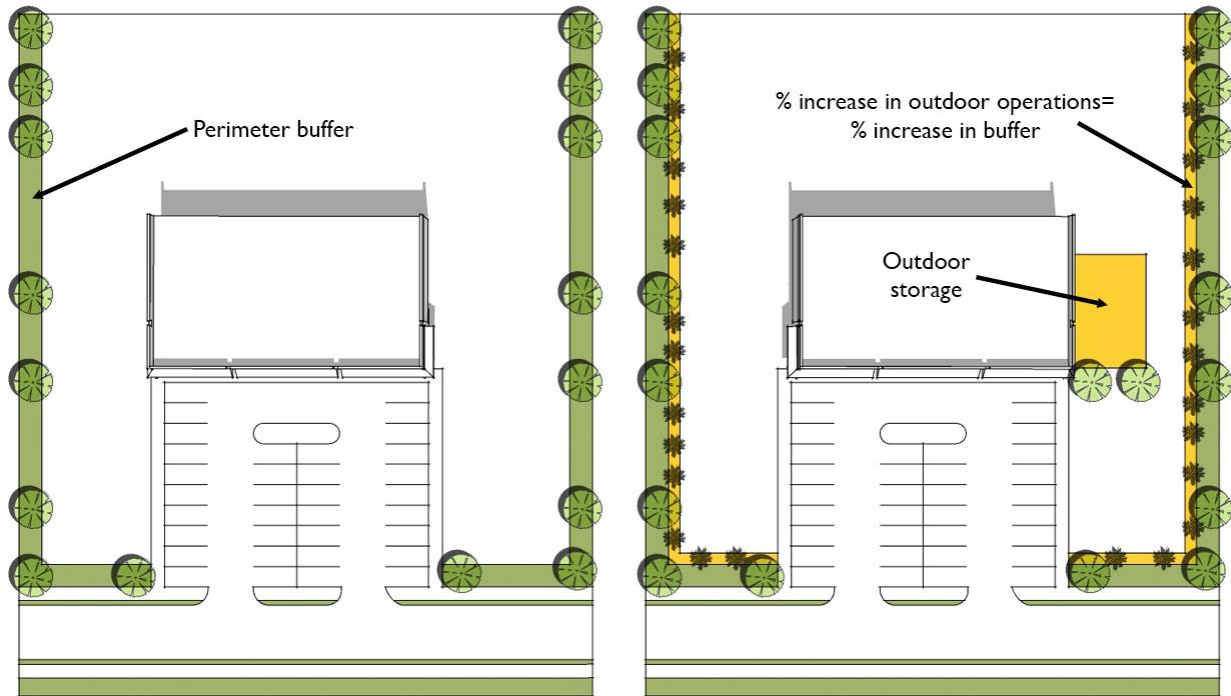
- a. If the permit value of the expansion(s) described in Section 6.4.2.A.2 exceeds fifty percent (50%) of the property's valuation in the most recent bill of the Alamance County Tax Assessor, the nonconformity correction provisions of Section 6.4.2 shall still apply.

B. TWO OR FEWER ADDITIONAL PARKING SPACES

When two or fewer additional off-street parking spaces are required under this subsection as a result of an expansion project, the applicant may select to install a comparable number of bicycle parking spaces as an alternative to the vehicular parking spaces required by the expansion.

C. ADDITION OF OUTDOOR STORAGE AREA ONLY

When only outdoor operations/storage/display areas are being added or increased on a site, the percentage increase in outdoor operations area shall require a corresponding percentage increase in perimeter buffers and screening. Perimeter buffer and screening augmentation shall be located so as to achieve the performance objectives in Section 7.3.7, Bufferyard Requirements, with priority given to screening the impacts of outdoor operations.



6.5 NONCONFORMING STRUCTURES

6.5.1 APPLICABILITY

Nonconforming principal and accessory structures shall be subject to the standards in this section.

6.5.2 CONTINUATION, PLACEMENT, AND RELOCATION

A. CONTINUATION

A nonconforming structure may be continued only in accordance with this chapter.

B. PLACEMENT

1. Except in accordance with Section 6.5.3, Repair, Maintenance, Replacement, and Reconstruction, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in either an increase in the total amount of spaced devoted to a nonconforming use, or a greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations, or density requirements, or other requirements such as parking requirements.
2. Nothing shall limit the elevation of a structure as necessary to ensure habitable floor area is outside the regulatory flood elevation.

C. RELOCATION

A nonconforming structure shall not be moved, in whole or in part, to another location on the parcel of land on which it is located, unless the relocation removes or reduces the nonconformity.

6.5.3 REPAIR, MAINTENANCE, REPLACEMENT, AND RECONSTRUCTION

- A.** Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Major renovation (i.e., work estimated to cost more than sixty (60) percent of the appraised valuation of the structure to be renovated) may be done only in accordance with a certificate of zoning compliance pursuant to this section.
- B.** If a structure is located on a lot where a nonconforming situation exists is damaged to an extent that the costs of repair or replacement would exceed sixty (60) percent of the appraised valuation of the damaged structure, then the damaged structure may be repaired or replaced only in accordance with a certificate of zoning compliance issued pursuant to this Ordinance. This section does not apply to structures used for single-family residential purposes, which may be reconstructed pursuant to a certificate of zoning compliance just as they may be enlarged or replaced as provided in subsection 6.5.4, below.
- C.** For the purposes of subsections A and B, above:
 - 1.** The “cost” of renovation or repair or replacement shall mean the fair market value of the materials and services necessary to accomplish such renovation, repair, or replacement;
 - 2.** The “cost” of renovation or repair or replacement shall mean the total cost of all such intended work and no person may seek to avoid the intent of subsections A and B above by doing such work incrementally; and
 - 3.** The “appraised valuation” shall mean either the appraised valuation for property tax purposes, updated as necessary by the increase in the consumer price index since the date of the last valuation, or a sealed appraisal or estimate determined by a professionally recognized property appraiser. Data necessary for the determination of the appraised valuation shall be provided to the Planning Director by the property owner or the owner’s authorized agent.
- D.** Replacement of nonconforming manufactured or mobile homes shall be permitted only in accordance with the following standards:
 - 1.** The replacement is sixteen (16) feet wide or wider;
 - 2.** The replacement is in place within 180 days of the removal of the prior nonconforming manufactured or mobile home;
 - 3.** The location for the replacement is outside the special flood hazard area or elevated to or beyond the minimum freeboard height requirement;
 - 4.** The replacement is connected to the public sewer system, or, where public sewer is not available or required, has all the necessary permits from the Alamance County Health Department pertaining to wastewater treatment;
 - 5.** The replacement meets all of the standards in Section 4.3.59, Manufactured Dwelling.

6.5.4 ALTERATION AND EXPANSION

- A.** Except for manufactured or mobile homes, a structure which houses a nonconforming residential use may not be extended, expanded, enlarged, or altered in any way that increases the degree of nonconformity.
- B.** No nonconforming structure may be altered in any way which increases the nonconformity; however, any nonconforming structure or portion thereof may be altered to decrease the degree of nonconformity.
- C.** Nothing shall limit the elevation of a structure as necessary to ensure habitable floor area is outside the regulatory flood elevation.

6.6 NONCONFORMING USES

The lawful nonconforming use of a structure, land, or water existing as of November 27, 2023, may only be continued in accordance with the following standards:

6.6.1 NONCONFORMING USES IN GENERAL

- A.** All nonconforming uses are hereby declared incompatible with the permitted uses in the district in which they are located and with the provisions of this Ordinance.
- B.** No nonconforming use shall be converted to another nonconforming use.

6.6.2 CHANGES OF USE

Changes in use shall comply with the following requirements:

- A.** In cases where an existing use is replaced by another use type of the same or lesser intensity (as measured by number of vehicular trips generated, hours of operation, number of on-site visitors, or other metric as determined by the Planning Director), then compliance with site features requirements shall be in accordance with the standards in Section 6.4.2, Expansion of Buildings or Structures.
- B.** In cases where an existing use is replaced by a more intense use type (as measured by number of vehicular trips generated, hours of operation, number of on-site visitors, or other metric as determined by the Planning Director), full compliance with all applicable provisions in this section is required.

6.6.3 EXTENSION OR EXPANSION

A nonconforming use shall not be extended or expanded to occupy more space or altered in any way that increases the degree of nonconformity.

6.6.4 CONVERSION TO ANOTHER NONCONFORMING USE

No nonconforming use shall be converted to another nonconforming use.

6.6.5 CESSATION

- A.** In the event a nonconforming use is discontinued or abandoned for a period of more than 180 consecutive days, the nonconforming use may only be replaced by a use permitted in the district where located.
- B.** Any time a nonconforming use is converted to a conforming use, the conforming use shall not revert to the former nonconforming use or any other nonconforming use.

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7.1 DEVELOPMENT DESIGN STANDARDS

The development design standards of this Ordinance are not intended to promote the replication of the existing built form of Elon, but rather to allow creative design that is respectful of its context. An overriding principle for site and building design in Elon shall be that the natural topography and other significant features such as woodlands, significant trees and groves, and sensitive environmental elements such as wetlands, floodplains, and stream buffers will be considered in the beginning stages of design and throughout the design and construction phases of development. Construction techniques shall have the least amount of impact on the natural topography and drainage patterns of sites as is reasonably feasible. Examples of such techniques include avoiding excessive cut and fill on sites during construction, building into the slope (if topography permits), terracing the building and site improvements to match topography as close as possible, and leaving natural drainageways and existing vegetation undisturbed in every possible instance to utilize these features as tools in managing stormwater and to allow naturally existing buffers to remain in place.

7.1.1 APPLICABILITY

- A.** The standards of this Section shall apply to the following situations:
 - 1.** New construction.
 - 2.** Reconstruction or renovation of existing structures, the cost of which is equal or greater than seventy-five percent (75%) of tax value of the existing structure, as listed in the most recent annual property tax bill prepared by the Alamance County tax assessor.
 - 3.** Additions to existing structures in that such additions shall not create a greater level of nonconformity with the provisions of this Section than currently exists on-site.
 - 4.** Exterior alterations to existing structures in that such alterations shall not create a greater level of nonconformity with the provisions of this Section than currently exists on-site.
- B.** The standards of this Section shall not apply to any property zoned UNV.

7.1.2 NON-RESIDENTIAL USES

- A.** Architectural elements such as openings, sills, bulkheads, columns, and other similar features shall be used to establish human scale at the street level.
- B.** Scale, proportion, massing, architectural detailing, color, texture, setbacks, space between buildings, and their relative positions on the lot shall be used to integrate new development into existing neighborhoods.
- C.** Buildings shall avoid long, uninterrupted walls or roof planes on their facades which are visible from adjacent rights-of-way. Changes in parapet height or design, gables or other changes in the roofline as viewed from any public right-of-way shall be required for any building that is wider than seventy-five (75) feet.



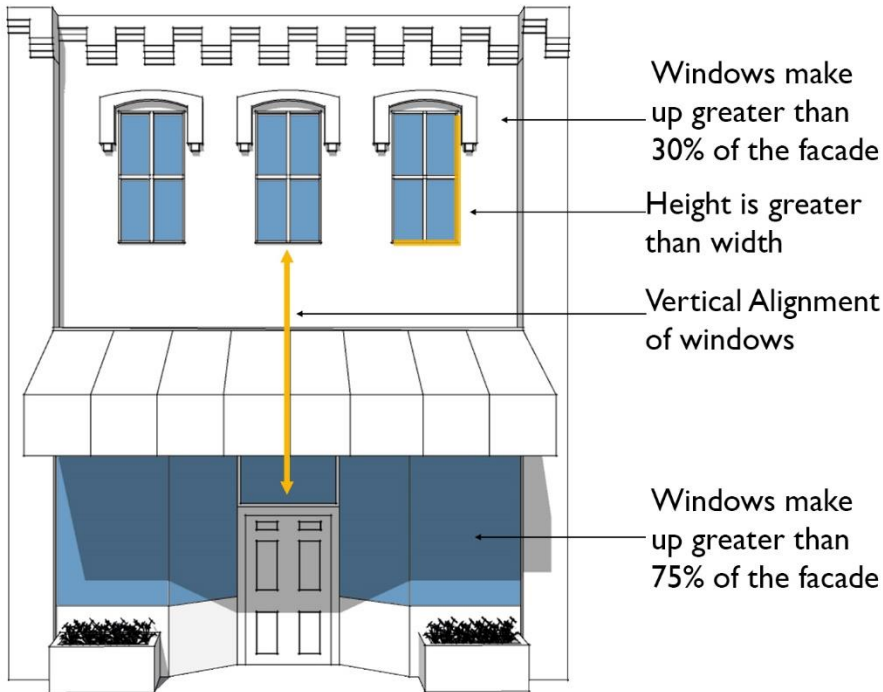
D. Retail buildings other than large scale retail shall be taller than wide, or shall incorporate segmentation that creates breaks in the façade, with each segment being taller than wide. Building segments may be created through a use of vertical features such as changes in material, building offsets (reveals or recesses in the surface of the wall plane), courtyards, changes in rooflines or other architectural features that create the appearance of building segments. The placement of window and door openings or the addition of balconies and canopies may also be used to create visual segmentation of a building's façade.



E. Large Format Retail buildings shall be designed so that the width of the building or any building segment as described in subsection D above does not equal more than twice the building's height.

F. All sides of the building visible from adjacent rights-of-way, park, or designated open space shall include similar architectural detailing.

- G.** Building materials shall comply with the following standards:
- 1.** Only the following building siding materials shall be allowed by right:
 - a.** Brick, masonry, or stone (brick shall comprise no less than 70% of any building façade, exclusive of doors and windows)
 - b.** Integrally tinted masonry block
 - c.** Stucco
 - d.** Wood siding
 - e.** Concrete siding
 - f.** Fiber cement (Hardie Board)
 - g.** Glass
 - 2.** All sides of the building shall use similar materials which contribute to a cohesive overall design.
 - 3.** Alternative building materials may be approved by the Town Council through the Conditional District rezoning process or the establishment of a Planned Development District. Applicants shall demonstrate the character of the proposed development through proposed building material samples and building elevations.
- H.** Windows, doors, columns, eaves, parapets, pilasters, and other building components shall be proportional to the overall scale of the building.
- I.** Windows shall have a larger vertical than horizontal dimension to the extent practicable. Upper story windows shall be vertically aligned with the location of windows and doors on the street level to the extent practicable.
- J.** Architectural treatments which create the appearance of false entrances facing the street are prohibited. Faux windows and doors, and visible false fronts are prohibited.
- K.** Transparent doors and windows shall constitute seventy-five (75) percent of the street-level, street-adjacent facades of development within the DTC, DTP, GMX, and VMX Districts. Upper-level street-adjacent facades shall be at least thirty (30) percent transparent within those same districts. Mirrored glazing, heavily tinted glass which completely obscures interior activity, and spandrel glass shall not count towards transparency requirements.



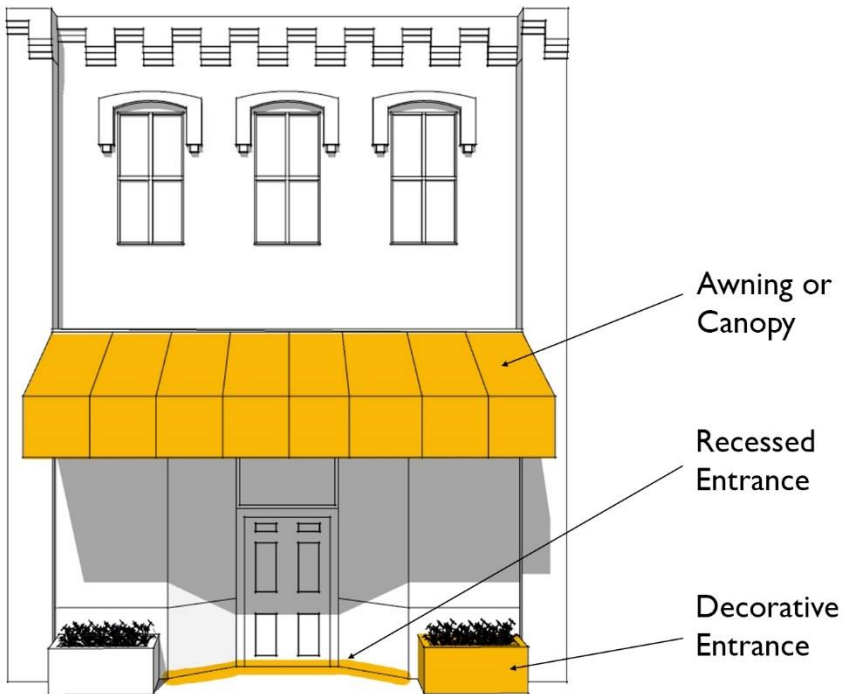
L. The front of buildings shall face and have the primary customer entry facing the street. Corner lot buildings shall face and have the primary customer entry facing the higher order street, facing the corner, or facing each street.



M. The main entry to a building shall be emphasized at the street level. Appropriate methods include, but are not limited to:

1. Recessing the door within a larger cased opening.
2. Flanking the door with columns, decorative fixtures, or other details.

3. An awning or canopy, providing a sheltered transition to the interior.



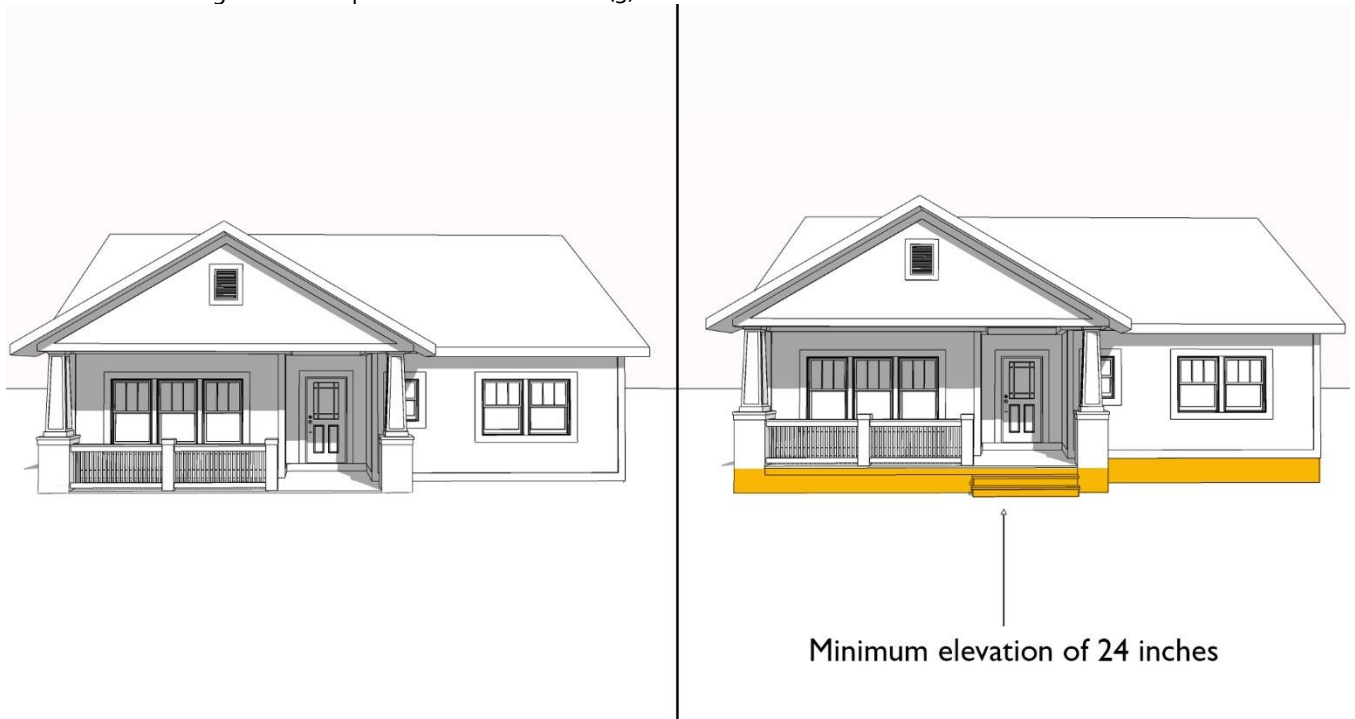
- N. Buildings on a corner or axial terminus should be designed with additional height or architectural embellishments to emphasize their location.



- O.** Mechanical equipment such as HVAC units, utility meters, transformers, and generators shall be screened from public view in accordance with Section 7.3.10. Flat roofs shall include a parapet wall of sufficient height to screen all rooftop mechanical equipment.
- P.** Garage doors and loading bays shall face an interior lot line, alley, or service drive and shall not face a street or residential district unless buffered or screened in accordance with Section 7.3.7.
- Q.** Outdoor storage or trash areas shall be screened in accordance with Section 7.3.9.

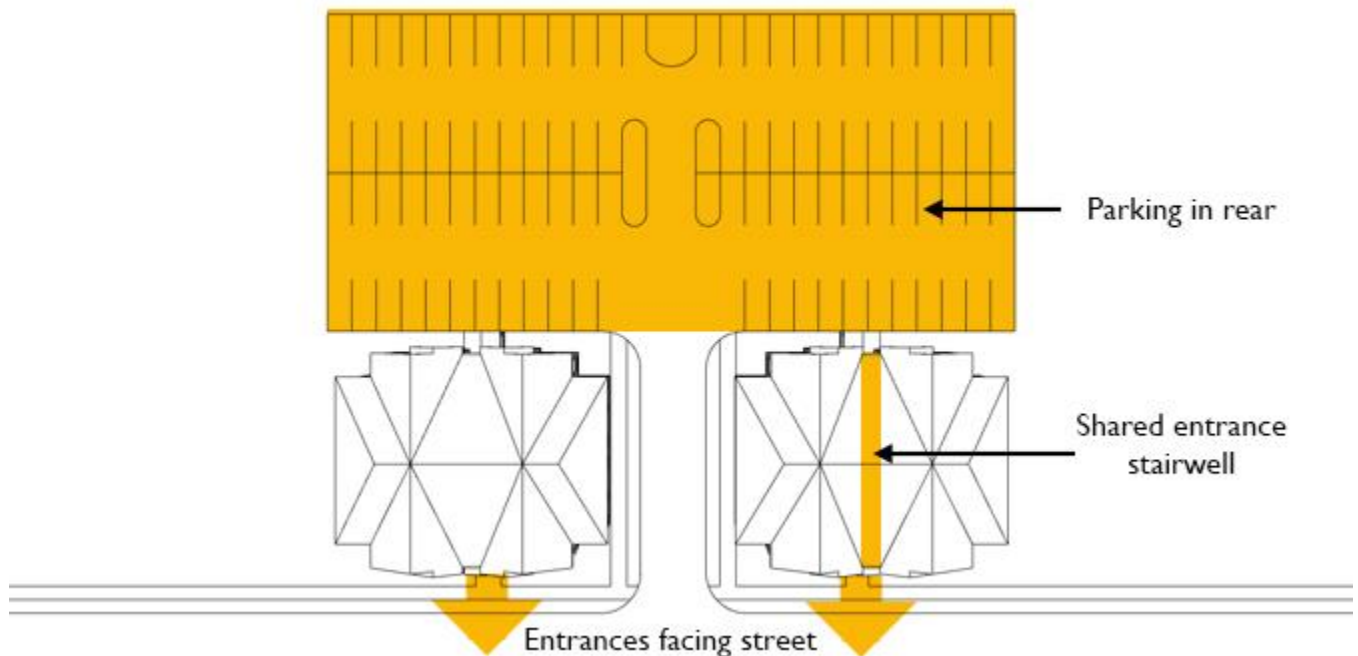
7.1.3 RESIDENTIAL USES

- A.** The finished floor elevation of the street level of all residential uses shall be at least twenty-four (24) inches above the finished grade of the parcel on at least three (3) sides of the structure:



- 1.** The Planning Director may waive this requirement for age-restricted developments, subject to deed restrictions.
- B.** The following standards shall apply to the residential uses Live/Work Dwelling; Multi-Family Dwelling; Upper-Story Residential; Dormitory, Private; Fraternity or Sorority House; Assisting Living Facility; Continuing Care Retirement Community; and Nursing Home:
 - 1.** Architectural elements shall be used to establish human scale at the street level.
 - 2.** Scale, proportion, massing, architectural detailing, color, texture, balconies, courtyards, setbacks, space between buildings, and their relative positions on the lot shall be used to integrate new development into existing neighborhoods.
 - 3.** Buildings shall avoid long, uninterrupted walls or roof planes on their facades which are visible from adjacent rights-of-way. Architectural details shall be used to add interest and variety, including building wall offsets, projections, recesses, and changes in floor level. Roofline offsets shall be used to relieve the effect of a single long roof.
 - 4.** All sides of the building visible from adjacent rights-of-way shall include similar architectural detailing.
 - 5.** Windows, doors, columns, eaves, parapets, pilasters, and other building components shall be proportional to the overall scale of the building.

