

**Town of Pittsboro  
North Carolina**

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**ZONING ORDINANCE  
OF THE  
TOWN OF PITTSBORO, NORTH CAROLINA**

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## **ARTICLE I**

### **PURPOSE AND AUTHORITY**

#### **1.1 Title**

This ordinance shall be known as the Zoning Ordinance of the Town of Pittsboro, North Carolina.

#### **1.2 Purpose**

This ordinance is designed to encourage the protection and development of the various physical elements of the town and its area of extraterritorial jurisdiction in accordance with a comprehensive plan of land use and population density and for the purpose of promoting the public health, safety, community accepted standard of morals, and general welfare; promoting the orderly growth, expansion and development of the town and surrounding areas; lessening congestion in the roads and streets; providing adequate light and air, securing safety from fire, panic and other dangers; preventing the overcrowding of land; and facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

#### **1.3 Authority**

The provisions of this ordinance are adopted under authority granted by the General Assembly to North Carolina municipalities (N.C. General Statutes, Chapter 160A, Article 19).

## **ARTICLE II**

### **JURISDICTION**

#### **2.1 Territorial Limits**

The regulations presented in this ordinance shall apply to all property within the corporate limits of the Town of Pittsboro, North Carolina, as well as all property outside the corporate limits shown on the Official Zoning Map of the Town of Pittsboro, North Carolina.

## **ARTICLE III**

### **APPLICATION OF REGULATIONS**

#### **3.1 Use**

No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or structurally altered except in conformity with the use and dimensional regulations of this ordinance, or amendments thereto, for the district in which it is located.

#### **3.2 Only One Main Building on Each Lot**

In all districts every main building hereafter erected or altered shall be located on a separate lot, as defined in this ordinance, and in no case shall there be more than one main building and permitted accessory buildings on the lot; provided that this requirement shall not apply to multi-family developments, planned unit developments (PUDS), certain special uses as specified in Article V. Section 3, the MU-PD district, nor to a bona fide rural farm use. No main building and permitted accessory building shall occupy more than forty (40%) of the lot area in any zoning district, with the exception of the C-4 district.

#### **3.3 Minimum Yards**

The minimum yards or other open spaces required by this ordinance, including those provisions regulating intensity of use, for each and every building hereafter erected or structurally altered shall not be encroached upon or considered as meeting the yard or open space requirements or the intensity of use provision for any other building.

#### **3.4 Minimum Regulations**

Regulations set forth by this ordinance shall be minimum regulations. If the district requirements set forth in this section are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or higher standards shall govern.



## **ARTICLE IV**

### **ESTABLISHMENT OF DISTRICTS**

#### **4.1 Zoning Districts**

The Town of Pittsboro, North Carolina, and its area of extraterritorial jurisdiction are hereby divided into general and overlay districts:

R-A	Residential - Agricultural
RA-2	Residential - Agricultural (2 acres)
R-A5	Rural - Agricultural (5 acres)
R-15	Low Density Residential
R-12M	Medium Density Residential and Mobile Home Park
R-12	Medium Density Residential
R-10	High Density Residential
O-1	Office and Institutional
C-1	Neighborhood Commercial
C-2	Highway Commercial
C-4	Central Business District
M-1	Light Industrial
M-2	Heavy Industrial
WSIV-CA	Watershed Overlay Critical Area
WSIV-PA	Watershed Overlay Protection Area

MUPD: Mixed Use Planned Development

PDD: Planned Development District

In addition to the general zoning districts delineated above, a corresponding conditional use district may be established in accordance with the provisions of Section 10.6.

Accordingly, the following conditional use districts may be designated upon approval by the Board of Commissioners of a petition to establish a conditional use district:

RA (CD)	Residential - Agricultural Conditional Use District
RA-2 (CD)	Residential - Agricultural Conditional Use District
RA-5 (CD)	Rural - Agricultural Conditional Use District
R15 (CD)	Low-Density Residential Conditional Use District
R-12M (CD)	Medium Density Residential and Mobile Home Park Conditional Use District
R-12 (CD)	Medium Density Residential Conditional Use District
R-10 (CD)	High Density Residential Conditional Use District
O-I (CD)	Office and Institutional Conditional Use District
C-1 (CD)	Neighborhood Business Conditional Use District
C -2 (CD)	Highway Commercial Conditional Use District
C-4 (CD)	Central Business District Conditional Use District
M-1 (CD)	Light Industrial Conditional Use District

## M-2 (CD) Heavy Industrial Conditional Use District

In addition to the general zoning districts delineated above, a Conditional Zoning District (bearing the designation CZ) corresponding to the general use zoning districts may be established as authorized in this ordinance. Accordingly, the following conditional zoning districts may be designated upon approval by the Board of Commissioners of a petition to establish a conditional zoning district:

RA (CZ)	Residential – Agricultural Conditional Zoning District
RA-2 (CZ)	Residential – Agricultural Conditional Zoning District
RA-5 (CZ)	Rural – Agricultural Conditional Zoning District
R15 (CZ)	Low-Density Residential Conditional Zoning District
R-12M (CZ)	Medium Density Residential and Mobile Home Park Zoning District
R-10 (CZ)	High Density Residential Conditional Zoning District
O-I (CZ)	Office and Institutional Conditional Zoning