6. At least one primary building entrance shall address the street, courtyard, or other common area on which the building fronts.
7. Upper story windows shall be vertically aligned with the location of windows and doors on the street level to the extent practicable.
8. Attached or detached garages shall be set back a minimum of ten (10) feet from the front-most building façade.
9. Mechanical equipment such as HVAC units, utility meters, transformers, and generators shall be screened from public view in accordance with Section 7.3.10. Flat roofs shall include a parapet wall of sufficient height to screen all rooftop mechanical equipment.
10. Outdoor storage or trash areas shall be screened in accordance with Section 7.3.9.
11. Additional requirements for multi-family dwellings
 - a. Parking areas shall be located to the rear of the buildings (non-street-facing) or underground. Parking to the side of a building may be approved if adequate justification is made that conditions such as topography, desired environmental features, or lot configuration exist that make parking to the rear of the building impractical.
 - b. Building and outdoor unit entrances on the first floor that face the street shall include a porch, stoop, courtyard, or similar element which provides a transition from the public sidewalk to the private space within the building or unit. Units above the first floor may be accessed from a common stairwell.
 - c. Multi-family buildings shall be arranged to front the street or to frame common open space and amenities.



- d. Entrances shall be differentiated architecturally to create a sense of human scale.
- e. Multi-family buildings shall not have street-facing garages.

- f. Multi-family buildings shall be configured to avoid a long uninterrupted monolithic appearance by including variations in heights, color, setbacks, rooflines, trim, exterior building materials, façade projections, balcony/porch/patio design and similar components to create visual diversity in an individual building's facades. No fewer than three (3) such components, or similar components considered on a case-by-case basis, shall be employed for each multi-family building. Each building façade that is visible from a public right-of-way, park, or open space, or another residential building shall be subject to these requirements.



- A** Change in Material **B** Variety in Height **C** Change in Setback **D** Addition of Balconies

C. The following standards shall apply to attached single-family building types such as townhomes (these standards shall not be applicable to structures built to the one-and-two family North Carolina Residential Building Code):

1. Each dwelling unit shall have a separate exterior entrance that includes a porch, stoop, courtyard, or similar element which provides a transition from the public sidewalk to the private space within the building or unit.
2. Buildings shall be arranged to front the streets or to frame common open space and amenities.
3. Buildings shall not have street-facing garages.

4. Individual units shall include design articulation to distinguish each unit from the adjacent unit. Such articulation may include, but not be limited to variations in the roofline, porch, portico, balcony, or window style, and exterior building material.



A Variety in Roofline

B Variety in porches

C Separate Entrances

D. Where the uses Bungalow Court; Conservation Subdivision; Duplex Dwelling; Pocket Neighborhood; Single-Family Attached Dwelling; and Single-Family Detached Dwelling voluntarily meet the development design standards of subsection B. above, a density bonus of twenty (20) percent shall be added to the maximum development density allowed in the zoning district where the use is located, as detailed in Chapter 3.

7.2 OFF-STREET PARKING STANDARDS

7.2.1 GENERAL DESIGN PRINCIPLES

Off-street parking areas should be designed to minimize breaks in the pedestrian environment along the public street and to create safe and comfortable passage for pedestrians. The following principles should be incorporated into parking area design:

- A. Curb cuts should be minimized to the greatest extent practical.
- B. Parking should be placed to the side or rear of buildings where possible.
- C. Large parking areas should be broken up by buildings or landscape design features.
- D. Parking lots should be designed to allow pedestrians to safely move from their vehicles to the building.



- E. Parking areas should not abut pedestrian-oriented street intersections, or be adjacent to squares or parks.
- F. Parking areas should be designed to facilitate adequate movement and access by sanitation, emergency, and other public service vehicles without posing a danger to pedestrians or impeding the function of the parking area.
- G. Parked vehicles should not encroach upon or extend into public vehicular travelways and sidewalks, or strike against any wall, vegetation, utility, or structure. Wheel stops shall be required where necessary to prevent such conditions.

7.2.2 PARKING REQUIREMENTS

Sufficient off-street parking shall be provided for all development within the Town, in accordance with the parking calculation requirements of Table 7.2.2 and the following standards:

- A. On-street parking along the frontage of the lot being developed may be used to satisfy the requirements of Table 7.2.2, except on streets where on-street parking is prohibited. Where on-street parking is insufficient to completely satisfy these requirements, additional parking must be provided.

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TABLE 7.2.2. PARKING CALCULATION REQUIREMENTS

Use Category	Use	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces Required
Household Living	Bungalow Court	2 spaces per unit	N/A
	Conservation Subdivision	2 spaces per unit	N/A
	Duplex Dwelling	1.25 spaces per one-bedroom units 1.5 spaces per two-bedroom units 2 spaces per three-bedroom units	N/A
	Live/Work Dwelling	Spaces shall be calculated in accordance with the rate of the residential and non-residential uses being proposed	2
	Manufactured Dwelling	2 spaces per unit	N/A
	Multi-family Dwelling	1.25 spaces per one-bedroom units 1.5 spaces per two-bedroom units 2 spaces per three-bedroom units	2 per each 10 units
	Pocket Neighborhood	2 spaces per unit	N/A
	Short Term Rental	Same as the use type of the rental unit	N/A
	Single-Family Attached Dwelling	2 spaces per unit	N/A
	Single-Family Detached Dwelling	2 spaces per unit	N/A
	Townhouse	2 spaces per unit	N/A
	Triplex/Quadplex	1.25 spaces per one-bedroom units 1.5 spaces per two-bedroom units 2 spaces per three-bedroom units	2 per building
	Upper-Story Residential	1.25 spaces per one-bedroom units 1.5 spaces per two-bedroom units 2 spaces per three-bedroom units	N/A
Group Living	Dormitory, Private	1 space per bedroom	2 per each 10 units
	Family Care Home	.25 spaces per resident	N/A
	Fraternity or Sorority House	1 space per bedroom	2 per building
	Group Home or Halfway House	.5 spaces per resident	N/A
Life Care	Assisted Living Facility	.33 spaces per bed + 1 space per employee on largest shift	N/A
	Continuing Care Retirement Community	.33 spaces per bed + 1 space per employee on largest shift	N/A
	Nursing Home	.33 spaces per bed + 1 space per employee on largest shift	N/A

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Civic	Amphitheater (Outdoor)	.33 spaces per seat, or; .33 spaces per occupant, based on maximum occupancy, where lawn area is used for seating	2 per 20 vehicle parking spaces
	Auditorium, Conference, Convention Center (Indoor)	.33 spaces per seat	2 per 30 vehicle parking spaces
	Community/Youth/Senior Center	1 space per 375 square feet	2 per 20 vehicle parking spaces
	Cultural Facility, Library, or Museum	1 space per 375 square feet	2 per 20 vehicle parking spaces
	Fraternal Club or Lodge	1 per 150 square feet	2
Day Care	Adult or Child Day Care Center	1 space per employee on largest shift + 1 space per 5 persons enrolled	2
Education	College or University	1 space for every 2 students and 1 space for every employee	6 per each education-related building, dining hall, or student commons building
	School, Elementary	2 spaces per classroom	1 per 20 students above 2 nd grade
	School, High/Middle	1 space per 3 students	1 per 20 students
	School, Vocational	1 space per 300 square feet	1 per 20 students
Health Care	Drug/Alcohol Treatment	1 space per 300 square feet	2
	Hospital	1 space per 450 square feet	2 per 10,000 GFA
	Laboratory and Laboratory Services	1 space per 300 square feet	2
	Outpatient Treatment Facility	1 space per 300 square feet	2
	Urgent Care	1 space per 300 square feet	2
Interment	Cemetery, Columbarium, or Mausoleum	1 space per employee on largest shift	N/A
Open Space	Arboretum or Formal Garden	1 space per 5,000 square feet of garden area	2 per 20 vehicle parking spaces
	Community Garden	None	N/A
	Park (public or private)	1 space per 5,000 square feet of park area	2 per 20 vehicle parking spaces
	Public Recreation Facility	.33 spaces per occupant, based on maximum occupancy	2 per 20 vehicle parking spaces
Public Safety	Fire/EMS/Police Station	3 spaces + 1 space per employee on largest shift	2
	Government Office	1 space per 350 square feet	2
	Post Office	1 space per 350 square feet	2
	Police/Fire Training Facility	1 space per 350 square feet of indoor or outdoor training area	N/A
Religious Institution	Religious Institution	.25 spaces per seat	2 per 30 vehicle parking spaces

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Tele-communications	Antenna Collocation, Major	None	N/A
	Antenna Collocation, Minor	None	N/A
	Broadcasting Studio	1 space per 350 square feet	2
	Small Wireless Facility	None	N/A
	Telecommunications Tower, Major	1 space	N/A
	Telecommunications Tower, Minor or Concealed	None	N/A
Transportation	Transit Shelter	None	2
Adult Uses	Adult Uses	1 space per 200 square feet	N/A
Animal Care	Animal Grooming	1 space per 450 square feet	2
	Animal Shelter	1 space per 450 square feet	2
	Kennel Indoor or Small Outdoor	1 space per 450 square feet	2
	Kennel Large Outdoor	1 space per 450 square feet	2
	Veterinary Clinic	1 space per 350 square feet	2
Drinking Establishment	Bar or Cocktail Lounge	1 space per 200 square feet	2
	Bottle Shop	1 space per 300 square feet	2
	Microbrewery or Microdistillery	1 space per 100 SF for Taproom/Tasting Room + 1 space per 575 SF of brewing or distillery space	2
	Private Club (not classified as an Adult Use)	1 space per 250 square feet	2
Eating Establishment	Coffee Shop	1 space per 250 square feet	2
	Restaurant, Drive-Through/Drive Up Service	1 space per 250 square feet	2
	Restaurant, Indoor or Outdoor Seating	1 space per 250 square feet	2
	Restaurant, Walk-up Only	1 space per 200 square feet	2
	Restaurant with Catering Services	1 space per 250 square feet	2
Employment-Related	Business Incubator	1 space per 350 square feet	2
	Co-Working Space	1 space per 350 square feet	2
	Makerspace	1 space per 350 square feet	2
Indoor Commercial Recreation	Electronic Gaming Operation	1 space per 300 square feet	2
	Fitness Center/Health Club	1 space per 300 square feet	4
	Nightclub or Dance Hall	1 space per 225 square feet	2
	Pool Hall	2 spaces per table + 1 space per employee on largest shift	2
	Sports Facility, Indoor	1 space per 3 seats + 1 space per employee on largest shift	4
	Theatre (Film or live performance not classified as an Adult Use)	1 space per 3 seats + 1 space per employee on largest shift	4

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Office	Medical/Dental Office	1 space per 300 square feet	2
	Professional Office	1 space per 300 square feet	2
Outdoor Commercial Recreation	Amusement Facility	1 space per 225 square feet	4
	Golf Course	3 spaces per tee + 1 space per 225 square feet for retail sales + 1 space per employee on largest shift	4
	Golf Driving Range	1 space per tee + 1 space per 225 SF square feet for retail sales + 1 space per employee on largest shift	4
	Sports Facility, Outdoor	1 space per 3 seats + 1 space per employee on largest shift, or ; 1 space per 225 square feet of activity area + 1 space per employee on largest shift, where permanent seating does not exist	2 per 20 vehicle parking spaces
	Vehicle Sports	1 space per 3 seats + 1 space per employee on largest shift, or ; 1 space per 225 square feet of activity area + 1 space per employee on largest shift, where permanent seating does not exist	2 per 20 vehicle parking spaces
Parking	Parking Lot (Principal Use)	None	N/A
	Parking Structure	None	N/A
Personal Service	Computer Services	1 space per 350 square feet	2
	Equipment and Tool Rental	1 space per 350 square feet	2
	Event Venue	1 space per 225 square feet	2 per 20 vehicle parking spaces
	Financial Institution without drive-through service	1 space per 225 square feet for depository institutions; 1 space per 350 square feet for non-depository institutions	2
	Financial Institution with drive-through service	1 space per 225 square feet for depository institutions; 1 space per 350 square feet for non-depository institutions	2
	Funeral-Related Services	1 space per 200 square feet	2
	Hair, Nails, and Skin-Related Services	3 spaces per each employee on largest shift	2
	Laundry/Dry Cleaning	1 space per 450 square feet	2
	Packaging and Printing	1 space per 450 square feet	2
	Repair Shop	1 space per 450 square feet	2

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Retail	Convenience Store (with gasoline sales or restaurant)	1 space per 225 square feet	2 per 10 vehicle parking spaces
	Convenience Store (without gasoline sales or restaurant)	1 space per 225 square feet	2 per 10 vehicle parking spaces
	Grocery Store	1 space per 225 square feet	2 per 20 vehicle parking spaces
	Large Format	1 space per 300 square feet	2 per 30 vehicle parking spaces
	Pharmacy	1 space per 225 square feet	2 per 20 vehicle parking spaces
	Retail, Bulky Item	1 space per 300 square feet	2
	Retail, Second-Hand	1 space per 300 square feet	2
Storage	Outdoor Storage (Principal Use)	None	2
	Self-Storage, External Access	2 spaces + 1 additional space for each 125 storage units	2
	Self-Storage, Internal Access	2 spaces + 1 additional space for each 125 storage units	2
Visitor Accommodations	Bed and Breakfast	1 space per room + 1 space per employee on largest shift	N/A
	Campground	1 space per campsite or cabin	2 spaces at main office
	Hotel or Motel	1 space per room + .2 spaces per seat for banquet and convention facilities	2
Vehicle-Related	Vehicle Repair and Servicing (without painting/bodywork)	3 spaces per service bay	2
	Vehicle Sales or Rentals	1 space per 500 square feet	2
	Vehicle Painting/Body Shop	1 space per 500 square feet	2
	Vehicle Parts and Accessory Sales	1 space per 400 square feet	2
	Vehicle Towing and Storage Lot	None	2
	Car Wash or Automobile Detailing	2 spaces per vehicle in wash bay + 1 space per employee on largest shift	N/A
Industrial Services	Contractor Services	1 space per 400 square feet	2
	Electrical/Plumbing Fabrication	1 space per employee on largest shift	2
	Flex Space	1 space per 400 square feet	2
	Fuel Oil/Bottled Gas Distributor	1 space per employee on largest shift	2
	Heavy Equipment Sales and Service	1 space per 400 square feet	2
	Research and Development	1 space per 400 square feet	2

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Manufacturing and Production	Asphalt or Concrete Plant	1 space per employee on largest shift	2
	Manufacturing, Heavy	1 space per employee on largest shift	2
	Manufacturing, Light with or without accessory sales	1 space per employee on largest shift + 1 space per 400 square feet for accessory sales	2
	Metal Fabrication	1 space per employee on largest shift	2
Utilities	Electrical Substation	None	N/A
	Solar Farm	1 space	N/A
	Water Storage Facility	1 space	N/A
	Water Treatment Facility	1 space per employee on largest shift	N/A
Warehouse and Freight Movement	Truck Terminal	1 space per employee on largest shift	2
	Warehouse, Distribution	1 space per employee on largest shift	2
	Warehouse, Storage	1 space per employee on largest shift	2
Waste-Related Services	Landfill (LCID)	1 space	N/A
	Recycling Center	1 space	N/A
	Salvage or Junkyard	1 space	/AN
	Transfer Station	1 space per employee on largest shift	N/A
Wholesale Trade	Wholesale Trade	1 space per 400 square feet	2
Agricultural Production	Agricultural Production	None	N/A
Animal Husbandry	Animal Husbandry	None	N/A
Horticulture	Horticulture	None	2

B. The Planning Director shall establish the minimum number of required parking spaces for any use not specifically listed in Table 7.2.2. In making this determination, the Planning Director shall consider documentation supplied by the applicant regarding actual parking demand for the proposed use; available planning/technical studies related to the proposed use; parking requirements of other jurisdictions; and parking requirements found in this Chapter for similar uses.

C. Uses legally conforming with on-site parking requirements as of the date of LMO adoption shall be considered grandfathered and shall not be required to meet the standards of this Section, unless a change of use occurs. Any building expansion or change of use to a more intense use based on the Institute of Transportation Engineers (ITE) traffic generation standards shall be required to meet the standards of this Section.

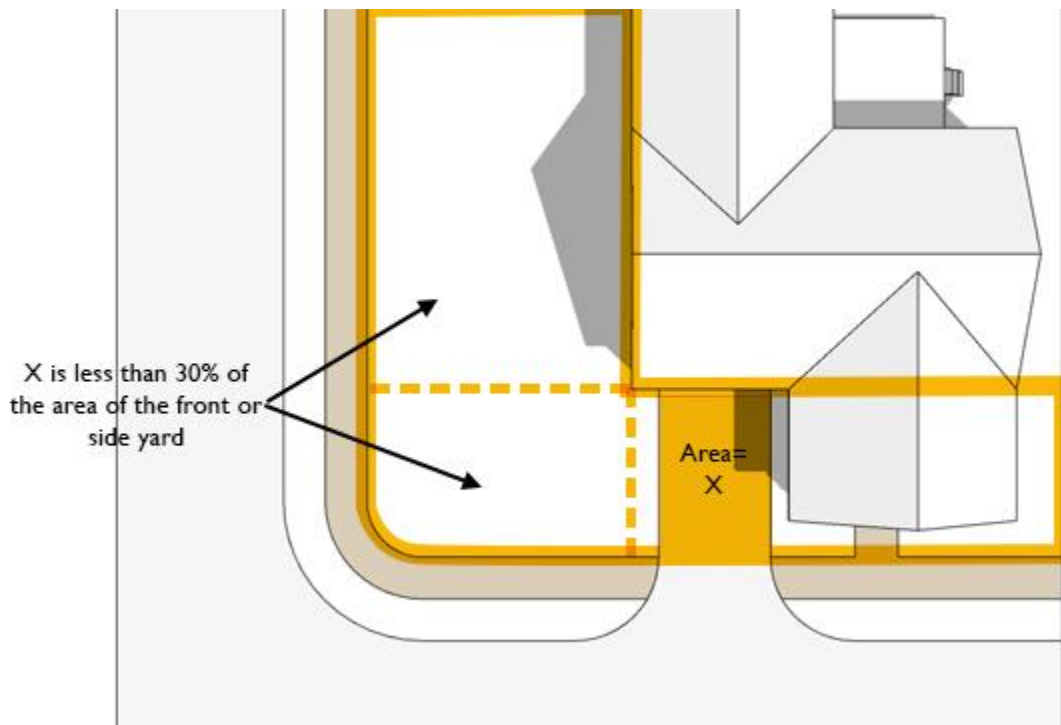
D. Alternative compliance to the parking rates listed in Table 7.2.2 may be proposed through a parking study prepared by a qualified licensed professional, such as an engineer or landscape architect, provided that the proposed alternative provides an adequate amount of parking for the use(s) proposed on site. Said parking study shall be approved by the permit-issuing authority for the site being reviewed, upon a determination that this proposal meets the spirit and intent of the Ordinance.

E. Maximum on-site parking shall be 175% of the minimum standards listed in Table 7.2.2. Development of parking in excess of this maximum standard shall require approval from Town Council.

F. Minimum parking requirements shall not apply to development in the DTC District.

G. Disabled parking shall be provided for development in accordance with North Carolina Building Code standards, and shall count towards the parking requirements of Table 7.2.2.

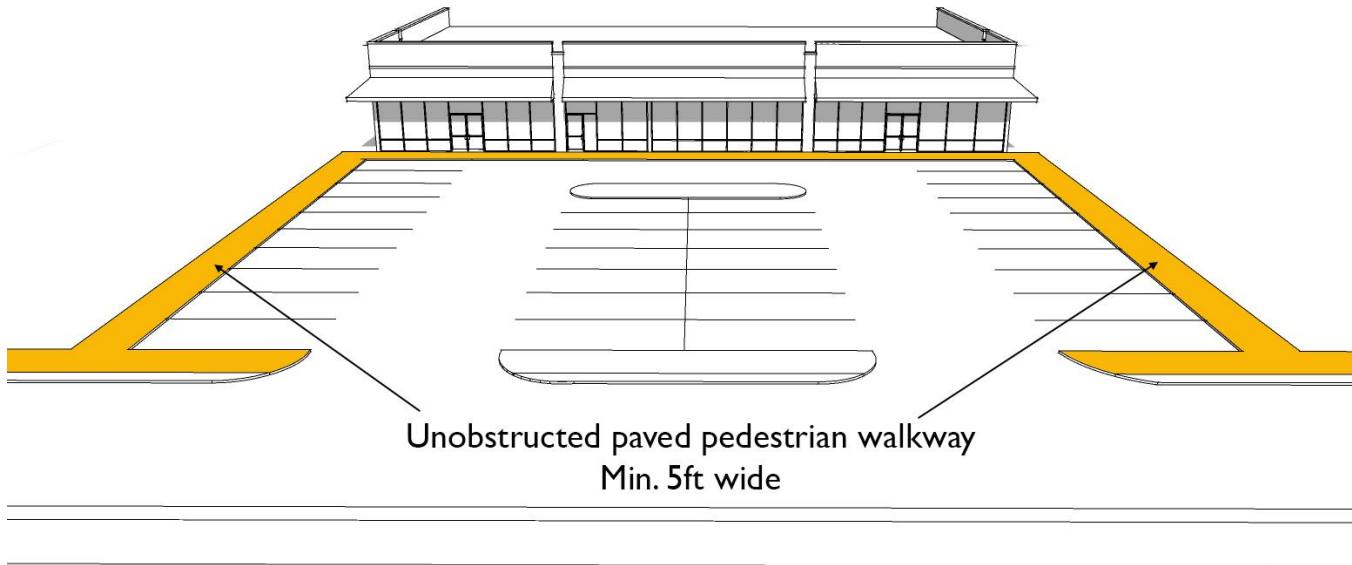
- H. Off-site parking is allowed for development in all zoning districts except the RUR and SBR Districts.
1. Off-site parking must be located within five hundred (500) feet or less of the site utilizing the parking, as measured along the pedestrian access route to the site.
 2. The petitioner shall present written evidence to the Planning Director (such as a lease or other contract) that he or she has the permission of the owner or agent representing the off-site parking spaces to use such spaces for a defined period of time.
 3. If the parking agreement referenced in subsection 2. above becomes invalid or is nullified at any time, the use shall cease immediately, and shall not resume operation until a new parking agreement meeting the requirements of this Ordinance is approved by the Planning Director.
 4. Off-site parking may not count towards more than fifty (50) percent of the requirements of Table 7.2.2, except in the DTC district. Off-site parking may satisfy one hundred (100) percent of the parking requirements of Table 7.2.2 for sites in the DTC District.
- I. On any residentially-zoned or -used property, no parking shall be allowed in any portion of a front or side corner yard facing the street, except for any area that is used as a driveway for the property.
1. Residential driveways shall be paved with concrete, compacted stone, asphalt, brick, or paving stones. Regardless of the material used for the remainder of the driveway, the portion of the driveway between the edge of the street pavement and the right-of-way line shall be paved with concrete and shall be subject to the standards and permitting of a Town of Elon Driveway Permit.
 2. Driveways shall not exceed thirty (30) percent of the front or side corner yard of any residentially-zoned or -used property.



7.2.3 PEDESTRIAN WALKWAYS WITHIN PARKING AREAS

A. The following provisions shall apply to new development of any uses listed within the Commercial Use Classification category in Table 7.2.2 or the Multi-family Dwelling use.

B. Said developments shall provide a physically separated and unobstructed paved pedestrian walkway a minimum of five (5) feet in width between the principal building entrance and the adjacent street right-of-way.



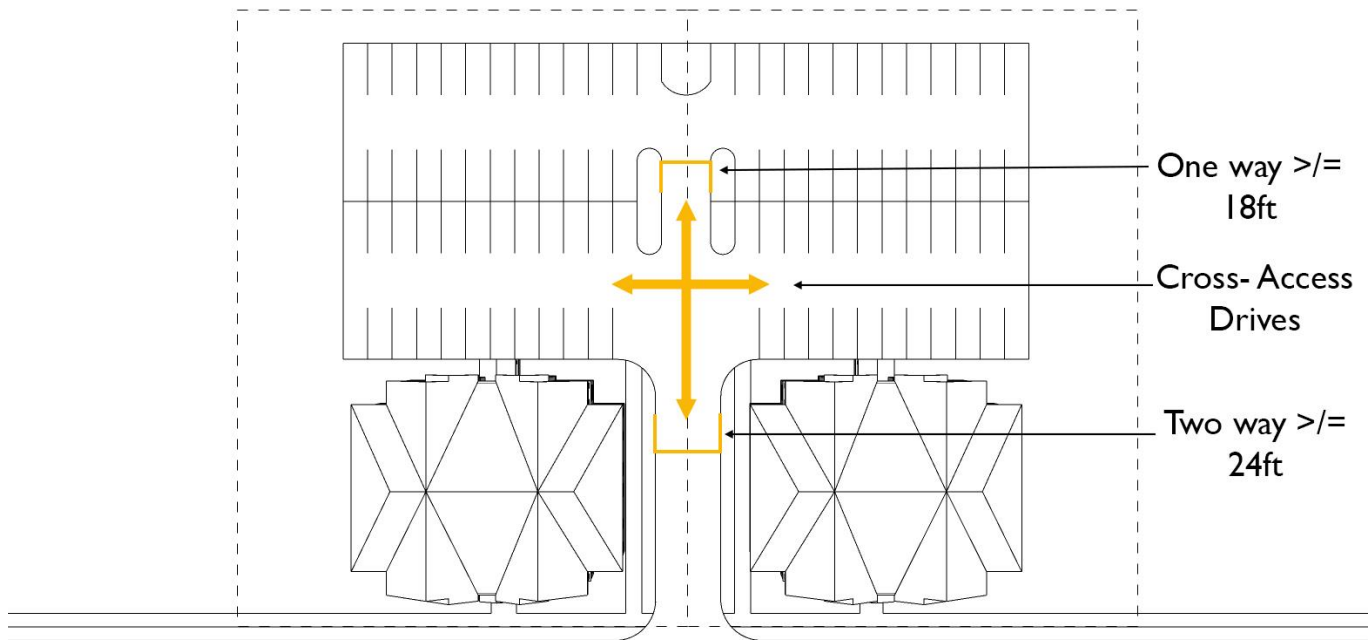
C. The requirements of this Section may be waived by the Planning Director where one (1) or more of the following conditions exist:

1. Developments that are expected to create little or no pedestrian traffic (e.g., transmission towers, utilities).
2. Topographic grades exist where pedestrian walkways would exceed an eight percent (8%) grade between an adjacent street and the parking area or finished floor elevation of the proposed development.
3. Parking areas that are not intended for public access.
4. There are existing building or utility obstructions on the subject property that block connection of the pedestrian walkway.
5. Impractical difficulties arising from an unusual building lot configuration or other unique circumstances related to the property.

Appeals of Planning Director denial shall be considered by the Board of Adjustment.

7.2.4 CROSS-ACCESS REQUIREMENTS

- A.** New development of any uses within the Commercial Use Classification shall provide cross-access drives to adjacent property.
- B.** Cross-access shall be formalized through the recordation of an easement on a final plat, or other instrument where no plat is proposed.
- C.** Cross-access drives shall be constructed within a designated cross-access easement a minimum of twenty-four (24) feet in width for two-way traffic, and twelve (12) feet for one-way traffic.



- D.** Plantings shall not be required where cross-access drives cross a required bufferyard.
- E.** Cross-access requirements may be waived by the Planning Director upon a finding of one (1) or more of the following conditions with adjoining properties:
 1. Existing cross-access drives, service roads, or side streets provide sufficient access to the subject property and adjoining property.
 2. There are incompatible land uses on adjoining properties that should not be connected by a cross-access drive (e.g., commercial or industrial uses adjoining areas intended for future residential uses);.
 3. The subject property does not have an average minimum depth of one hundred twenty-five (125) feet.
 4. The adjoining property does not abut the subject property for at least sixty (60) continuous feet.
 5. There are existing building or utility obstructions on the subject property, or the adjoining property, that block connection of the cross-access drive.
 6. The cross-access drive cannot avoid crossing significant natural or man-made features (e.g., a stream or stormwater management pond).
 7. An unimpeded motor vehicle connection cannot be made through the subject property to the adjoining property within the required cross-access easement.
 8. The cross-access drive cannot connect to existing cross-access drive stubs on adjoining property, or there is not sufficient undeveloped land on the adjoining property to allow room for a future building and accompanying parking area, along with a connecting drive to the subject property.

9. Existing topographic grade changes with adjoining properties are greater than ten percent (10%) and drive connections cannot be made to adjoining property without creating unsafe vertical vehicular grades, or impeding necessary traffic circulation on the subject property.
10. Proposed building(s) on the subject property cannot be reasonably relocated to allow for a cross-access drive connection to adjoining property.

Appeals of Planning Director denial shall be considered by the Board of Adjustment.

- F. A contract or owner's association agreement shall be required for maintenance of cross-access drives:

7.2.5 DRIVE-THROUGH STACKING LANES

- A. Development which includes drive-through facilities shall provide stacking lanes in accordance with Table 7.2.5.
- B. Each stacking space shall be a minimum of nine (9) feet in width and shall be delineated with pavement markings.
- C. Each stacking space shall be a minimum of sixteen (16) feet in length. However, individual spaces within the lane shall not be delineated with pavement markings.
- D. Stacking lanes shall not interfere with access to required parking or ingress/egress from an adjacent street.
- E. Drive-through stacking lanes shall be counted towards the minimum number of required parking spaces for all uses.

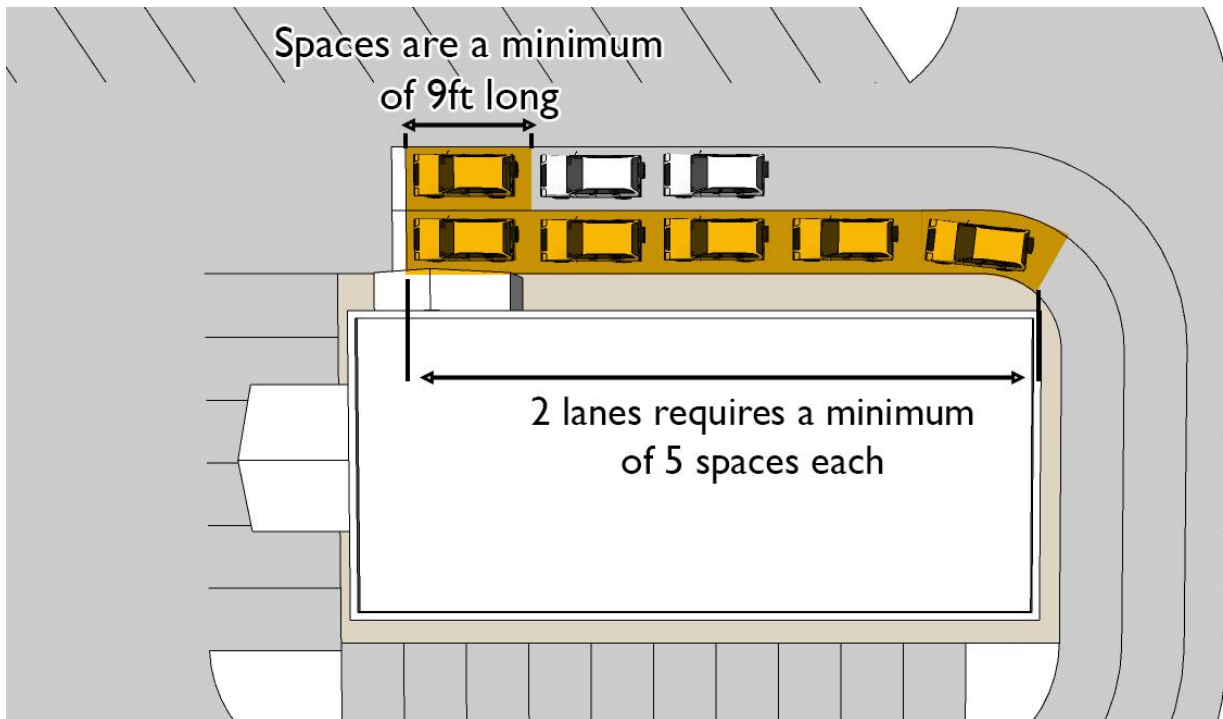


TABLE 7.2.5. DRIVE-THROUGH FACILITY STACKING LANES

Number of Lanes	Number of Spaces Per Lane
1	5
2	5
3	4
4 or more	3

7.2.6 LOADING AND UNLOADING AREAS

A. In all districts except the DTC District, any building or lot used for retail, office, institutional, or industrial purposes constructed after [adoption date of this Ordinance] shall be designed to provide adequate space for off-street loading and unloading of goods and materials. Such space may be inside or outside of a building and shall be in addition to the parking requirements of Table 7.2.2.

B. The number of loading areas shall be determined by Table 7.2.6 below:

Table 7.2.6. Number of Loading Spaces Required

Gross Floor Area	Minimum Number of Spaces
Retail Uses	
0 – 20,000 square feet	0
20,001 – 40,000 square feet	1
40,001 – 75,000 square feet	2
75,001 – 150,000 square feet	3
150,001+ square feet	4
Office and Institutional Uses, Hotels/Motels	
0 – 50,000 square feet	0
50,001 – 100,000 square feet	1
For each 100,000 square feet or fraction thereof	1
Industrial Uses	
0 – 10,000 square feet	0
10,001 – 40,000 square feet	1
40,001 – 100,000 square feet	2
100,001 – 160,000 square feet	3
160,001 – 240,000 square feet	4
240,001 – 320,000 square feet	5
320,001 – 400,000 square feet	6
For each 100,000 square feet or fraction thereof	1

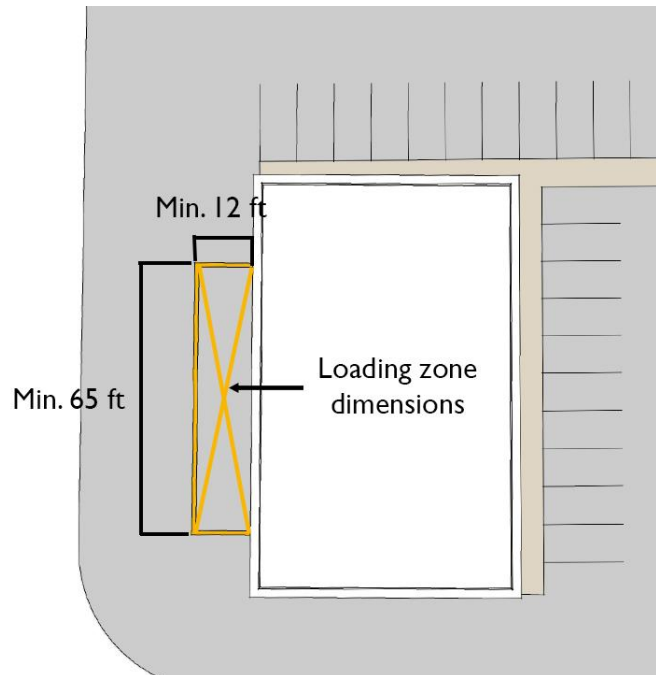
C. Loading and unloading areas shall be located on the same lot or adjoining lot as the use for which they are provided.

D. Each loading area shall be at least twelve (12) feet wide, sixty-five (65) feet long, and shall have a minimum height clearance of fifteen (15) feet.

E. Loading areas shall be designed and located such that commercial vehicles shall not back into a public street or alley.

F. The Planning Director may authorize a reduction of the loading requirements or loading spaces for any mixed-use project or adjacent uses where peak loading demand characteristics or hours of operation are distinctly different.

- 1.** A request for shared loading shall be accompanied by information necessary to determine the appropriateness of the request, such as a description of the uses, a site plan, or a transportation engineering report.
- 2.** All shared loading spaces shall be located to provide reasonably equivalent accessibility and usability to all uses which the loading is intended to serve.
- 3.** In cases where the uses for which shared loading is requested are located on lots under different ownership, a contract shall be provided.
- 4.** Parallel parking space dimensions shall be a minimum of twenty (20) by eight (8) feet.
- 5.** In determining whether to approve a reduction for shared loading, the Planning Director shall consider all relevant factors, including peak loading demand, hours of operation, and potential improvements in loading facility design, circulation, and access afforded by a shared loading facility.



7.2.7 PARKING AREA MATERIALS

A. Required parking areas or spaces; access drives; travelways; loading areas; and other vehicle use areas shall be paved with asphalt, concrete, or similar material to provide a durable and dustless surface that will accommodate intended traffic volumes and weights.

B. Properly permitted parking areas existing as of the date of LMO adoption shall be considered legally non-conforming. The parking materials standards of the LMO shall apply to new development, expansions of existing

C. parking areas, and redevelopment of existing parking areas where fifty (50) percent or more of the parking lot area is being redeveloped.

D. Access drives shall be paved and maintained from the curb line of the adjoining street to a point at least twenty (20) feet beyond the public right-of-way, for all parking and loading facilities.

E. All parking areas shall be curbed using standard curb with a minimum width of one and one-half (1.5) feet.

F. Pursuant to Elon Code of Ordinances Section 23.52, no person shall keep, store or park any motor vehicle, trailer or similar, whether operable or inoperable, on any portion of a front yard or any side corner yard facing a street on any residentially zoned or used property except an area that is used as a driveway to the property. For the purposes of this subsection, a driveway shall be considered any portion of the lot affording access to the street and

paved with concrete, compacted stone, asphalt, brick or paving stones and not exceeding 30 percent of the front or side corner yard. An unpaved surface is considered any surface other than a driveway such as, but not limited to grass or dirt. Access to parking areas shall be limited to properly approved curb cuts or other approved access points. A front yard or side corner yard shall be considered the area between the street and a line drawn parallel to the street from the point of the house that is closest to the street.

G. The requirements of A., B., and D. above shall not apply to uses within the Agricultural Use Classification, uses within the Open Space use category, Campgrounds, one- or two-family residential development, and temporary uses.

H. Alternative paving materials not meeting the requirements of this Section may be approved by the Town Engineer or designee, where such materials shall promote adequate stormwater runoff while demonstrating equal wear resistance and load-bearing as the materials specified in A. above.

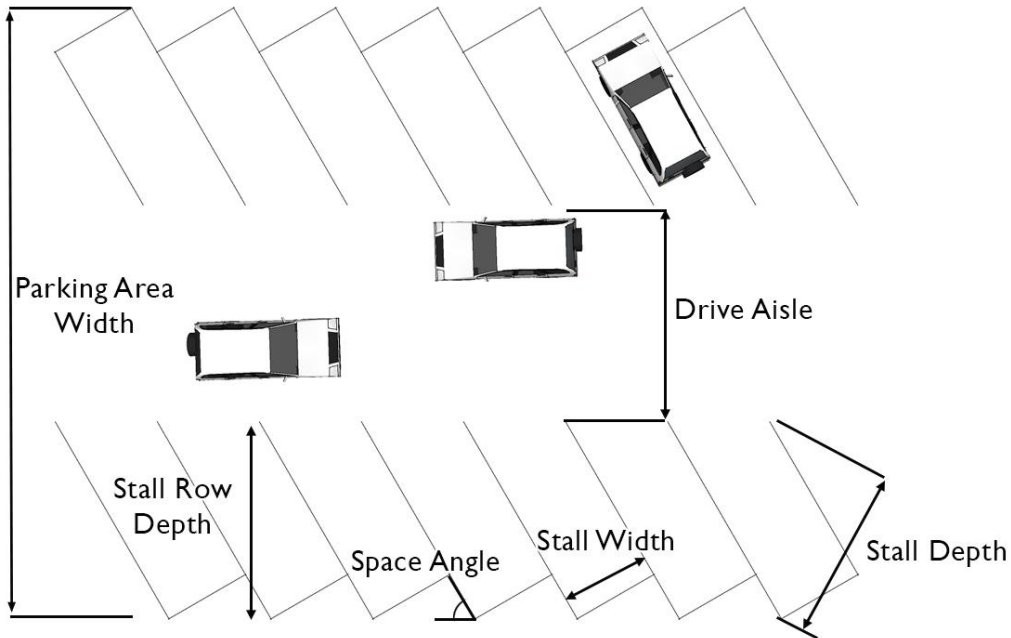
7.2.8 DIMENSIONAL REQUIREMENTS

A. Parking spaces shall be dimensioned in relation to curbs or aisles, so long as their configuration, area, and dimensions satisfy the requirements of this Section.

1. Parking space dimensions shall be a minimum of nineteen (19) feet long and nine (9) feet wide, except that disabled parking spaces and any associated access ramps or curb cuts shall meet the dimensional requirements specified in the North Carolina Building Code.
2. Parallel parking space dimensions shall be a minimum of twenty (20) by eight (8) feet.

B. Parking area drive aisle widths shall meet the standards of Table 7.2.8 below.

Table 7.2.8. Required Parking Aisle Width					
Angle of Parking Spaces	0°	30°	45°	60°	90°
One Way Traffic	12'	14'	16'	16'	18'
Two Way Traffic	18'	20'	22'	22'	24'



C. Driveways shall have a minimum width of twelve (12) feet for one-way traffic, and eighteen (18) feet for two-way traffic. Driveway width shall not exceed twenty-four (24) feet, except as required by the Town or the North Carolina Department of Transportation (NCDOT). The aforementioned dimensional requirements shall be exclusive of driveway entrances, curb cuts, and aprons.

7.2.9 BICYCLE PARKING

A. All uses developed after adoption of this Ordinance shall include a designated bicycle parking area, except for Telecommunications, Utilities, Waste-Related Services, Agricultural Uses, Townhouse, Triplex/Quadplex, and one- or two-family residential development. The number of required bicycle parking spaces shall be determined in accordance with the requirements of Table 7.2.2.

B. Bicycle parking may consist of a bicycle rack within the site's parking lot, a bicycle rack located near the building entrance, or a bicycle locker inside the principal building on-site.

C. Each bicycle rack or locker shall include a minimum of two parking spaces.

7.2.10 TEMPORARY PARKING FOR SPECIAL EVENTS

Temporary off-street parking for special events shall be constructed of any dust-free, compacted, pervious ground cover, such as grass or mulch. The owner of the property shall be responsible for the maintenance of said parking area in a clean and dust-free condition.

7.2.11 STRUCTURED PARKING

A. Parking requirements shall meet the dimensional requirements of Section 7.2.8.

B. Above-grade structured parking shall be screened in such a way that cars are not readily visible from any adjacent rights-of-way.

7.3 TREE PRESERVATION AND LANDSCAPING STANDARDS

7.3.1 GENERAL PRINCIPLES AND INTENT

A. The purpose of this Section is to establish minimum standards for the preservation of existing vegetated areas and the planting of new trees and shrubbery in order to:

1. Preserve, protect, and enhance features that contribute to the natural and unique environment of Elon
2. Maintain and enhance the visual character of the community
3. Better control soil erosion
4. Reduce the hazards of flooding and the negative impacts to water quality as a result of stormwater runoff into waterways
5. Stabilize ground water tables
6. Absorb carbon dioxide
7. Reduce urban heat island effects by providing shade and cooling
8. Screen noise, dust, and glare
9. Enhance property values, in part, by maintaining/creating buffers between land uses that benefit from efforts to reduce noise, glare, and visually incongruous built environments
10. Provide visual interest and human scale
11. Conserve wildlife habitat and corridors
12. Remediate the development-related reductions to Elon's tree canopy

7.3.2 APPLICABILITY

The Tree Preservation and Landscaping regulations shall apply to all development activities on both public and private property, with the following exceptions:

A. The development of individual single-family attached, single-family detached, or duplex units on previously platted lots.

B. The tree preservation requirements of Section 7.3.4 shall only apply to new development on parcels of greater than four (4) acres in size, except that all development within the DTC district shall be exempt from the requirements of Section 7.3.4 regardless of lot size.

C. Protected forestry activities pursuant to NCGS 160D-921. The Planning Director may request the property owner provide documentation that activities fall within one of the protected categories. The documentation shall provide the Planning Director with the means to regulate subsequent development requests on the property so documented, as follows:

1. Denial of a building permit or refusal to approve a site or subdivision plan for either a period of up to three (3) years after completion of a timber harvest if the harvest results in the removal of all or substantially all of the trees that were protected under this Ordinance, or
2. Denial of a building permit or refusal to approve a site or subdivision plan for a period of up to five years after the completion of the timber harvest if the harvest results in the removal of all or substantially all of the trees that were protected under this Ordinance and the harvest was a willful violation of this Ordinance.

7.3.3 RIGHT TO INSPECT

The Planning Director or his or her designee may make periodic inspections of sites to confirm that proposed, ongoing, and completed development activities are compliant with the provisions of this Ordinance. The Town may, at its discretion, employ the services of a Certified Arborist to assist with any evaluation of impact(s) to existing vegetation as a result of proposed or ongoing development activities. If, through inspection and documentation, it

is determined that a site has failed to comply or is no longer in compliance with the provisions of this Ordinance, enforcement activities pursuant to Section 5.4, Violations and Remedies, may commence.

At a minimum, the following site inspections by the Planning Director or his or her designee shall be performed for properties proposed for or undergoing development activities:

- a.** During the permitting phase of development, prior to any site disturbance, to verify baseline conditions of the existing vegetation and ensure that the depiction of existing vegetation on plans submitted for development approval are accurate.
- b.** Upon a request for a final plat approval or certificate of occupancy, a site visit shall be performed to verify compliance with the Tree Preservation and Landscaping provisions of this Ordinance.

7.3.4 REQUIREMENTS AND PROCESS FOR TREE PRESERVATION

It is the intent of this Section to create a development design process that informs the design through sensitive consideration of the existing conditions of the site. Natural features unique to the site such as existing tree cover, topography, streams, and other sensitive environments such as wetlands and floodplains should be the drivers of the design concept and layout, as opposed to non-contextual approaches that seek to mold the site to fit a particular design. With this in mind, the requirements and process for determining the opportunities for tree preservation are as follows.

A. Existing trees on sites greater than four (4) acres in size proposed for development, with the exception of those development types and acreage described in Section 7.3.2.B, shall be inventoried on a tree survey certified by a registered land surveyor or professional engineer. Such survey shall include the items described in subsections 1. through 5. below for the project area (defined as the rectangular area(s) encompassing the area being disturbed as part of the corresponding development request).

- 1.** The location of all trees measuring eight inches (8") or more diameter at breast height (dbh), except that this survey of individual trees may be waived for any areas clearly designated on the survey as being preserved in an undisturbed condition and adequately protected pursuant to this Section.
- 2.** The size and species of all trees meeting the standard of subsection A.1., above.
- 3.** All trees within fifty (50) feet of adjoining property boundaries and rights-of-way.
- 4.** All trees within a 100-year and/or 500-year floodplain on a site.
- 5.** Individual trees and stands of trees that the developer may wish to be considered for vegetation credits in meeting landscaping requirements for the development.

B. Removal of any tree eight inches or greater dbh shall require a zoning compliance permit. Such permit shall be required prior to any clearing, grading, and/or excavation of a site and is required without regard to other permits that may be required for the development proposal, including but not limited to a special use permit, floodplain development permit, or building permit. Approval of a zoning compliance permit for property subject to tree preservation pursuant to this Section shall be contingent upon the submittal of a Tree Preservation Plan and subsequent approval by the Technical Review Committee (TRC). The Tree Preservation Plan shall include, at a minimum, the following components, using the tree survey as a base layer:

- 1.** Clear indication of areas where trees will be retained. These areas shall be labeled as "tree protection area – not to be disturbed". The Plan shall show the proposed location and method for tree protection fencing and other such measures intended to prevent damage to the critical root zones of the protected trees. The critical root zone is calculated at one foot of diameter protection from the trunk of the tree for every 0.75 inch of trunk diameter at breast height. Tree protection fencing shall be installed prior to any clearing, tree removal, or grading of a site and shall remain in place through the completion of all construction activities.
- 2.** Clear indication of individual trees that will be retained outside of the otherwise undisturbed areas described above. The Plan shall show the proposed location and method for tree protection fencing and other measures for preventing damage to the critical root zone of the protected tree(s).

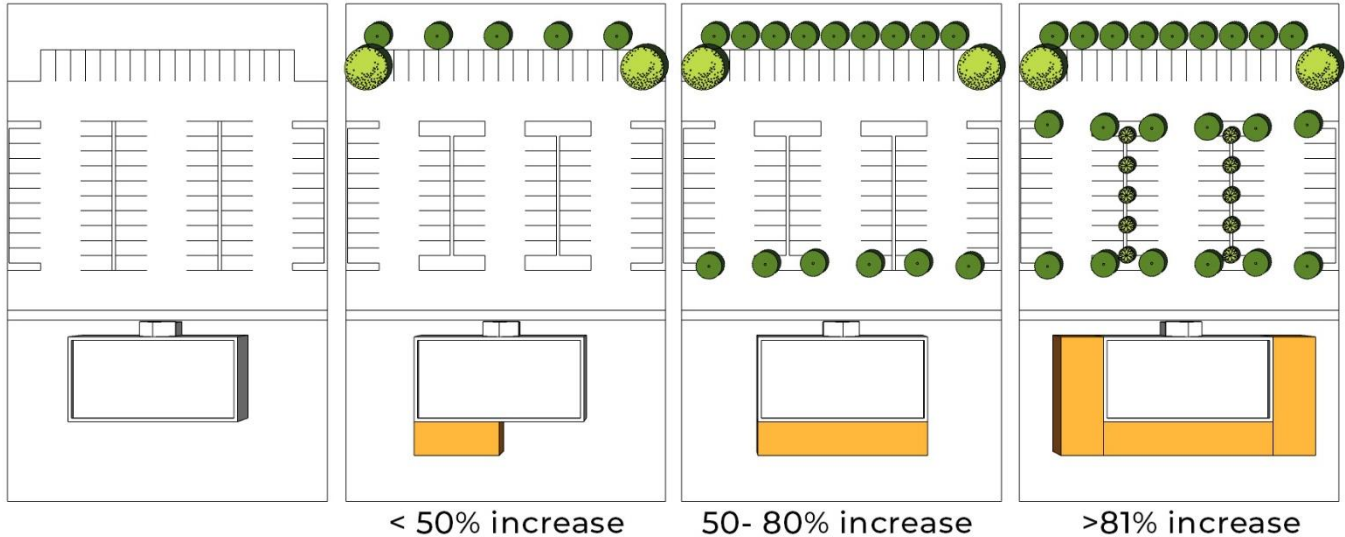
Tree preservation areas identified in accordance with subsections 1. and 2. above shall be required at a rate equal to fifteen (15) percent of the project area for single family detached residential development, and twelve (12) percent of the project area for all other development types.

- a. Where trees make up less than the percentage required in subsection 3. above, all existing trees shall be preserved, except where removal is allowed in accordance with subsection 5. below.
 3. A calculation table indicating where preserved vegetation will be used to satisfy, in whole or in part, buffering and landscaping standards as required by this Chapter. The applicant must show evidence that the preserved vegetation meets the standards with regard to size (dbh and height) and species.
 4. Clear indication of areas where trees identified on the survey pursuant to subsection A. above will be removed. Protected trees may be removed only upon justification to the TRC that essential site improvements cannot be accommodated elsewhere on the site, or that the required maximum tree save percentage for the site has already been met by other trees designated on the survey. These areas shall be marked on the Tree Protection Plan, with the reasons why the removal cannot be avoided, with the essential site improvement causing the removal of the tree(s) also shown on the Plan. Such factors such as cost or removal to accommodate nonessential site improvements shall not be valid reasons for the removal of protected trees. Roadways, building sites, and site grading shall be planned to minimize the removal of protected trees. Extensive grading to accommodate "pad-ready" building sites shall not be considered an essential site improvement. Mitigation for the removal of protected trees shall be in accordance with the following:
 - a. Mitigation for the removal of protected trees shall occur at a rate of 200 percent (200%). For every one inch (1") of trees removed, measured in diameter at breast height, two inches (2") of mitigation trees, measured in caliper inches, shall be planted. Any tree planted for mitigation shall measure at least two inches (2") caliper at the time of planting.
- C. The area within tree protection fencing shall remain free of all building materials, stockpiled soil, or other debris. Construction traffic and storage of vehicles and materials shall not take place within the protected areas. Fencing shall be erected outside of the dripline of protected trees, but shall in no case be closer than a distance of ten (10) feet from the base of any protected trees.
- D. Should any tree designated for preservation in the Tree Protection Plan die, the owner shall replace it within 180 days, or as soon as weather permits, with landscaping equal to what would be required by this ordinance.
- E. Additional determinations by the TRC with regard to tree protection may include:
 1. The TRC may recommend to the permit-issuing authority a prescribed modification to parking requirements in order to preserve protected trees on a site.
 2. Where adequate justification is provided by the applicant that an individual tree eligible for protection is dead, dying, or greater than fifty percent (50%) damaged or diseased, the TRC may exempt the tree from protection. The TRC may, in consideration of this request, require a written assessment from a certified arborist or other professional trained in the evaluation of trees.

7.3.5 PARKING LOT LANDSCAPING REQUIREMENTS

- A. Landscaping meeting the requirements of this Section shall be required of all new or expanded parking lots. Additionally, these requirements shall apply to existing parking lots in accordance with the following:
 1. For parking lots being refurbished or expanded without building expansion or redevelopment, the standards of this Section shall only apply to the expanded parking area.
 2. Where building expansion or redevelopment occurs, new parking lot landscaping meeting the requirements of this Section shall be installed at the following rate:
 - a. If building expansion or redevelopment is equal in size to 50% or less of the existing building square footage, parking lot landscaping upgrades shall apply to the parking area on site at the same rate as the percentage of building expansion/redevelopment.

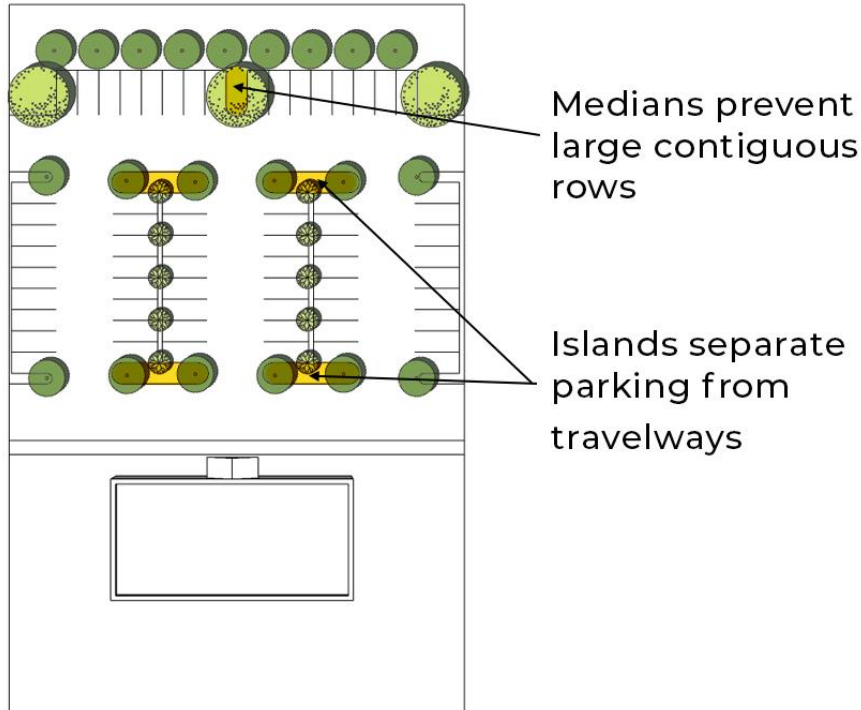
- b. If building expansion or redevelopment is equal in size to 51%-80% of existing building square footage, parking lot landscaping upgrades shall be applied to 50% of the parking lot area on site.
- c. If building expansion or redevelopment is equal in size to 81% or more of existing building square footage, parking lot landscaping upgrades shall apply to 100% of the parking lot area on site.



- 3. When upgraded plantings for parking lots are at a rate of less than 100%, the plantings may be dispersed throughout the parking lot.

B. Planting areas shall be located adjacent to parking area edges or within the interior of the parking lot as islands, peninsulas, or medians.

C. There shall be an island, peninsula, or median at the end of each row of parking to separate the last parking space from any adjacent vehicular or pedestrian travelway. Where a single row of parking spaces contains more than fifteen (15) parking spaces, additional planting area(s) shall be provided to prevent rows of contiguous parking spaces of more than fifteen without an interior planting area.



- D.** Each planting area shall contain at least one (1) deciduous large variety tree, meeting the installation and size requirements of this Section. Where overhead power lines exist within the planting area or in close proximity, small variety trees may be used at twice the rate of the large variety tree requirement.
- E.** Each required planting area shall contain at least one shrub per 35 square feet of area. No more than 25 percent of the shrubs may be deciduous and shall meet the size and planting specifications found in Section 7.3.11.
- F.** Each planting area shall contain at least 150 square feet of pervious area per small variety tree, and 350 square feet of pervious area per each large variety tree.
- G.** No parking space shall be located more than seventy-five (75) feet from the trunk of a required large variety tree, or more than fifty (50) feet from the trunk of a required small variety tree. Interior islands, medians, and edge plantings shall be used to meet this standard.
- H.** Large variety trees within parking lots shall be no closer than twenty (20) feet from any light pole.
- I.** All plantings shall be protected from vehicle bumpers through the use of curbing, wheel stops, or other appropriate means of protection. Such protection measures shall be identified on landscaping plans.
- J.** Trees used as streetyard or bufferyard plantings may also be used as credit toward parking lot landscaping requirements, provided that said trees meet the requirements of items B. through E. above.
- K.** Alternative parking lot landscaping which varies from the requirements of this Section may be proposed for contiguous parking areas with greater than 500 spaces in order to accommodate unique characteristics of the site or to utilize innovative design.
- L.** The Technical Review Committee shall be the approval authority for alternative parking lot landscaping as described in subsection K. above. The TRC shall take into account the following when determining if an alternative parking lot landscaping meets or exceeds Ordinance requirements:
1. The location of existing vegetation on-site.
 2. The number of plants, species, arrangement, and coverage proposed.
 3. The height, spread, and canopy provided by proposed plants at maturity.
 4. The incorporation of non-vegetative elements (such as walls or other structures) proposed within and near the parking area.

M. Decisions of the Technical Review Committee regarding alternative parking lot landscaping may be appealed to the Board of Adjustment.

7.3.6 STREETYARD REQUIREMENTS

A. Streetyards shall be required in conjunction with rezoning requests, new development (including the development of new parking areas) on existing zoned sites, and redevelopment of existing sites equal in area to fifty (50) percent or more of the development currently existing on-site.

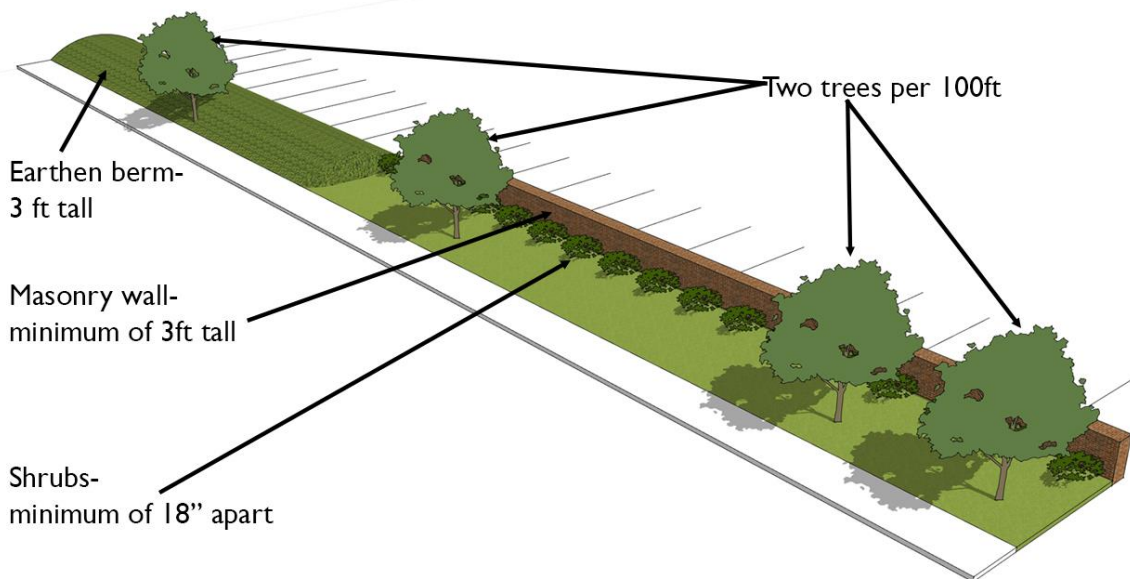
B. Streetyards shall be required for all motor vehicle surface areas located within one hundred (100) feet of any street right-of-way, unless separated by an intervening building.

C. Streetyard width shall be ten (10) feet or greater, measured perpendicular to the right-of-way, and the streetyard shall be positioned between the motor vehicle surface area and the right-of-way.

D. Each streetyard shall contain a minimum of two (2) large variety deciduous or evergreen trees per one hundred (100) linear feet, excluding points of motor vehicle ingress or egress. Where overhead power lines exist within the streetyard or in close proximity, small variety trees may be used at twice the rate required for large variety trees.

E. In addition to the trees required in subsection D. above, each streetyard shall require one of the following, or a combination thereof:

1. Natural shrubs meeting the size and planting specifications of Section 7.3.11. Shrubs shall be spaced no closer than eighteen (18) inches edge to edge.
2. Fences and walls a minimum of thirty-six (36) inches in height, constructed primarily of masonry, stone, or wrought iron.
3. Earthen berms having a minimum height of three (3) feet at installation and a minimum crown width of five (5) feet. The entire berm shall be covered with live vegetation.



F. Alternative streetyard designs which meet or exceed the standards described in this Section may be proposed in the following situations:

1. Where existing topography prevents the strict application of these standards.

2. Where existing vegetation meeting the character of the required streetyard exists on-site. In such cases, this vegetation shall remain undisturbed in perpetuity, with only removal of dead wood and limbing-up of trees allowed.
3. Where streams, natural rock formations, or other site conditions exist.
4. Where utility or access easements exist where streetyards would be required on-site.

G. The Technical Review Committee shall be the approval authority for alternative streetyard proposals as described in subsection F. above. The TRC shall take into account the following when determining if an alternative streetyard meets or exceeds Ordinance requirements:

1. The location of existing vegetation on-site.
2. The number of plants, species, arrangement, and coverage proposed.
3. The height, spread, and canopy provided by proposed plants at maturity.
4. The incorporation of non-vegetative elements (such as walls or other structures) proposed within the streetyard.

H. Decisions of the Technical Review Committee regarding alternative bufferyards may be appealed to the Board of Adjustment.

7.3.7 BUFFERYARD REQUIREMENTS

Bufferyard screening shall be required to obscure the view of adjoining properties, protect the character of residential areas, and maintain property values in accordance with the standards below:

A. Bufferyards shall be required as part of rezoning requests; new development on existing zoned sites; major subdivision approval; and conservation subdivision approval.

B. For the purposes of determining bufferyard requirements, each zoning district within the LMO shall be classified as either Single Family Residential, Low Intensity Mixed-Use, High Intensity Mixed-Use, or Industrial:

1. The following districts shall be considered Single Family Residential: RUR, SBR, NBR, UBR
2. The following districts shall be considered Low Intensity Mixed-Use: VMX, DTP, ONI
3. The following districts shall be considered High Intensity Mixed-Use: DTC, GMX, UNV
4. The following districts shall be considered Industrial: LND, HND

C. Table 7.3.7.1 shall be used to determine the required bufferyard for new development.

TABLE 7.3.7.1 DETERMINATION OF BUFFERYARD				
Zoning of Developing Property	Zoning of Adjacent Property			
	Single Family Residential	Low Intensity Mixed-Use	High Intensity Mixed-Use	Industrial
Single Family Residential	None	None	None	None
Low Intensity Mixed-Use	Type II	None	None	None
High Intensity Mixed-Use	Type II	Type I	None	None
Industrial	Type III	Type III	Type I	None

D. Table 7.3.7.2 details various bufferyard configurations which satisfy LMO requirements. Each bufferyard type is available in multiple widths, with narrower bufferyards requiring more plant materials than wider bufferyards.

TABLE 7.3.7.2. BUFFERYARD PLANTING REQUIREMENTS		
Bufferyard Type	Bufferyard Width	Minimum Plant Material per One Hundred (100') Linear Feet
Type I	10'	2 deciduous large variety trees; 8 evergreen plants, 10 supplemental shrubs
	20'	2 deciduous large variety trees; 8 evergreen plants
	40'	2 deciduous large variety trees; 6 evergreen plants
	100'	2 deciduous large variety trees; 4 evergreen plants
Type II	10'	2 deciduous large variety trees; 12 evergreen plants; 14 supplemental shrubs
	20'	2 deciduous large variety trees; 12 evergreen plants; 10 supplemental shrubs
	40'	2 deciduous large variety trees; 10 evergreen plants
	100'	2 deciduous large variety trees; 6 evergreen plants
Type III	20'	3 deciduous large variety trees; 18 evergreen plants
	40'	3 deciduous large variety trees; 14 evergreen plants
	100'	3 deciduous large variety trees; 10 evergreen plants

E. Bufferyard plantings shall follow the planting standards of Section 7.3.11.

F. New trees and shrubs should be evenly spaced at the time of planting.

G. Temporary or permanent stormwater and sedimentation control devices, and mechanical equipment such as HVAC units, shall not be allowed within required bufferyards.

H. Utility and access easements may cross a required bufferyard, but may not be placed within the long dimension of the bufferyard.

I. A masonry wall of at least six feet in height may substitute for required evergreen plants and supplemental shrubs within the bufferyard.

J. Lawfully established bufferyards which existed at the time of LMO adoption shall be considered legally nonconforming.

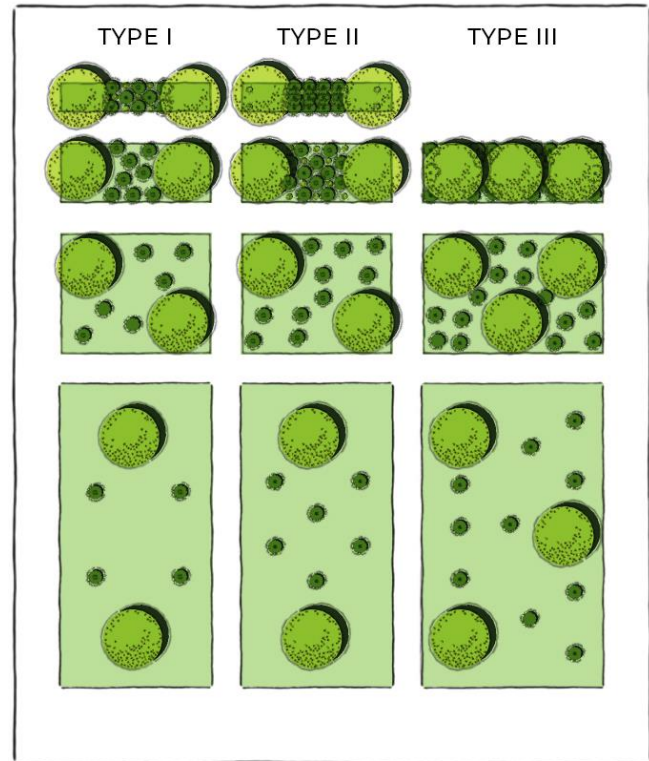
K. Alternative screening methods which meet or exceed the standards described in this Section may be proposed in the following situations:

1. Where existing topography prevents the strict application of these standards.
2. Where existing vegetation meeting the character of the required bufferyard exists on-site. In such cases, this vegetation shall remain undisturbed in perpetuity, with only removal of dead wood and limbing-up of trees allowed.
3. Where streams, natural rock formations, or other site conditions exist.
4. Where utility or access easements exist where bufferyards would be required on-site.

L. The Technical Review Committee shall be the approval authority for alternative bufferyard proposals as described in subsection K. above. The TRC shall take into account the following when determining if an alternative bufferyard meets or exceeds Ordinance requirements:

1. The land use(s) and zoning of the adjacent property.
2. The location of existing vegetation on-site.
3. The number of plants, species, arrangement, and coverage proposed.
4. The height, spread, and canopy provided by proposed plants at maturity.
5. The incorporation of non-vegetative elements (such as fencing or other structures) proposed within the bufferyard.

M. Decisions of the Technical Review Committee regarding alternative bufferyards may be appealed to the Board of Adjustment.



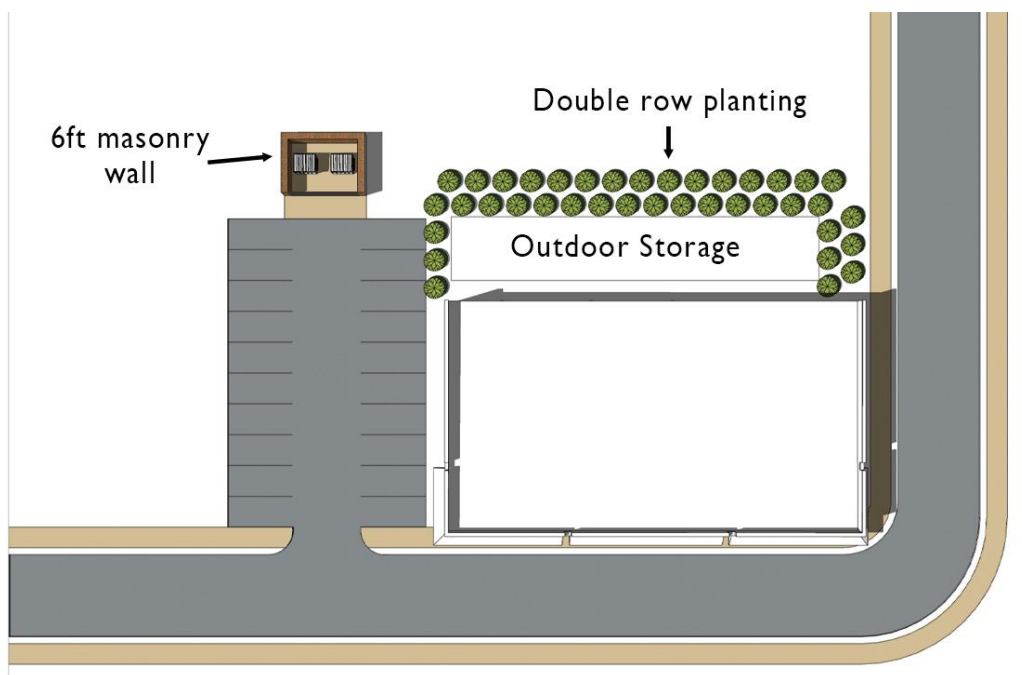
7.3.8 STREET TREE REQUIREMENTS

A. Trees shall be planted wherever a new street right-of-way is constructed, or where new development occurs along an existing street right-of-way. These requirements shall not apply to alleys. The developer shall obtain NCDOT approval for street tree plantings where new development occurs within the right-of-way of an existing state-maintained road.

- B.** Trees shall be planted at a rate of one large variety tree per forty (40) linear feet. Qualifying existing trees may be used to help satisfy these requirements, and in fact this approach is encouraged, if the existing trees are adequately protected during construction as described in Section 7.3.4.C.
- C.** Where overhead power lines exist within the right-of-way or in close proximity, small variety trees may be used to satisfy the requirements of this Section at twice the rate of the large variety tree requirement. The TRC may also identify other site-specific situations through the development review process which require large variety trees to be substituted for small variety trees, planted at twice the rate of the large variety tree requirement.
- D.** In instances where street right-of-way is insufficient or includes challenges such as slope or underground utility conflicts, street trees may be located within the front yard space of Single-Family Attached, Single-Family Detached, Duplex, Triplex/Quadplex, and Townhouse units (rather than within the street right-of-way).

7.3.9 OUTDOOR STORAGE AREA SCREENING

- A.** Any outdoor storage area with a linear dimension of fifteen (15) feet or greater, not screened from any public or private street or residential use by an intervening building, or any dumpster not screened by an intervening building shall be screened from view from any street right-of-way or residential use, whether or not it may provide access to the site, for its entire length except for necessary access.
- B.** Outdoor screening shall be provided using either fencing, plantings, or a combination of the two:
- 1.** Fencing:
 - a.** A fence or wall shall be at least six (6) feet in height, opaque, and constructed primarily of masonry, stone, wood, or of the same material as that of the principal building on-site.
 - 2.** Plantings:
 - a.** The minimum height of any plant material shall be six (6) feet at installation.
 - b.** The spacing of said plantings shall be in a double-row configuration, staggered, with five (5) foot spacing between the centers of the main trunk of each plant.
- C.** Dumpsters shall be set on a concrete pad.
- D.** Dumpsters shall not be located within fifty (50) feet of existing residential uses on any adjacent parcel.



7.3.10 MECHANICAL EQUIPMENT SCREENING

A. All exterior mechanical equipment shall be located to the rear or side of the principal structure on the lot, and shall be screened in accordance with the standards of Section 7.3.9. Rooftop mechanical equipment shall be screened from view by a parapet wall or similar architectural element.

7.3.11 PLANTING STANDARDS FOR TREES AND SHRUBS

A. All new plant material shall be of good quality, installed in a sound, workman-like manner, and meet the standards set forth in the *American Standard for Nursery Stock* by the American Association of Nurserymen.

B. All trees shall be properly guyed or staked and mulched (with a 3-4 inch layer of material) in accordance with accepted practices in the landscape industry, to prevent winds from loosening roots.

C. Where large maturing trees would be required but overhead utility lines exist, small maturing trees may be substituted at twice the rate required for large variety trees with the approval of the Technical Review Committee. The TRC may also identify other site-specific situations through the development review process which require large variety trees to be substituted for small variety trees, planted at twice the rate of the large variety tree requirement.

D. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials and will keep them in a proper, neat, and orderly appearance, free from refuse and debris. All dead or unhealthy plant material shall be replaced within 180 days to maintain the quality of the landscaping. In no instance shall the Town of Elon be responsible for the maintenance of any vegetation unless such vegetation is located within the public right of way of a Town maintained street or is located on property owned by the Town.

E. New landscape materials shall be complementary to plant materials existing on the property and on adjoining properties. Use of native plant materials is encouraged.

F. Large maturing trees shall not be less than ten (10) feet in height at installation with a minimum two-and-a-half (2- ½) inch caliper.

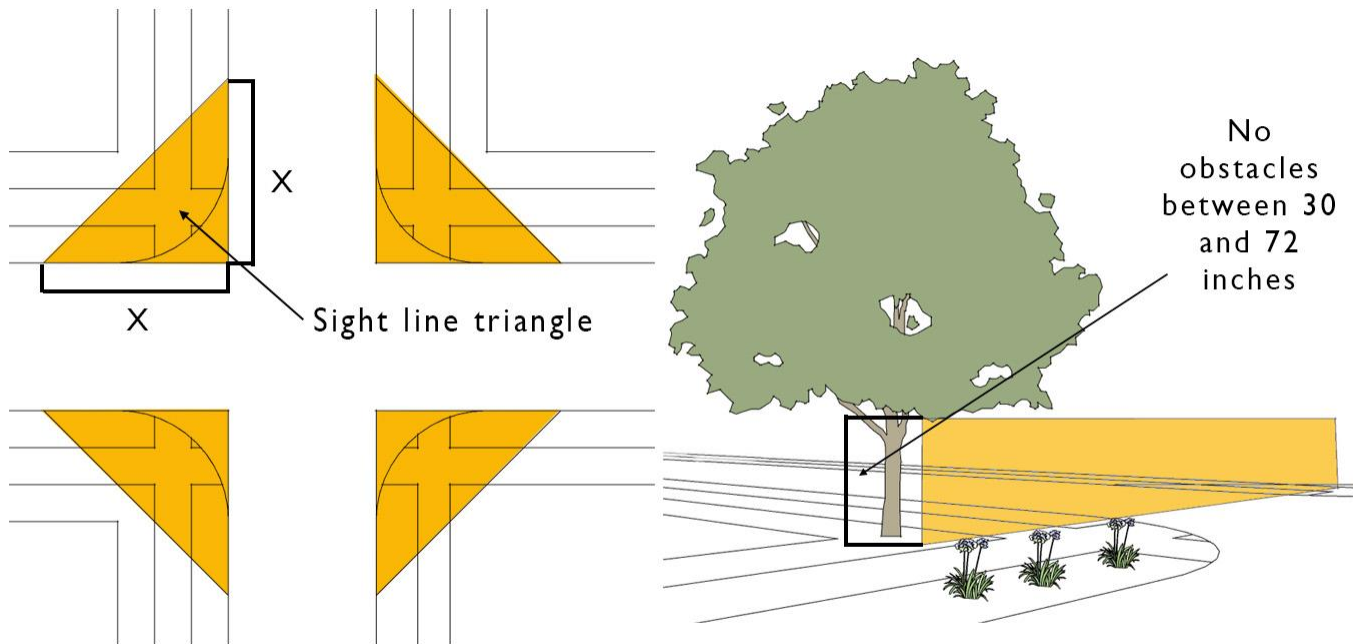
G. Small maturing trees shall not be less than eight (8) feet in height at installation with a minimum one-and-one quarter (1-1/4) inch caliper.

H. Evergreen trees shall not be less than eight (8) feet in height at installation with a minimum two (2) inch caliper.

I. Shrubs shall be a minimum of two (2) feet in height at installation.

J. Installation and construction practices which preserve and replace existing topsoil or amend the soil to reduce compaction shall be adhered to.

K. No vegetation shall be planted within the sight distance triangle at an intersection or driveway access point unless an unobstructed view between 30 and 72 in height in height is maintained.



7.3.12 REVISIONS TO APPROVED LANDSCAPING AND TREE PRESERVATION PLANS

A. Minor revisions to approved landscape plans due to seasonal planting problems and/or a lack of plant availability may be approved by the LMO Administrator if:

1. There is no reduction in the quantity of plant material.
2. There is no significant change in size or location of plant materials.
3. The new plants are of the same general category (i.e., shade tree, ornamental tree, evergreen, or shrub) and have the same general design characteristics (mature height, crown spread) as the materials being replaced.

7.3.13 INSPECTION OF SITES

A. The LMO Administrator or his or her designee may inspect sites subject to the provisions of this ordinance at any reasonable time.

B. If, through inspection, it is determined that a site has failed to comply or is no longer in compliance with the provisions of this Ordinance, enforcement activities may commence.

C. A certificate of occupancy for the development shall not be issued unless the required landscaping is installed in accordance with the standards of this Ordinance and in accordance with an approved site plan or subdivision plat, or unless a surety is in place guaranteeing the installation of required landscaping at a time more conducive to the health and longevity of the vegetation.

7.3.14 REPLACEMENT OF DISTURBED AND DAMAGED VEGETATION

- A.** The disturbance of any landscaped area or vegetation required by this Ordinance shall be considered a violation. All disturbed landscaped areas and vegetation shall be replanted to meet the standards of this Section as well as any approved site or master plan.
- B.** Where the vegetation that has been disturbed or damaged existed on the site at the time the development was approved, all replacement vegetation shall meet the standards set forth in this Section, taking into account any unique site conditions and significant vegetation remaining within the landscaped area. Trees or vegetation that die within one year of construction completion as a result of contractor negligence shall be removed and replaced with new vegetation of equal or greater size.
- C.** Existing vegetation required to be preserved that has been damaged or destroyed during the course of development activity shall be subject to civil penalties and replaced in accordance with the requirements of this Section.
- D.** A re-vegetation plan that takes into consideration the development condition of the site, significant vegetation remaining within landscaped areas, and replacement plant materials shall be submitted to the Planning Director for approval. Vegetation replacement shall consist of one or a combination of the following measures:
- 1.** Replanting according to the requirements of this Section.
 - 2.** Replacing damaged or destroyed significant vegetation with an equal amount of new vegetation according to the size of vegetation removed. Any tree that is damaged or removed shall be replaced with one or more trees that have a caliper of at least two-and-one-half inches and a cumulative caliper equal to or greater than the original tree. Understory vegetation may also be required to restore the screening effect of the disturbed area.
- E.** Replacement plantings shall be located within the vicinity of the violation. If the area is too small for sufficient growth, a more suitable location on the site may be approved by the Planning Director.

7.3.15 EMERGENCIES

In the case of emergencies such as windstorms, ice storms, fire, or other disasters, the Town may waive the landscaping requirements of this ordinance during the emergency period so that the requirements of this ordinance will in no way hamper private or public work to restore order in the Town.

7.4 SIGNAGE STANDARDS

7.4.1 INTENT

Signs are intended to be designed and located in a manner which enhances streetscapes within the Town and complements the architectural character of new and existing buildings. Sign messages are intended to be legible when viewed by pedestrians as well as motorists. The standards of this Section are content-neutral, and both commercial and/or non-commercial speech are allowed on any permitted sign. A wide variety of sign types are permitted within the Town to ensure the protection of commercial and non-commercial speech.

7.4.2 PROHIBITED SIGNS

The following signs shall be prohibited within the Town's jurisdiction:

- A.** Abandoned or dilapidated signs.
- B.** Signs on roofs, chimneys, and balconies.
- C.** Billboards or other off-premise signs.

- D. Inflatable and windblown signs, including “feather flag” signs.
- E. Flashing or blinking signs.
- F. Signs with moving elements, except for electronic message board signs.
- G. Vehicular signs.
- H. Mobile signs.

7.4.3 SIGN MEASUREMENT

- A. Sign area shall be calculated as the smallest square, circle, rectangle, triangle, or combination thereof encompassing the sign message and background, along with any molding, trim, border, or frame materials.
- B. The height of a free-standing sign shall be measured from the right-of-way to which the sign is oriented or the average grade of the site where the sign is located, whichever is higher, to the top of the highest attached component of the sign, including the sign face, sign structure and any other appurtenance. Any change in a site's grade specifically designed to increase a sign's height shall be included as part of the sign's height.

7.4.4 SIGN ILLUMINATION

- A. For free-standing signs, up to eighteen (18) square feet of sign area may be internally illuminated. This provision shall not apply to electronic message board signs.
- B. Electronic message boards shall have a maximum brightness of 5,000 nits during daylight hours, and 500 nits between sunset and sunrise.
 - 1. All electronic message board signs shall have a light sensing device that will adjust the brightness in real-time as ambient light conditions change, so that the sign does not exceed the maximum brightness levels allowed by this Section.
 - 2. Prior to issuance of a sign permit, the applicant shall provide written certification from the sign contractor that the light intensity of the electronic message board sign has been pre-set not to exceed 5,000 nits.
 - 3. Prior to the final sign inspection, the sign contractor shall provide written certification that the sign meets all requirements of this Section.

7.4.5 SIGN PERMITS

A permit shall be required for the erection, replacement, relocation, or alteration of any sign, except as specifically noted in this Ordinance. Sign permits shall be requested in accordance with the process described in Section 5.2.19.

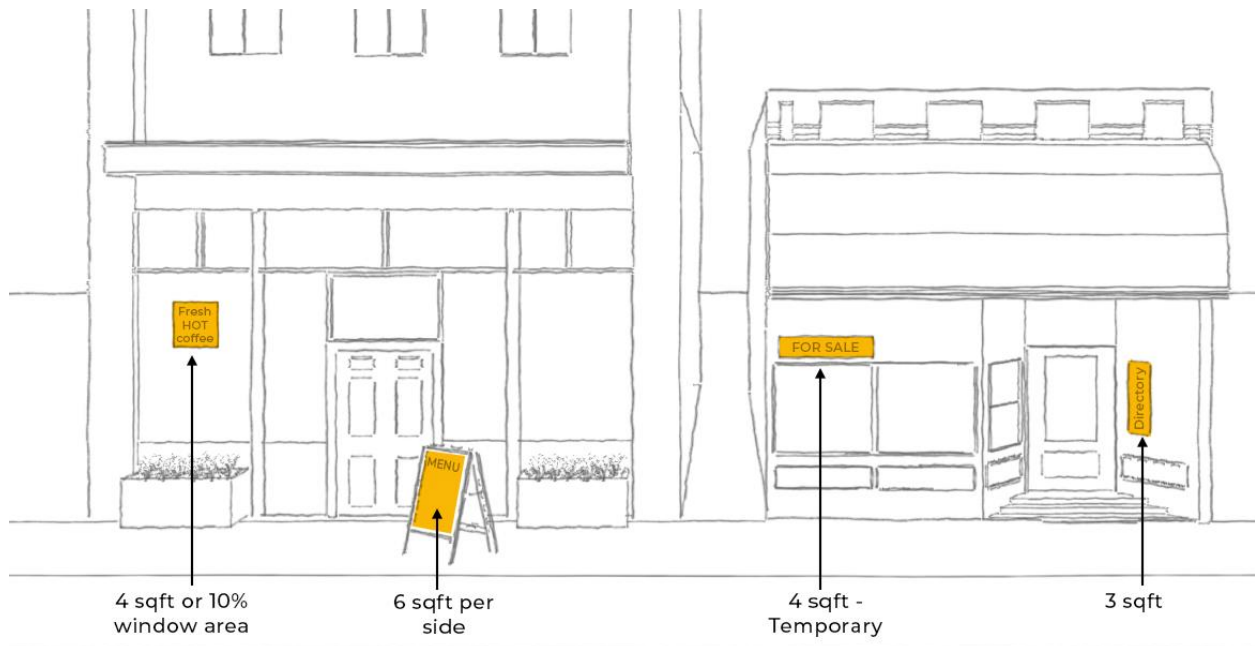
7.4.6 SIGNS ALLOWED WITHOUT PERMITS

- A. Signs directly adhered to the interior or exterior of windows or doors.
 - 1. Such signs shall occupy no more than ten (10) percent of the window/door area or four (4) square feet, whichever is less.
 - 2. A maximum of one window or door sign shall be allowed per building.
- B. A-Frame Signs
 - 1. Such signs shall not interfere with pedestrian or vehicular circulation or sightlines.
 - 2. A maximum sign area of six (6) square feet shall be allowed on each side of an A-Frame sign.
 - 3. A-Frame signs shall be constructed of durable materials.
- C. Wall-mounted building directory signs identifying the occupants of a building.
 - 1. Such signs shall be located near the principal building entrance and shall project no more than six (6) inches from the surface of the wall.

2. Directory signs shall be no larger than three (3) square feet in area.
3. Building service entrances may also be identified by wall-mounted signs which shall not exceed two (2) square feet in area.

D. Temporary signs (unless expressly prohibited)

1. Such signs shall have a maximum area of four (4) square feet, except as otherwise noted.
2. One temporary sign shall be allowed along each street frontage on a property, except as otherwise noted.
3. A maximum sign area of six (6) square feet shall be allowed on each side of an A-Frame sign.
4. Examples of temporary signs include, but are not limited to, A-Frame signs; for sale or rent signs; signs advertising development activity taking place on a property; construction fence wraps as described in NCGS 160D-908; agricultural product sale signs; and signs advertising special events.



E. Political Campaign or Election Signs may be placed in the right-of-way of any road maintained by the State of North Carolina or the Town of Elon in accordance with the standards of NCGS 136-32.

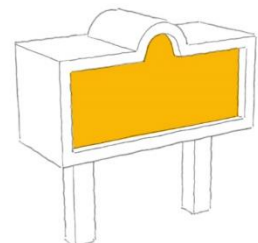
F. Signs for orderly traffic control and other government-installed signage, including banners and flags installed from lamp posts and hung across rights-of-way.

7.4.7 SIGNS REQUIRING PERMITS

The following sign types shall be allowed in the zoning districts indicated in Table 7.4.7, with a permit from the Planning Director or their designee.

A. Free-Standing (Ground-Mounted) Signs

1. Free-standing signs shall have a maximum height of six (6) feet.
2. Such signs shall have a maximum of two (2) faces, with a maximum area of thirty-six (36) square feet per face.
3. Each building shall be allowed one freestanding sign, including buildings which are broken up into multiple suites or contain multiple businesses.



4. Free-standing signs exceeding the height and area requirements described above may be approved by Town Council through the Conditional Rezoning process described in Section 5.2.5.

B. Wall Signs

1. Attached wall signage equal to five (5) percent of the area of the ground floor façade(s) of the building adjacent to rights-of-way shall be allowed.
2. One additional wall sign, up to six (6) square feet in area, shall be permitted on any side or rear facade of the building.
3. The maximum height of any attached sign shall be eighteen (18) feet from the bottom of the façade where the sign is installed.



TABLE 7.4.7. MATRIX OF ALLOWABLE SIGN TYPES

Zoning District	Allowable Sign Types					
	Free-Standing Signs	Wall Signs	Projecting Signs	Awning Signs	Subdivision Entry Signs	Electronic Message Boards
RUR	X	--	--	--	X	--
SBR	X	--	--	--	X	--
NBR	X	--	--	--	X	--
UBR	X	--	--	--	X	--
VMX	X	X	X	X	--	X
DTC	X	X	X	X	--	--
DTP	X	X	X	X	--	--
GMX	X	X	X	X	--	X
ONI	X	X	--	--	X	X
UNV	X	X	X	X	--	X
LND	X	X	--	--	X	--
HND	X	X	--	--	X	--

C. Projecting Signs

1. Projecting signs shall have a maximum sign area of six (6) square feet per face.
2. The distance from the lower edge of the sign face to the ground shall be at least seven (7) feet.
3. One projecting sign shall be allowed per building.
4. The width of a projecting sign shall not exceed three (3) feet.
5. The height of the top edge of the sign face shall not exceed the height of the wall from which it projects, for single-story buildings, or the height of the bottom of any second-story window for multi-story buildings.



D. Awning Signs

1. Awning signs above a building's main entrance shall be allowed a maximum of ten (10) square feet of area on the main face of the awning, and four (4) square feet of area on the awning valance.
2. One sign, a maximum of four (4) square feet in size, may be located on either the main awning face or the valance of awnings above each secondary building entrance or window.

E. Subdivision Entry Signs.

1. Subdivisions shall be allowed either two (2) single-faced or one (1) double-faced sign at each subdivision entrance.
2. Such signs shall have a maximum height of six (6) feet.
3. Subdivision entry signs shall have a maximum area of thirty-six (36) square feet.

F. Electronic Message Boards.

1. Electronic message board signs shall meet the illumination requirements of Section 7.4.4.B.
2. Each electronic message shall remain stationary for a minimum of eight (8) seconds, and transitions between messages shall be complete and instantaneous. No blinking, flashing, or other transitional effects shall be used. Any sign on which the message or display runs continuously or which uses blinking, flashing or similar effects shall be considered a flashing sign.
3. Only one electronic message board shall be allowed per building. Said electronic message board may take the form of a free-standing sign or an attached sign.
4. The maximum area of an electronic message board shall be thirty-six (36) square feet.



7.4.8 REMOVAL OF ABANDONED SIGNS

- A.** Signs relating to or identifying an activity or establishment that is no longer conducted on premises shall be considered abandoned.
- B.** The definition of abandoned signs shall include the sign's structure if said structure does not comply with the height, area, or other requirements of this Ordinance.
- C.** Such signs shall be in violation of this Ordinance if not brought into compliance or removed within one year of notification of the property and sign owner by the Planning Director or their designee.
- D.** An abandoned sign which is left in place but painted or otherwise masked with a solid, uniform color shall be considered compliant with the requirements of this ordinance.

7.5 FENCE AND WALL STANDARDS

A. INTENT

The purpose of this Section is to establish minimum standards for the construction and design of fences and walls within all zoning districts.

B. PERMIT REQUIRED

A fence permit shall be received from the Planning Director prior to the erection of new fences and walls, or the replacement of existing fences and walls, in accordance with the process outlined in Section 5.2.10.

C. ALLOWABLE FENCE AND WALL TYPES

The following types of fences and walls shall be allowed in all zoning districts, except as further limited by other Ordinance provisions:

1. Open picket fences.
2. Post and rail fences.
3. Solid plank fences.

4. Ornamental iron or aluminum fences.
5. Masonry, concrete, or stone walls. Such walls may be solid or pierced.
6. Open wire fencing (such as woven wire and chain link). Open wire fencing shall be screened from view from nearby rights-of-way with a combination of trees or shrubs.

D. PROHIBITED FENCE AND WALL TYPES

The following types of fences and walls shall be prohibited in all zoning districts:

1. Fences constructed primarily of barbed or razor wire, or fences carrying electrical current, except for the purpose of enclosing livestock.
2. Fences constructed of readily flammable material such as paper, cloth, or canvas.
3. Fences topped with barbed or razor wire.

E. FENCE AND WALL PLACEMENT AND DIMENSIONS

1. Fences or walls shall be no higher than four (4) feet in height between the street right-of-way and a line corresponding with the front façade of the principal structure on the lot.
2. Fences or walls in rear or side yards shall be no higher than six (6) feet in height when used in conjunction with residential uses. Said fences shall be no higher than eight (8) feet in height when used in conjunction with non-residential uses.

F. ADDITIONAL FENCE AND WALL REQUIREMENTS

1. No fence, wall, post, or required landscaping shall be installed so as to obstruct visibility at a street intersection or driveway entrance.
2. Fences must be installed with posts, supports, stringers, and all unfinished materials facing the interior of the lot, so as to minimize the visibility of such materials from adjacent rights-of-way.
3. Fence or wall height shall be measured at the highest point of the structure, not including columns or posts, as measured from the grade on the side nearest an abutting lot or right-of-way.
4. Columns or posts shall not extend more than eighteen (18) inches above the built height of the fence or wall. Retaining walls or berms underneath the fence shall be counted towards the overall height of the structure.
5. Any safety railings required by the State Building Code shall not be subject to height requirements.
6. Any fence or wall which, through neglect, lack of repair, type or manner of construction, method of placement, or similar circumstance constitutes a hazard or endangers any person, animal, or property shall be deemed a nuisance. If such conditions exist, the owner of the property upon which the fence is located shall be required to repair, replace, or demolish the fence causing the nuisance.
7. No fence or wall shall block access from doors or windows of any structure.
8. Fence and wall construction shall not alter or impede the natural flow of water in any stream, creek, drainage swale, natural drainageway, or ditch.
9. No fence or wall shall be located within a utility easement without review and written approval by the easement-holder.

7.6 LIGHTING STANDARDS

A. INTENT

The purpose of this Section is to provide standards for exterior lighting to prevent adverse effects on motorists, pedestrians, and adjacent properties. Lighting intensities should be controlled to assure that light spillover and glare are not directed at adjacent properties, neighboring areas, motorists, or the sky.

B. APPLICABILITY

The standards of Section 7.6 shall apply to all development permitted after the adoption of the LMO, except for the uses Single-Family Attached Dwelling; Single-Family Detached Dwelling; Duplex Dwelling; Manufactured Dwelling; and Triplex/Quadplex.

Street lights and temporary lighting shall also be exempt from the requirements of this Section.

C. LIGHTING PLAN

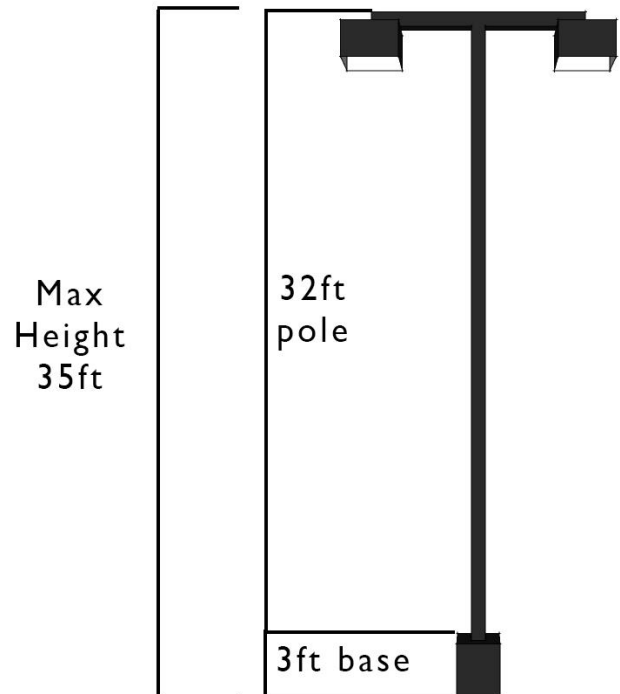
1. A lighting plan prepared by a lighting certified (LC) lighting professional or a professional engineer licensed in the State of North Carolina shall demonstrate that all exterior lighting is designed, located, and installed in accordance with LMO standards.
2. Prior to the issuance of a certificate of occupancy, the LC lighting professional or professional engineer shall certify in writing that that lighting was installed per the approved plans.

D. LIGHT LEVEL MEASUREMENT

1. Light levels are specified, calculated, and measured in footcandles.
2. All values are initial footcandles.
3. Measurements shall be made at ground level with the light-registering portion of the meter held horizontally pointing up.

E. GENERAL LIGHTING STANDARDS

1. Outdoor lighting shall be integrated with the architectural character of the building.
2. Light levels for all exterior lighting measured at any residential property line or public right-of-way shall not exceed one-half (1/2) footcandle.
3. Parking lot lighting shall utilize fixtures certified as full cutoff and with a maximum glare rating of G3.
4. Uniformity ratios for parking lot lighting shall not exceed 4:1 average to minimum light levels.
5. Lights mounted on poles shall have a maximum pole height of thirty-two (32) feet and shall not be mounted greater than thirty-two feet (35) feet above grade including any base or mounting structure.
6. Non-shielded wall packs and high-intensity light beams, such as outdoor searchlights, lasers, or strobe lights shall be prohibited.
7. Routine maintenance of existing lighting, including changing the lamp, ballast, starter, photo control, fixture housing, lens, and other required components shall be allowed for all existing fixtures. A lighting plan shall not be required for such changes.
8. Sensor-activated lighting may be unshielded provided it is located in such a manner as to prevent direct glare and lighting onto adjacent properties or rights-of-way. Sensor-activated lighting shall not be triggered by activity off of the property.
9. The average lighting level for new and existing service stations shall be no greater than 3.0 footcandles under the canopy. Canopy lighting shall be recessed to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent property.



F. STANDARDS FOR RECREATIONAL LIGHTING

1. In addition to the standards above, the standards of subsection F. shall apply to the following uses:
 - a. All uses in the Outdoor Commercial Recreation Use Category.
 - b. Amphitheater (Outdoor).
 - c. Accessory athletic fields and courts submitted for permitting after adoption of the LMO.
 - d. Lighting added to existing facilities described in 1., 2., and 3. above which did not have lighting existing prior to adoption of the LMO.
2. Fixtures shall be fitted with the manufacturer's glare control package. If the manufacturer does not offer a glare control package, the fixture specification shall be changed to a manufacturer that offers a glare control package.
3. Fixtures shall be designed with a sharp cutoff and aimed so that their beams fall within the primary playing area and immediate surroundings, so that off-site direct illumination and glare are significantly restricted.
4. The maximum pole height for a new outdoor recreation lighting source shall be eighty (80) feet unless approved by the Town Manager or designee after being determined that the lighting shall have no significant adverse effect on surrounding property.
5. Existing poles for outdoor recreation lighting sources with a height greater than eighty (80) feet may be used for new lighting if approved by the Town Manager or designee after being determined that the lighting will have no significant adverse effect on surrounding property.
6. The lighting plan shall demonstrate that the maximum candela per fixture does not exceed 7,500 candela at a distance of 150 feet from the edge of the playing field.

7.7 OPEN SPACE STANDARDS**A. PURPOSE AND INTENT**

When land is developed for residential purposes, public health, safety, and welfare are best served when substantial portions of the tracts so developed remain as open space. The preservation of open space serves the following important objectives to the benefit of the residents of such developments as well as the general public: the preservation of open vistas; pedestrian connections to community facilities; providing relief from urban and suburban landscapes; providing a balance to urban heat island effects; the preservation of environmentally sensitive lands; the preservation of habitat for wildlife; the preservation of historically or archaeologically significant areas; and the provision of areas for passive recreation, such as walking, jogging, or biking

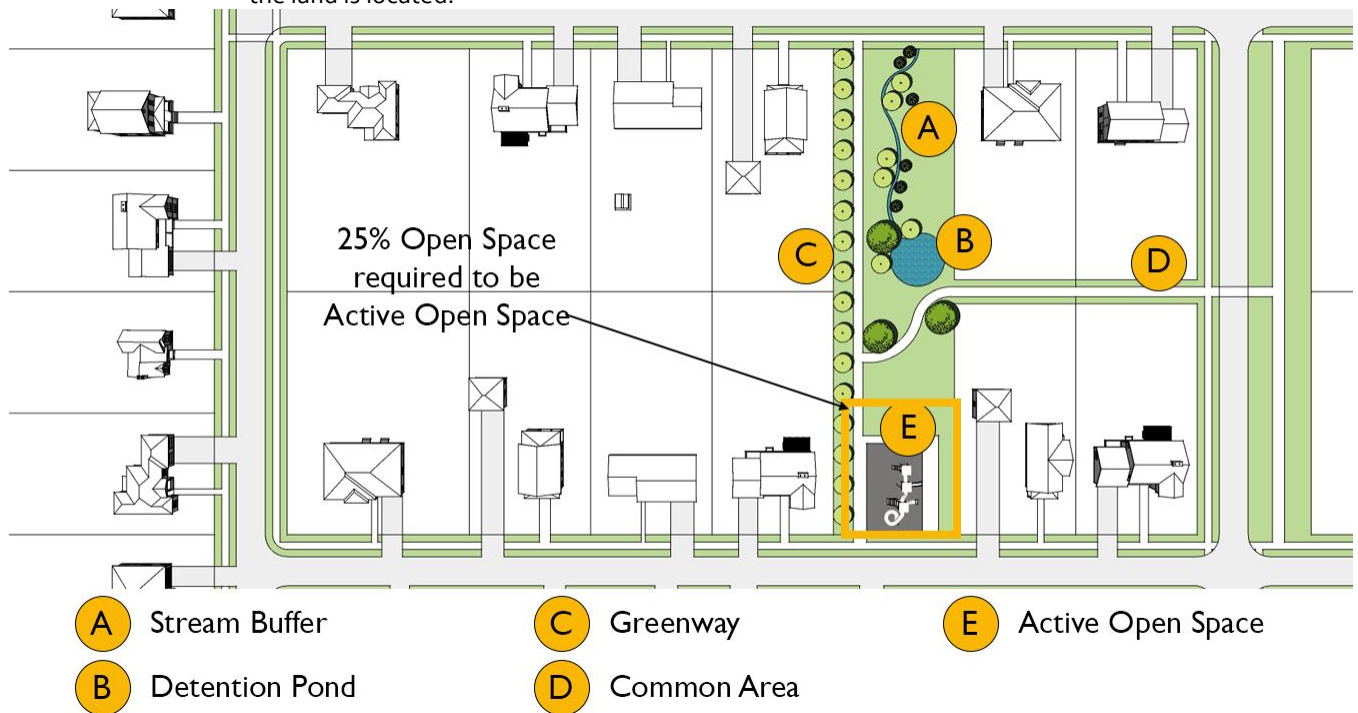
B. APPLICABILITY

New residential and mixed-use development, excluding the construction of one- or two-family dwellings on previously subdivided lots, shall require open space to be set aside in accordance with the standards of this Section. The exemption included in this subsection is intended to apply to infill development only and shall not exempt entire subdivisions, or any portion thereof, or any other development which otherwise would have to comply with the requirements of this Section.

C. GENERAL STANDARDS

1. Three categories of open space are described in this ordinance: passive, active, and urban.
2. The required percentage of development to be set aside as open space, along with the allowable types of open space for each zoning district, are indicated in Table 7.7.
3. Where the provision of some or all of the open space required by this Section is not practicable, the developer may request fee-in-lieu consideration in accordance with Section 5.2.9.
4. Twenty-five (25) percent of the required open space within any development shall be either Active or Urban Open Space.
5. All residential buildings within a development shall be located within 1,320 feet of any required Active or Urban Open Space.

6. Natural features within Passive Open Space areas shall be maintained in their natural condition, but may be modified to improve their appearance, natural functions, or overall conditions as recommended by experts in the area being modified. Permitted modifications include reforestation; woodland management; pasture or cropland management; buffer area landscaping; stream bank protection or restoration; and wetlands management.
7. Features that may be counted as open space shall include:
 - a. Environmentally-sensitive lands including water features (drainageways, lakes, streams, etc.), wetlands, floodplains, and protected stream buffers;
 - b. Stormwater management lands, including retention and detention ponds, and bio-retention devices;
 - c. Farm and forestry lands within the boundary of the development;
 - d. Pedestrian and bicycle amenities, trails, and greenways, in common areas of the development;
 - e. Narrow strips of common area that separate lots within a development from each other, from streets, or from adjoining tracts shall not be regarded as open space within the meaning of this Section unless such areas:
 - i. Are at least forty (40) feet in width at the street right-of-way, consisting of at least one thousand (1,000) feet of contiguous area; and
 - ii. Are configured or improved (e.g., through the installation of trails) in such a way as to be conducive to actual use for pedestrian connections to community facilities and for recreational purposes (i.e., walking or jogging) by the residents of the development where the land is located.



8. Features that may not be counted as open space include:
 - a. Private yards;
 - b. Street rights-of-way, private street common area, or vehicle medians;
 - c. Vehicular use areas, including parking spaces, drive aisles, and private drives;
 - d. Privately-owned lots that are used or intended for residential uses;
 - e. Easements not within the common area of the development;
 - f. Noncontiguous pieces of land which are, as a practical matter, inaccessible to all or most of the residents of the development; and

- g. Land covered by buildings not designated for active recreational use.

TABLE 7.7. REQUIRED OPEN SPACE							
Zoning District	Minimum Open Space Set-Aside	Allowable Open Space Types					
		Passive	Active		Urban		
			Recreational Amenity	Playground	Square	Plaza	Green
RUR	15%/40%/1/	X	X	X	X	X	X
SBR	15%/40%/1/	X	X	X	X	X	X
NBR	15%	X	X	X	X	X	X
UBR	15%	X	X	X	X	X	X
VMX	15%	X	X	X	X	X	X
DTC	--	--	--	--	--	--	--
DTP	--	--	--	--	--	--	--
GMX	--	--	--	--	--	--	--
ONI	--	--	--	--	--	--	--
UNV	--	--	--	--	--	--	--
LND	--	--	--	--	--	--	--
HND	--	--	--	--	--	--	--

/1/ - 15% minimum open space set-aside required for all development within the district except Conservation Subdivisions, which shall require a minimum open space set-aside of 40%.

D. ADDITIONAL REQUIREMENTS

- Open space within a development shall be owned by a homeowners' association or other entity established to hold and manage the land in perpetuity, and the entity's covenants and restrictions, or similar document shall address the maintenance of the open space and shall be recorded with the Alamance County Register of Deeds. A copy of the covenants and restrictions shall be provided to the TRC during the development review process. Alternatively, the developer may offer to dedicate open space to the Town or a land conservancy. However, the Town shall not be bound to accept any offer of land dedication.
- Open space shall be required to be maintained in perpetuity, and the cost and responsibility of maintaining said open space and any facilities located therein shall be borne by the property owner.

7.7.1 RESERVED FOR FUTURE SECTION

7.7.2 TYPES OF OPEN SPACE

A. PASSIVE

Open space existing in its natural state, often consisting of areas off-limits for development, such as stream buffers, floodplains, and slopes greater than twenty (20) percent. Passive open space shall also include pasture or cropland; bufferyards; wetlands; woods or forestland; rock outcroppings; and water features such as lakes, ponds, or streams.

B. ACTIVE

1. RECREATIONAL AMENITY

An amenity intended for the recreational use of the occupants of the development, examples of which

include golf courses; tennis, pickleball, or basketball courts; outdoor or indoor swimming pools; and neighborhood clubhouses or community centers.

2. PLAYGROUND

A play area for children which includes playground equipment and seating areas for parents. Play surfaces may be covered in sand, wood chips, or other equivalent material. Paths and walkways may be paved in concrete, crushed gravel, brick pavers, or similar material. Playground equipment shall be maintained in proper working condition.

C. URBAN

1. SQUARE

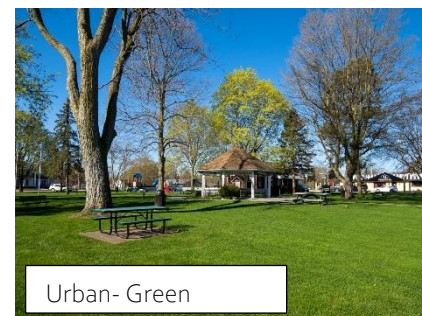
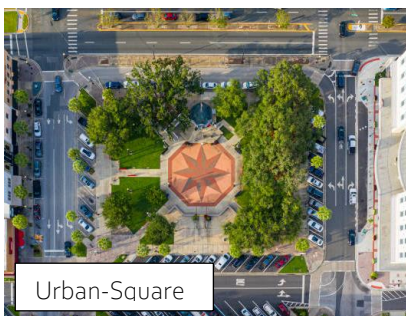
An area intended for passive recreational use, usually bounded by streets on two or three sides. Detached squares (entirely bounded by streets) are occasionally used to enhance important places or intersections, or to preserve special trees or other community landmarks. Squares are often entirely paved in brick pavers, or similar material, but may be partially paved with other areas covered in plantings or grass. Squares may include decorative walls/fences, walks, statues, fountains, outdoor furniture, picnic shelters, gazebos, and trails. A square is generally between five hundred (500) and thirty thousand (30,000) square feet in size.

2. PLAZA

An open gathering place adjacent to a community building or facility. A plaza may incorporate a variety of non-permanent activities such as vendors and display stands. Plazas are usually paved in masonry pavers, or similar materials, and are generally level, though they may be stepped or gently sloping (with a maximum 5% grade). Plazas are often unplanted. Recommended square and plaza sizes (below) may be larger or smaller depending on the surrounding neighborhood or building design. Squares may include decorative walls/fences, walks, statues, fountains, outdoor furniture, picnic shelters, gazebos, and trails. A plaza is generally between two thousand (2,000) square feet and one (1) acre in size.

3. GREEN

A type of urban open space which is informally planted and may have irregular topography, including slopes greater than 5%. Greens should contain no structures other than benches, pavilions, and memorials. Paths within the green are optional.



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8.1 FLOOD DAMAGE PREVENTION STANDARDS

8.1.1 INTENT

The primary purposes of the Floodplain and Stream Protection Standards are to protect public health, safety and welfare by minimizing public and private losses due to flood conditions within flood prone areas.

8.1.2 APPLICABILITY AND OTHER ORDINANCES

The Town of Elon's 2017 Flood Damage Prevention Ordinance (FDPO) is hereby incorporated into this ordinance. The existing Flood Damage Prevention Ordinance shall take precedence over this ordinance. The Town of Elon initially adopted a FDPO June 5, 1989, which applies to the Town Limits and ETJ. The most recent version was adopted October 10, 20217. Future ordinance revisions shall be incorporated.

8.1.3 STANDARDS FOR NON-FEMA REGULATED AREAS

All drainage features have a natural floodplain but not all are shown on the FEMA Flood Insurance Rate Maps (FIRMs). The Town may require additional flood studies or restrictions on these non-FEMA regulated floodplains. Standards for Non-FEMA regulated areas shall include a flood study that complies with the Town's Storm Sewer Design Manual for developments that are five (5) acres or more in size, that are adjacent to, traversed by, or cross a drainageway or storm drainage system that has five (5) acres or more of contributing drainage area. Finished floor elevations shall be a minimum of 24" higher than the established flood elevation for the 1% annual storm event. This requirement may be waived by the Town Engineer if, in his or her professional opinion, the development will have minimal impact on flood levels:

8.1.4 CONFLICT OF PROVISIONS

Where the 2017 Flood Damage Prevention Ordinance Standards are in conflict with the standards of this Ordinance, the FDPO shall control.

8.1.5 ADMINISTRATION

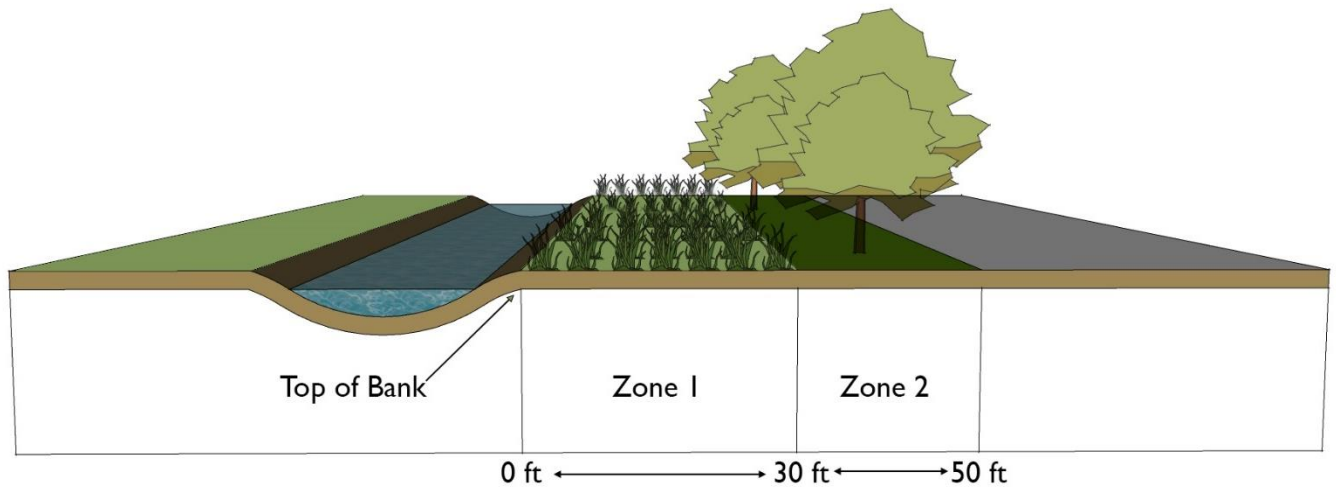
These standards shall be administered by the Floodplain Administrator or designee, including review of development plans and enforcement of related Ordinance violations.

8.2 JORDAN LAKE BUFFER PROTECTION STANDARDS

8.2.1 INTENT

The Jordan Lake Riparian Buffer Protection standards are intended to establish a protected buffer along surface waters (primarily perennial and intermittent streams but also ponds and other surface waters) shown on USGS Quad maps or NRCS Soil Survey Maps within the Jordan Lake Watershed.

The buffer consists of 2 zones, with Zone 1 encompassing the closest 30' from the top of bank in all directions, and Zone 2 containing 30' to 50' from the top of bank in all directions.



8.2.2 APPLICABILITY

All land within the Town of Elon's Planning Jurisdiction shall comply with these standards, contained in the *Town of Elon Riparian Buffer Protection Ordinance*, effective November 11, 2010, amended on December 13, 2016 and as amended in the future.

8.2.3 CONFLICT OF PROVISIONS

Where the Jordan Lake Riparian Buffer Protection Standards are in conflict with the standards of this Ordinance, the Jordan Lake Riparian Buffer Protection Standards shall control.

8.2.4 ADMINISTRATION

These standards shall be administered by the Stormwater Administrator or designee, including review of development plans and enforcement of related Ordinance violations.

8.3 STORMWATER STANDARDS

8.3.1 INTENT

This Ordinance seeks to satisfy the requirements of the Town of Elon's National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit. The Town seeks to address post-development stormwater runoff; nonpoint and point source discharges; and illicit discharges into municipal stormwater systems, to protect public health; safety; the environment; and the general welfare of citizens. Management of stormwater runoff during and after construction help prevent surface water quality degradation and increased flooding within the Town's jurisdiction.

8.3.2 APPLICABILITY

All land within the Town of Elon's Planning Jurisdiction shall comply with these standards, contained in the *Town*

of Elon Phase II Stormwater Post-Construction Ordinance, enacted on July 1, 2007 and as amended.

8.3.3 CONFLICT OF PROVISIONS

Where the Phase II Stormwater Post-Construction Ordinance Standards are in conflict with the standards of this Ordinance, the Phase II Stormwater Post-Construction Ordinance Standards shall control.

8.3.4 ADMINISTRATION

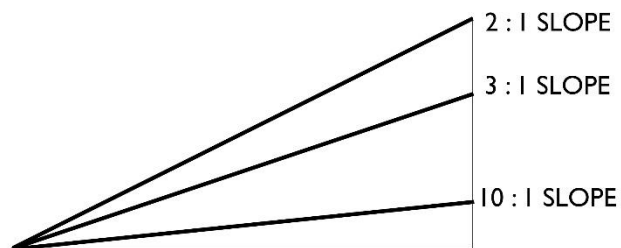
Stormwater standards for the Town of Elon shall be administered by the Stormwater Administrator or Designee, including review of development plans and enforcement of related Ordinance violations.

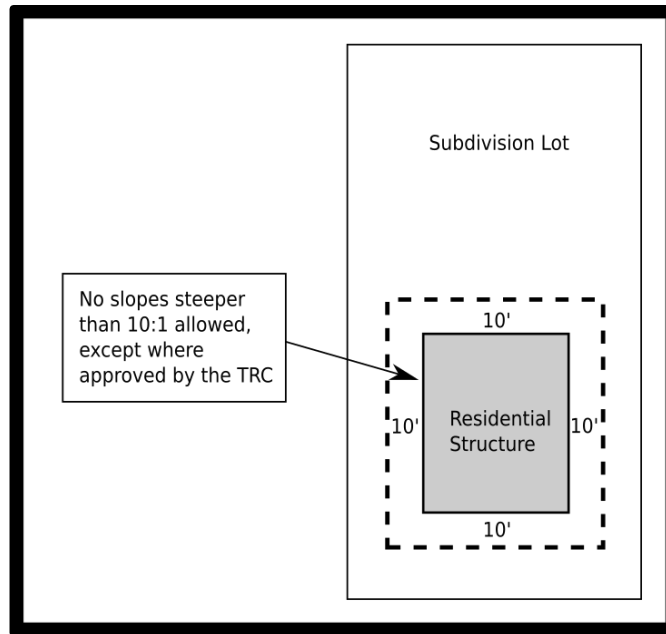
8.4 GRADING STANDARDS

The following standards shall apply to development-related grading of sites within the Town:

- A.** No grading, clearing, or grubbing of sites over 5,000 square feet shall be permitted without an approved zoning compliance permit.
- B.** Development shall be designed and constructed with a positive drainage flow away from buildings towards approved stormwater management facilities. Plans for drainage facilities shall be approved by the Town Engineer.
- C.** All impervious surfaces in the proposed development (including off-street parking) shall be considered in the site grading plan.
- D.** Site grading and drainage facilities shall protect sinkholes, wetlands, ponds, and lakes from increased sediment loading.
- E.** Mass grading of land in preparation for development of residential subdivisions larger than one acre in size is discouraged and shall only be undertaken when no practical alternatives exist. Mass grading shall describe any sitework which leads to dramatic changes in existing topography, where slopes are cut and depressions are filled in order to establish a relatively level development area, often involving the removal of all trees on site and significant revisions to existing drainage patterns.
- F.** Grading activity shall be prohibited within 5' of the perimeter of the property being developed, except where approved by the TRC. A site shall not be graded to create a slope greater than 2:1 at adjacent properties unless the slope already existed on the undeveloped land. In no case shall the slope be made steeper than it was on the undeveloped land within the perimeter setbacks. Terraced or stepped slopes that achieve the overall slope requirement may be considered by the TRC on a case-by-case basis.
- G.** Slopes steeper than 3:1 shall be prohibited on lots within subdivisions, except where approved by the TRC.

- H.** Slopes steeper than 10:1 shall be prohibited within 10' of the exterior walls of residential structures to facilitate maintenance of yards by residents, except where approved by the TRC.





- I. Development of residential structures should incorporate the use of minimal excavation foundations such as piers; piles; masonry curtain walls on footers; pin foundations; or other techniques that do not require mass grading, where practicable.
- J. All disturbed areas within the dedicated right-of-way and easements of any subdivision street shall be restored with vegetation meeting the requirements of Section 7.3.8, Street Tree Requirements.
- K. Road grading and any associated stormwater management shall follow the most current standards of the Town, NC Department of Environmental Quality (NCDEQ) and the North Carolina Department of Transportation (NCDOT).

9 INFRASTRUCTURE STANDARDS

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9.1 INTENT

The standards of this Chapter are intended to promote the creation of streets, sidewalks, greenways, and other forms of public infrastructure that contribute to the network of inviting, pedestrian-and bicycle-friendly public spaces throughout the Town. The Town's hierarchical street network is to be safe, attractive, and friendly for multiple modes of travel.

9.2 STREET DESIGN PRINCIPLES

The Ordinance promotes the development of a network of interconnecting streets that disperse traffic while connecting and integrating neighborhoods with the existing fabric of the Town. The Ordinance also promotes a network of sidewalks, bicycle lanes, and greenways that provide an attractive and safe mode of travel for cyclists and pedestrians. On-street parking is generally encouraged.

The following street design principles encourage streets to be designed and used as critical public spaces by both vehicles and people, and shall be followed when developing new streets:

- A. Streets shall interconnect between a new development and adjoining development in accordance with the standards of this Ordinance.
- B. Cul-de-sacs shall only be permitted where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic.
- C. Street stubs shall be provided where development is adjacent to undeveloped property to provide for future connections. Stubs shall be constructed to extend to the adjacent property line. Street stubs may be eliminated where topographic conditions offer no practical alternatives for connection or where confirmed environmentally sensitive lands would likely be negatively impacted by a future street connection, at the discretion of the of the TRC. Environmental conditions that are eligible for this exemption include but are not limited to floodplains, streams, and wetlands. Where stubs have been provided on property adjoining new development, the newly proposed development plan shall incorporate the continuation of the stubbed street into the development.
- D. In accordance with the standards in Section 9.3, Street Types, Section 9.4, Street, Sidewalk, and Bike Path Design Standards, and applicable street cross-section standards in the LMO Appendices, new streets should be designed to create an environment that prioritizes pedestrian safety and comfort while also accommodating vehicular traffic. Streets should incorporate such features as wide planting strips to separate pedestrians from traffic, bulb-outs to reduce intersection width, on-street parking, and travel lanes only as wide as necessary to provide adequate access to surrounding land uses and to facilitate traffic movement.
- E. Sidewalks shall be constructed on both sides of new streets and thoroughfares except where otherwise exempted by this Ordinance. The permit-issuing authority may grant exceptions to this requirement upon recommendation by the TRC if it is shown that local pedestrian traffic on local streets or other non-pedestrian-oriented streets warrant the inclusion of sidewalk on one side of the street only, or where alternatives, such as an adjacent greenway, are already present or included in the design.
- F. New development, redevelopment, and infill development along existing streets and thoroughfares that are recommended for sidewalks in the *Elon Bicycle, Pedestrian, and Lighting Plan* shall include sidewalk construction and dedication of right-of-way along the entire frontage of the parcel(s).
- G. Streets shall be designed to utilize the existing contours of the site and minimize removal of significant trees and significant stands of trees to the extent practicable.
- H. Streets shall be constructed in accordance with the design and construction standards referenced in this Ordinance and shall be dedicated to the Town of Elon or State of NC upon construction, or shall provide for public access via easement where streets are held in private ownership.

- I. Closed, guarded, or gated streets shall be prohibited within the Town.
- J. Street acceptance for public maintenance shall be at the discretion of Town Council or the North Carolina Department of Transportation (NCDOT), as applicable, following submission of a petition for acceptance.
- K. All new on-street parking shall be parallel, except as recommended by the Technical Review Committee and approved by the permit-issuing authority.
- L. Traffic calming devices such as raised intersections; lateral shifts; traffic circles; curb bulb-outs; textured pavement and other design features are encouraged as alternatives to conventional traffic speed control measures.

9.3 STREET TYPES

The following street types shall be permitted for use in new developments, in accordance with the *Traditional Neighborhood Development Guidelines Manual* and *Subdivision Roads Minimum Construction Standards Manual* published by NCDOT, their successor publications, or the Town of Elon's Engineering Standard Specifications and Details. Whenever a new street is to be constructed, the street shall be defined by one of the following classifications. Whenever a subdivision street continues an existing street that formerly terminated outside of the subdivision, the classification of the street will be based upon the street in its entirety, both inside and outside of the subdivision.

- A. Alley – A private or public secondary access with a minimum right-of-way or access easement of 25' and no less than 20' between edges of pavement.
- B. Local Residential Street – A public street providing primary access to residential land uses that does not connect thoroughfares nor provide the primary access to more than 100 residential units. Local Residential Streets shall have a minimum right-of-way width of 50' and a street width of no less than 31' back of curb to back of curb.
- C. Residential Collector Street - A public street providing primary access to residential land uses that provides access to more than 100 residential units. Residential Collector Streets shall have a minimum right-of-way width of 60' and a street width of no less than 40' back of curb to back of curb.
- D. Local Non-Residential Street - A public street providing primary access to non-residential land uses that will be a low traffic road as determined by the TRC. Local Non-Residential Streets shall have a minimum right-of-way width of 50' and a street width of no less than 31' back of curb to back of curb.
- E. Local Non-Residential Collector Street - A public street providing primary access to non-residential land uses. Local Non-Residential Collector Streets shall have a minimum right-of-way width of 60' and a street width of no less than 40' back of curb to back of curb.
- F. Thoroughfare, Minor – A public street collecting traffic from streets and collector streets that is not intended for primary access to residential land uses. Minor Thoroughfares include most NCDOT roads within the Town and are generally designed to accommodate moderate volumes of traffic. The rights-of-way and pavement widths of Minor Thoroughfares shall be determined by NCDOT for state-maintained roads. Rights-of-way and pavement widths of any Town-maintained roads within this classification shall be determined by the TRC based on traffic volume and usage.
- G. Thoroughfare, Major - A public street collecting traffic from collector streets and thoroughfares that is not intended for primary access to residential land uses. Most Major Thoroughfares within Town are NCDOT roads and are designed to accommodate moderate to large volumes of traffic. The rights-of-way and pavement widths of Minor Thoroughfares shall be determined by NCDOT for state-maintained roads. Rights-of-way and pavement widths of any Town-maintained roads within this classification shall be determined by the TRC based on traffic volume and usage.
- H. Existing private streets shall continue to be classified as such unless and until the street is accepted for maintenance by the Town or state pursuant to a request by the developer or other responsible entity. Such acceptance shall only be made in accordance with Section 9.9 Public Infrastructure Acceptance Policy.

9.4 STREET, SIDEWALK, AND BIKE PATH DESIGN STANDARDS

9.4.1 STREET STANDARDS

A. STREET DESIGN AND CONSTRUCTION SPECIFICATIONS

Street design and construction specifications for both public and private streets shall comply with the Town of Elon Standard Specifications and Details for Water, Sewer, and Street Improvements or NCDOT standards as appropriate.

B. ROW WIDTH

Street rights-of-way shall be at least sixty (60) feet in width, with the exception of Alleys, which shall have rights-of-way of at least twenty-five feet, and Local Residential and Non-Residential Streets, which shall have rights-of-way of at least fifty feet.

C. BLOCKS

Blocks shall generally be rectilinear in shape, and range from a minimum of 150 feet to a maximum of 600 feet in length between cross-streets. Exceptions may be made where topography, environmental protection, preservation of existing buildings, and/or unique lot configurations offer no practical alternatives. Such exceptions may be approved by the Technical Review Committee prior to final approval.

Blocks shall have sufficient depth to allow 2 tiers of lots of minimum depth except where single tier lots are required to separate residential development from another type of use, or when abutting a perennial stream, lake, other body of water, or a park or open space.

D. CUL-DE-SACS

Cul-de-sacs may be permitted where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connectivity or through traffic. Cul-de-sacs shall not exceed 250 ft in length from the nearest intersection with a street providing through access, except where topography, environmental protection, preservation of existing buildings, and/or unique lot configurations offer no practical alternatives. Such exceptions may be approved by the TRC prior to final approval. Cul-de-sacs over 150' in length shall have a minimum diameter of 96 ft.

E. CONNECTION TO ADJACENT PROPERTIES

The street network of a new development shall stub to adjacent properties with development potential whenever possible and where topographic conditions allow at the discretion of the TRC and the Planning Board. Where a stub abuts a stream, one-half (1/2) the cost of crossing the stream shall be bonded to allow for connection to future development across the stream. Development across the stream from an existing stub shall incur one-half (1/2) the cost of the crossing and have responsibility for the construction of the crossing. Street stubs may be eliminated where topographic conditions offer no practical alternatives for connection, at the discretion of the TRC.

F. REQUIRED CONNECTIVITY RATIO

1. A connectivity ratio of at least 1.2 shall be required for new Major Subdivisions and Conservation Subdivisions.
2. The connectivity ratio shall be calculated by dividing the number of street links by the number of nodes or end links, including cul-de-sac heads.
3. A link shall be any portion of a street, other than an alley, defined by a node at either end. Stubs to adjacent property shall be considered links.
4. A node shall be the terminus of a street or the intersection of two or more streets.
5. The requirements of Section 9.4.1.F may be waived by the Planning Board upon a finding that significant topographic constraints, existing development patterns, or other substantial physical limitations exist which make achieving the required connectivity ratio impracticable.

Connectivity Ratio Examples

Example 1:

Does not meet ratio

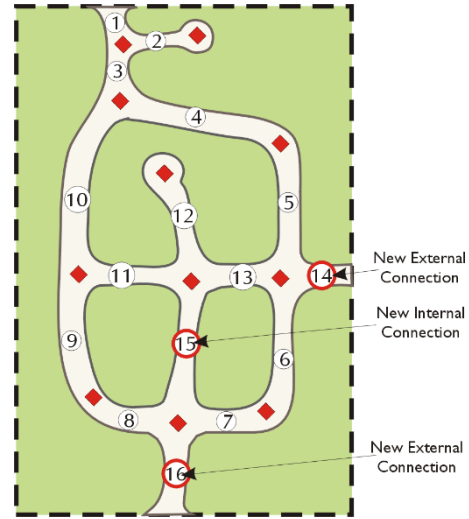
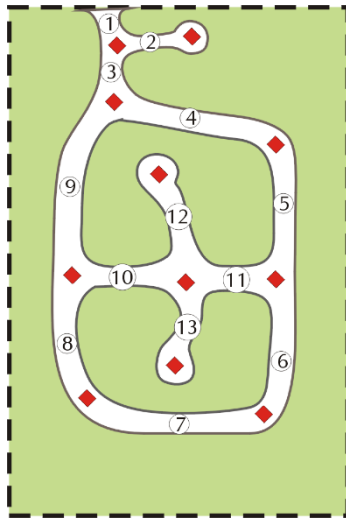
(13 links/11 nodes = 1.18)

Example 2:

Modified to meet ratio

(16 links/11 nodes = 1.45)

Number = link, ◆ = node



G. INTERSECTIONS

1. Street trees and on-street parking shall be located at least 20 feet from intersections to allow an adequate turning radius for emergency vehicles.
2. Bulb-outs shall not be allowed on streets less than 30 feet wide, face of curb to face of curb.
3. Sight triangles for corner lots and driveways shall be shown on recorded plats in accordance with NCDOT standards. No structures or vegetation over 30 inches in height shall be allowed within these sight triangles.

H. CURB AND GUTTER

Curb and gutter shall be required along all streets except in the Rural Residential (RUR) District.

I. TRAFFIC CALMING

Any proposed traffic calming devices, including on-street parking, speed tables and cushions, planting bulb-outs, shall be reviewed and approved by the Town Engineer (for Town-maintained roads) or NCDOT (for State-maintained roads).

J. LANDSCAPING

Where landscaping is required along street rights-of-way per Chapter 7, Development Standards, said landscaping shall not be installed within any utility easement.

K. STREET LIGHTING

Streetlights shall be installed by the developer on all streets at an average separation not to exceed two hundred (200) feet. The Town will accept responsibility of the lights at the time streets are accepted for maintenance. Light poles shall be located within the utility easement but shall provide lighting within the right-of-way unless otherwise approved by the TRC.

L. UNDERGROUND UTILITIES

Underground Town of Elon utilities shall be located within the right of way when possible. Where such installation is not practicable, a utility-specific easement shall be provided. All non-Town utilities shall be located within a ten (10) foot utility easement behind the right-of-way line.

1. Where crossing of Town streets is required, the utility shall obtain an encroachment agreement from the Town.
2. Street trees shall be located so that they do not interfere with sidewalks, storm drainage, sanitary sewer,, and water lines. This may require placement of trees outside of the right-of-way.

9.4.2 SIDEWALK STANDARDS

A. DESIGN AND CONSTRUCTION SPECIFICATIONS

New sidewalks shall be constructed in accordance with the Town of Elon Engineering Standard Specifications and Details for Water, Sewer, and Street Improvements.

B. REQUIRED STREET TYPES

1. Sidewalks shall be required along both sides of all new streets except alleys, except where this requirement is waived in accordance with Section 9.2.F.
2. Sidewalks shall also be required along any sections of existing streets which abut the perimeter of new development and redevelopment.
3. Greenways meeting the requirements of Section 9.6 or multi-use paths may be provided instead of sidewalks for development within the Rural Residential District . This option may be granted by Town Council for development in other districts.

C. SIDEWALK WIDTH

1. Sidewalks serving residential development shall be a minimum of five (5) feet in width.
2. Sidewalks in the UNV District shall be eight (8) feet in width. Additionally, sidewalks serving mixed-use and commercial development shall be a minimum of eight (8) feet in width.

D. CROSSWALKS

The Technical Review Committee may require construction of a properly lighted ADA compliant pedestrian crosswalk at least 10 feet in width to provide safe pedestrian access to public areas such as a park, greenway, or school.

E. CHANGE OF USE

Sidewalks shall also be installed where a Change of Use (as defined in Section 4.2.1.H would increase the average daily trip generation on site according to the ITE (Institute of Transportation Engineers) Trip Generation Manual.

9.4.3 BIKE PATH STANDARDS

A. DEVELOPMENT WITHIN TOWN LIMITS

New development involving the construction of local non-residential streets; local non-residential collector streets; and major or minor thoroughfares within the Town Limits shall include bike lanes of a minimum of 4 feet in width.

B. DEVELOPMENT OUTSIDE TOWN LIMITS

New developments involving the construction of local non-residential streets; local non-residential collector streets; and major or minor thoroughfares outside the Town Limits shall include bike paths a minimum of 8 feet in width and separated from vehicular traffic on those streets by a planting strip of no less than thirty (30) inches in width.

C. DESIGN REQUIREMENTS

Bike lanes and bike paths shall be designed according to the *North Carolina Bicycle Facilities Planning and Design Guidelines* published by NCDOT, or its successor publication.

9.5 GREENWAY DESIGN PRINCIPLES

New greenways shall adhere to the following design principles:

- A. Greenways may be proposed along designated linear corridors, including streams, rivers, abandoned railroads, and utility easements.
- B. Greenways shall connect to new development wherever possible. Greenway stubs shall be provided within developments when development is adjacent to land designated for greenway construction.
- C. Greenways shall be designed to fit the contours of the land and shall minimize the removal of significant trees.
- D. Greenways shall be constructed in accordance with the design and construction standards of this Chapter and shall be maintained for public access, either by easement or public dedication of land.
- E. Variations and exceptions to the Greenway design standards of Section 9.6 may be granted by the approving authority.

9.6 GREENWAY DESIGN STANDARDS

9.6.1 GREENWAY DESIGN AND CONSTRUCTION SPECIFICATIONS

Greenway design and construction specifications shall be based on *the North Carolina Bicycle Facilities Planning and Design Guidelines*, its successor publication.

9.6.2 APPLICABILITY

A public greenway easement of 20 feet in width shall be deeded to the Town of Elon as part of the development approval process for any parcel of land which includes a greenway segment as identified on Map 12 in the *Town of Elon Bicycle, Pedestrian, and Lighting Plan*. The developer shall be responsible for constructing a greenway within said greenway easement, except this requirement shall be waived for single-family development of fifty lots or less.

9.7 WATER, STORM, AND SANITARY SEWER

Water, storm, and sanitary sewer shall be constructed according to the standards of the Town of Elon Standard Specifications and Details for Water, Sewer, and Street Improvements.

9.8 FEE-IN-LIEU

Where the construction of infrastructure required by this Ordinance would conflict with another existing or planned infrastructure project, a developer may choose a payment-in-lieu option for satisfying these requirements, in accordance with Section 5.2.9.

9.9 PUBLIC INFRASTRUCTURE ACCEPTANCE POLICY

Prior to the Town of Elon accepting any streets, sidewalks or greenways for ownership and maintenance, the following conditions shall be met:

- A. Certificates of Occupancy shall have been issued for at least 51% of the lots on any street segment being proposed for Town acceptance.
- B. The developer shall contact the Town Public Works Director in writing to request an inspection of the condition of the infrastructure being proposed for Town maintenance.

- C. If said infrastructure meets Town standards, a resolution date shall be set and a one-year waiting period will begin.
- D. If said infrastructure does not meet Town standards, the developer shall perform any necessary repairs, and request another inspection upon completion. If said repairs are satisfactory, the one-year waiting period will begin at this time.
- E. Upon expiration of the one-year waiting period, the Town Engineer or their designee shall inspect the street, sidewalk, or greenway. If the condition of said infrastructure still meets Town standards, the street shall be accepted for maintenance purposes by Town Council. If substandard conditions exist, necessary repairs shall be made and a new one-year waiting period shall begin.

9.10 PERFORMANCE GUARANTEES

Where a developer seeks to convey lots within a subdivision or to receive building and zoning compliance permits prior to required infrastructure being completed, performance guarantees may be agreed to in accordance with the requirements of Section 5.2.15.

APPENDIX A – TREE & SHRUB LIST

The following lists constitute preferred plants for meeting the landscaping requirements of the Land Management Ordinance. Please note that many species may have cultivars and varieties that are considered “dwarf” and may not reach the expected mature sizes listed.

Recommended Large Trees for Shade, Parking Lots, Street Trees (may also be used for buffers and screening if appropriately interplanted with evergreen species)

Scientific Name	Common Name	Mature Size (height/spread)	Deciduous/Evergreen
<i>Acer platanoides</i>	Norway Maple	40-50'/30-50'	Deciduous
<i>Acer rubrum</i>	Red Maple	40-70' /30-50'	Deciduous
<i>Acer saccharum</i>	Sugar Maple	60-75'/40-50'	Deciduous
<i>Carpinus betulus</i>	European Hornbeam	40-60'/40'	Deciduous
<i>Fagus grandifolia</i>	American Beech	50-80'/40-80'	Deciduous
<i>Fraxinus americana</i>	White Ash	60-80'/50-75'	Deciduous
<i>Ginkgo biloba</i>	Ginkgo	40-80'/30'+	Deciduous
<i>Gleditsia triacanthos</i>	Thornless Honeylocust	50-70'/25'+	Deciduous
<i>Liquidambar styraciflua</i>	Sweet Gum (seedless)	60-100'/50'+	Deciduous
<i>Liriodendron tulipifera</i>	Yellow Poplar	40-100'/30-60'	Deciduous
<i>Platanus acerifolia</i>	Sycamore	60-80'/30'+	Deciduous
<i>Quercus acutissima</i>	Sawtooth Oak	40-60'/30-50'	Deciduous
<i>Quercus alba</i>	White Oak	60-100'/50-80'	Deciduous
<i>Quercus coccinea</i>	Scarlet Oak	50-80'/40-60'	Deciduous
<i>Quercus falcata</i>	Southern Red Oak	70-90'/50-60'	Deciduous
<i>Quercus laurifolia</i>	Laurel Oak	40-60'/40-60'	Deciduous
<i>Quercus lyrata</i>	Overcup Oak	40-60'/40-60'	Deciduous
<i>Quercus nigra</i>	Water Oak	50-80'/50-70'	Deciduous
<i>Quercus nuttallii</i>	Nuttall Oak	40-80'/30-60'	Deciduous
<i>Quercus palustris</i>	Pin Oak	50-70'/40-60'	Deciduous
<i>Quercus phellos</i>	Willow Oak	40-75'/25-50'	Deciduous
<i>Quercus rubra</i>	Red Oak	50-75'/50-75'	Deciduous
<i>Quercus shumardii</i>	Shumard Oak	40-60'/30-40'	Deciduous
<i>Quercus stellata</i>	Post Oak	40-50'/35-50'	Deciduous
<i>Quercus virginiana</i>	Live Oak	40-80'/40-100'	Evergreen
<i>Tilia americana</i>	American Linden	60-80'/30-60'	Deciduous
<i>Tilia cordata</i>	Littleleaf Linden	30-50'/30-50'	Deciduous
<i>Ulmus americana</i> 'Valley Forge'	Amerian Elm (disease-resistant)	60-80'/50-75'	Deciduous
<i>Ulmus parvifolia</i>	Lacebark Elm	40-50'/40-60'	Deciduous
<i>Zelkova serrata</i>	Zelkova	50-80'/50-80'	Deciduous

APPENDICES

Recommended Large Trees for Buffers and Screening

Scientific Name	Common Name	Mature Size (height/spread)	Deciduous/Evergreen
<i>Carya illinoensis</i>	Pecan	70-100'/40-75'	Deciduous
<i>Cedrus atlantica</i> 'Glauca'	Blue Atlas Cedar	60-80'/30-40'	Evergreen
<i>Cedrus deodara</i>	Deodar Cedar	40-70'/30-50'	Evergreen
<i>Chamaecyparis obtusa</i>	Hinoki Falsecypress	50-70'/10-25'	Evergreen
<i>Cryptomeria japonica</i>	Cryptomeria	50-60'/20-30'	Evergreen
<i>Ilex opaca</i>	American Holly	40-60'/10-20'	Evergreen
<i>Juniperus virginiana</i>	Eastern Redcedar	30-40'/10-20'	Evergreen
<i>Magnolia grandiflora</i>	Southern Magnolia	40-80'/20-40'	Evergreen
<i>Metasequoia glyptostroboides</i>	Dawn Redwood	50-90'/25'+	Evergreen
<i>Nyssa sylvatica</i>	Black Gum	40-60'/20-30'	Deciduous
<i>Picea abies</i>	Norway Spruce	40-60'/25-30'	Evergreen
<i>Pinus echinata</i>	Shortleaf Pine	80-100'/20-35'	Evergreen
<i>Pinus nigra</i>	Austrian Black Pine	40-60'/20-40'	Evergreen
<i>Pinus palustris</i>	Longleaf Pine	60-120'/30-40'	Evergreen
<i>Pinus sylvestris</i>	Scotch Pine	30-60'/30-40'	Evergreen
<i>Pinus taeda</i>	Loblolly Pine	60-90'3/20-40''	Evergreen
<i>Pinus thunbergiana</i>	Japanese Black Pine	20-60'/12=20'	Evergreen
<i>Pinus virginiana</i>	Virginia Pine	40-80'/10-30'	Evergreen
<i>Taxodium ascendens</i>	Pond Cypress	30-70'/15-20'	Deciduous
<i>Taxodium distichum</i>	Baldcypress	50-70'/20-30'	Deciduous
<i>Thuja occidentalis</i>	American Arborvitae	40-60'/10-15'	Evergreen
<i>Thuja plicata</i>	Giant Arborvitae	50-70'/15-25'	Evergreen
<i>Thuja</i> x 'Green Giant'	Green Giant Arborvitae	40-60'/12-18'	Evergreen
<i>Tsuga canadensis</i>	Canadian Hemlock	40-70'/25-35'	Evergreen
<i>Tsuga caroliniana</i>	Carolina Hemlock	30-70'/20-25'	Evergreen

Recommended Small/Medium Trees for Buffers and Screening

Scientific Name	Common Name	Mature Size (height/spread)	Deciduous/Evergreen
<i>Acer buergerianum</i>	Trident Maple	25-35'/20-30'	Deciduous
<i>Acer campestre</i>	Hedge Maple	25-35'/25-35'	Deciduous
<i>Acer ginnala</i>	Amur Maple	15-20'/15-20'	Deciduous
<i>Acer griseum</i>	Paperbark Maple	20-30'/15-25'	Deciduous
<i>Acer palmatum</i>	Japanese Maple	varies	Deciduous
<i>Aesculus glabra</i>	Ohio Buckeye	20-40'/25-40'	Deciduous
<i>Aesculus sylvatica</i>	Painted Buckeye	10-20'/6-15'	Deciduous
<i>Alnus japonica</i>	Japanese Alder	12-25'/8-12'	Deciduous
<i>Amelanchier alnifolia</i>	Serviceberry	10-25'/6-10'	Deciduous
<i>Amelanchier arborea</i>	Downy Serviceberry	15-25'/10-15'	Deciduous
<i>Carpinus caroliniana</i>	Ironwood	20-30'/20-35'	Deciduous

APPENDICES

<i>Cercis canadensis</i>	Eastern Redbud	20-30'/25-35'	Deciduous
<i>Chionanthus retusus</i>	Chinese Fringetree	10-30'/10-30'	Deciduous
<i>Chionanthus virginicus</i>	Fringe Tree/Old Man's Beard	15-30'/15-20'	Deciduous
<i>Cladastris kentuckea</i>	Yellowwood	30-50'/40-55'	Deciduous
<i>Cornus florida</i>	Flowering Dogwood	15-25'/15-30'	Deciduous
<i>Cornus kousa</i>	Kousa Dogwood	20-30'/15-30'	Deciduous
<i>Cotinus coggygria</i>	Smoketree	10-15'/10-15'	Deciduous
<i>Cotinus obovatus</i>	American Smoketree	20-30'/20-30'	Deciduous
<i>Crataegus laevigata</i>	English Hawthorn	15-20'/15-20'	Deciduous
<i>Crataegus phaenopyrum</i>	Washington Hawthorn	25-30'/20-25'	Deciduous
<i>Cupressus arizonica</i>	Arizona Cypress	30-40'/15-20'	Evergreen
<i>Cupressus sempervirens</i>	Italian Cypress	30-50'/3-6'	Evergreen
<i>Halesia carolina</i>	Carolina Silverbell	20-40'/25-35'	Deciduous
<i>Halesia monticola</i>	Mountain Silverbell	30-50'/15-35''	Deciduous
<i>Ilex cassine</i>	Dahoon Holly	20-30'/10-15'	Evergreen
<i>Ilex vomitoria</i> 'Pendula'	Weeping Yaupon Holly	15-25'/6-12'	Evergreen
<i>Ilex</i> x 'Nellie R. Stevens'	Nellie Stevens Holly	15-30'/8-25'	Evergreen
<i>Ilex</i> x 'Carolina Sentinel'	Carolina Sentinel Holly	8-20'/4-6'	Evergreen
<i>Ilex</i> x <i>attenuata</i> 'Savannah'	Savannah Holly	10-20'/8-15'	Evergreen
<i>Koelreuteria bipinnata</i>	Southern Goldenraintree	20-30'/15-20'	Deciduous
<i>Koelreuteria paniculata</i>	Goldenraintree	30-40'/30-40'	Deciduous
<i>Lagerstroemia indica</i>	Crape Myrtle	Varies w/variety	Deciduous
<i>Magnolia grandiflora</i> 'Little Gem'	Little Gem Magnolia	15-20''/4-6'	Evergreen
<i>Magnolia stellata</i>	Star Magnolia	15-20'/10-15'	Deciduous
<i>Magnolia virginiana</i>	Sweetbay Magnolia	10-35'/10-35'	Deciduous
<i>Magnolia</i> x <i>soulangiana</i>	Saucer Magnolia	15-30'/15-25'	Deciduous
<i>Oxydendrum arboretum</i>	Sourwood	20-30'/10-15'	Deciduous
<i>Pinus bungeana</i>	Lacebark Pine	30-50'/20-25'	Evergreen
<i>Pinus koraiensis</i>	Koren Pine	30-40'/15-20'	Evergreen
<i>Pinus mugo</i>	Mugo Pine	20-25'/25-30'	Evergreen
<i>Pistacia chinensis</i>	Chinese Pistache	30-5'/20-30'	Deciduous
<i>Prunus cerasifera</i>	Purple Leaf Plum	15-30'/15/25'	Deciduous
<i>Prunus sargentii</i>	Sargent Cherry	20-40'/20-40'	Deciduous
<i>Prunus serrulata</i>	Japanese Cherry	15-25'/15-25'	Deciduous
<i>Prunus subhirtella</i>	Higan Cherry	20-40'/15-25'	Deciduous
<i>Prunus</i> 'Okame'	Okame Cherry	15-30'/20-30'	Deciduous
<i>Prunus</i> x <i>yedoensis</i>	Yoshino Cherry	30-40'/20-50'	Deciduous
<i>Robinia pseudoacacia</i>	Black Locust	30-50'/20-35'	Deciduous
<i>Salix babylonica</i>	Weeping Willow	30-50'/30-40'	Deciduous
<i>Stewartia pseudocamellia</i>	Common Stewartia	15-40'/8-25'	Deciduous
<i>Styrax japonicus</i>	Japanese Snowbell	20-30'/20-30'	Deciduous
<i>Ulmus alata</i>	Winged Elm	30-40'/20-40'	Deciduous
<i>Vitex agnus-castus</i>	Chaste Tree	15-20'/10-20'	Deciduous

APPENDICES

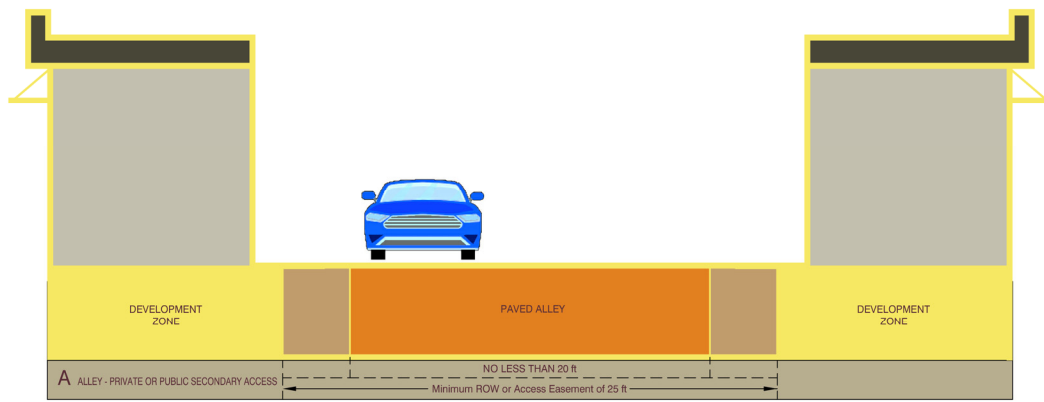
Recommended Shrubs

<i>Abelia x grandifolia</i>	Glossy Abelia	3-6'	Semi-evergreen
<i>Aesculus parviflora</i>	Bottlebrush Buckeye	8-12'	Deciduous
<i>Aucuba japonica</i>	Japanese Aucuba	6-10'	Evergreen
<i>Berberis julianae</i>	Wintergreen Barberry	6-8'	Evergreen
<i>Berberis thunbergia</i>	Japanese Barberry	3-6'	Deciduous
<i>Buddleia davidii</i>	Butterfly Bush	4-6'	Deciduous
<i>Buxus sempervirens</i>	Common Boxwood	15-20'	Evergreen
<i>Buxus sinica</i> var. <i>Japonica</i>	Japanese Boxwood	3-6'	Evergreen
<i>Callicarpa americana</i>	American Beautyberry	3-8'	Deciduous
<i>Callicarpa dichotoma</i>	Purple Beautyberry	3-4'	Deciduous
<i>Camellia japonica</i>	Common Camellia	10-13'	Evergreen
<i>Camellia sasanqua</i>	Sasanqua Camellia	6-10'	Evergreen
<i>Camellia sinensis</i>	Tea Camellia	6-15'	Evergreen
<i>Cotoneaster salicifolia</i>	Willowleaf Cotoneaster	10-15'	Evergreen
<i>Cystisus scoparius</i>	Scotch Broom	5-6'	Deciduous
<i>Deutzia gracilis</i>	Slender Deutzia	3-4'	Deciduous
<i>Exochorda racemose</i>	Common Pearlbush	10-15'	Deciduous
<i>Euonymus japonicus</i>	Japanese Euonymus	8-10'	Evergreen
<i>Fontanesia fortune</i>	Fortune's Fontanesia	10-15'	Deciduous
<i>Forsythia x intermedia</i>	Border Forsythia	8-10'	Deciduous
<i>Fothergilla major</i>	Large Fothergilla	6-10'	Deciduous
<i>Gardenia augusta</i> (G. <i>jasminoides</i>)	Gardenia	4-6'	Evergreen
<i>Hamamelis mollis</i>	Chinese Witchhazel	10-15'	Deciduous
<i>Hamamelis vernalis</i>	Vernal Witchhaazel	6-10'	Deciduous
<i>Hydrangea macrophylla</i>	Bigleaf Hydrangea	3-6'	Deciduous
<i>Hydrangea quercifolia</i>	Oakleaf Hydrangea	4-6'	Deciduous
<i>Ilex 'China Boy', 'China Girl'</i>	China Holly	8-10'	Evergreen
<i>Ilex cornuta</i>	Various cultivars	2-15'	Evergreen
<i>Ilex glabra</i>	Inkberry	6-8'	Evergreen
<i>Ilex latifolia</i>	Lusterleaf Holly	20-25'	Evergreen
<i>Ilex vomitoria</i>	Yaupon Holly	15-20'	Evergreen
<i>Ilex x 'Emily Bruner'</i>	Emily Bruner Holly	15-20'	Evergreen
<i>Illicium parviflorum</i>	Anise	10-15'	Evergreen
<i>Itea virginica</i>	Virginia Sweetspire	3-5'	Deciduous
<i>Juniperus chinensis</i>	Various cultivars	12-40'	Evergreen
<i>Juniperus chinensis</i> (dwarf cultivars)	Various cultivars	3-12'	Evergreen
<i>Kalmia latifolia</i>	Mountain Laurel	4-8'	Evergreen
<i>Lantana camara</i>	Lantana	1.5-5'	Deciduous
<i>Loropetalum chinensis</i>	Loropetalum	6-12'	Evergreen
<i>Myrica cerifera</i>	Wax Myrtle	10-15'	Evergreen
<i>Nandina domestica</i>	Nandina	6-8'	Evergreen

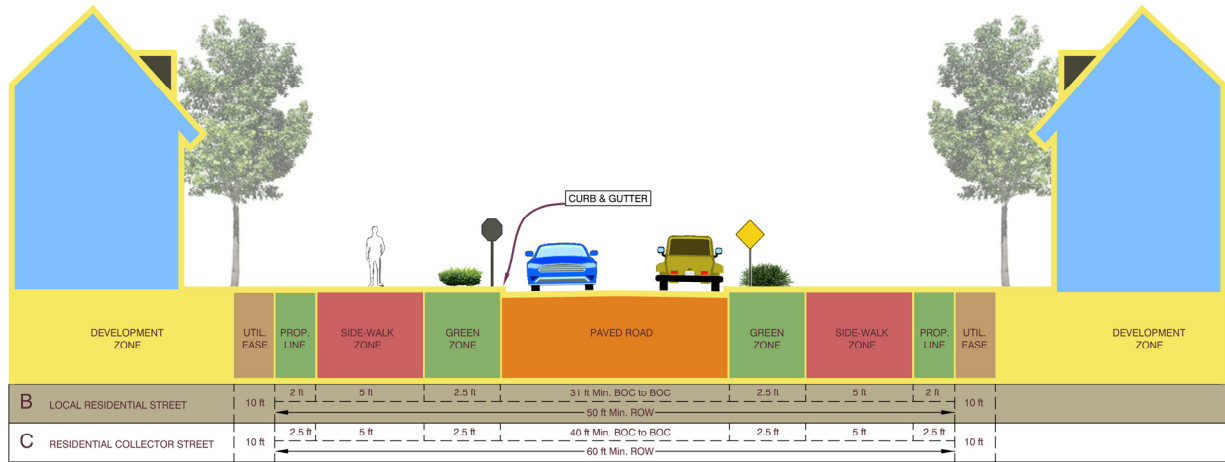
APPENDICES

Nandina domestica (dwarf cultivars)	Various cultivars	2-4'	Evergreen
Osmanthus fortune	Fortune Tea Olive	9-12'	Evergreen
Osmanthus fragans	Fragrant Osmanthus	10-15'	Evergreen
Picea abies (dwarf)	Various cultivars	Varies	Evergreen
Picea glauca (dwarf)	Various cultivars	Varies	Evergreen
Picea pungens (dwarf)	Various cultivars	Varies	Evergreen
Pinus mugo (dwarf)	Various cultivars	Varies	Evergreen
Pittosporum tobira	Japanese Pittosporum	10-12'	Evergreen
Podocarpus macrophyllus	Shrubby Podocarpus	20-30'	Evergreen
Prunus laurocerasus	English Laurel	10-18'	Evergreen
Raphiolepis indica	Indian Hawthorn	4-6'	Evergreen
Rhododendron catawbiense	Rhododendron	6-10'	Evergreen
Rhododendron	Azalea	Varies	Deciduous/Evergreen
Sarcococca confusa	Sweet Box	3-5'	Evergreen
Sarcococca hookeriana	Himalayan Sarcococca	4-6'	Evergreen
Spiraea japonica	Japanese Spiraea	4-5'	Deciduous
Spiraea prunifolia	Bridalwreath Spiraea	4-9'	Deciduous
Spiraea thunbergia	Thunberg Spiraea	3-5'	Deciduous
Spiraea x vanhouttei	Vanhoutte Spiraea	6-8'	Deciduous
Taxus chinensis	Chinese yew	5-10'	Evergreen
Viburnum acerifolium	Maple-leaf Viburnum	4-6'	Deciduous
Viburnum awabuki	Chindo Viburnum	10-15'	Evergreen
Viburnum plicatum var. tomentosum	Doublefile Viburnum	8-10'	Evergreen
Viburnum x pragense	Prague Viburnum	8-10'	Evergreen

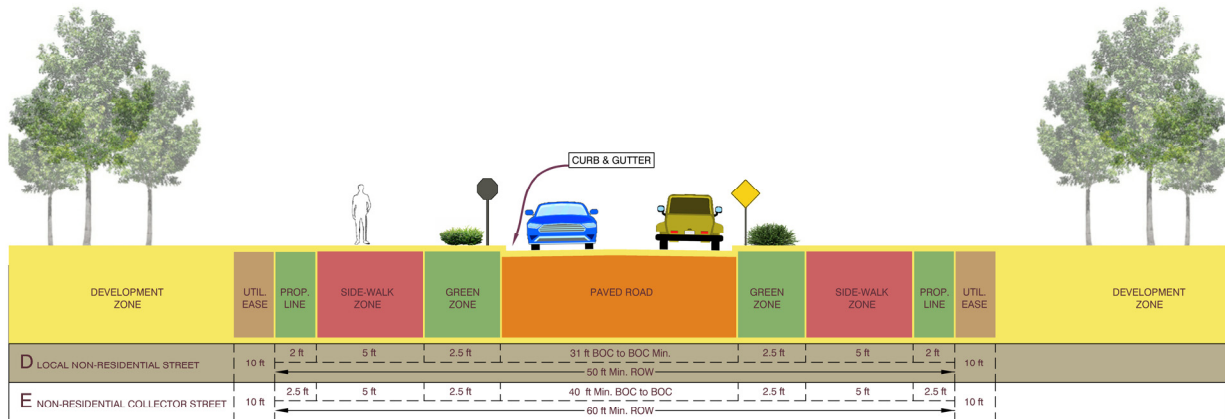
APPENDIX B - STREETSCAPES



ALLEYWAYS

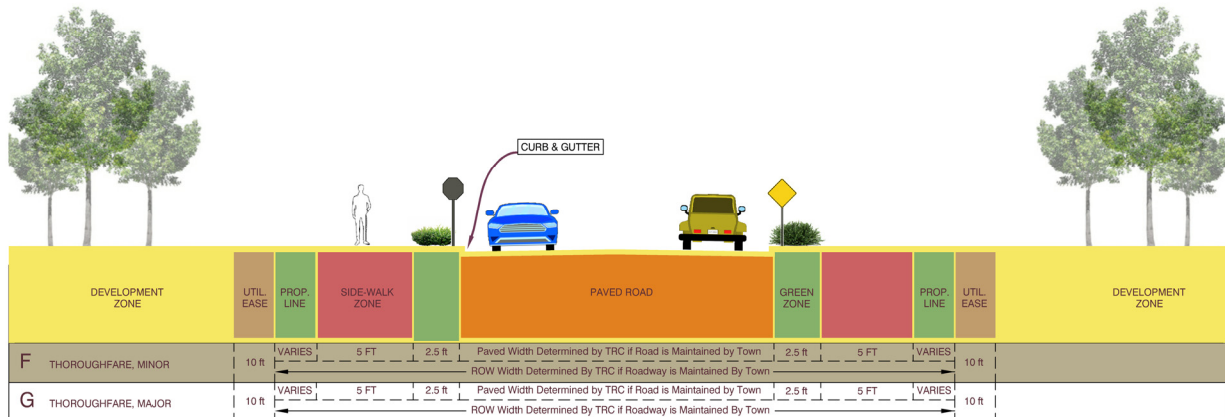


RESIDENTIAL STREETS



LOCAL STREETS

* BIKE LANES TO BE PROVIDED AS REQUIRED & IN COORDINATION WITH ON STREET PARKING



THOROUGHFARE ROADWAYS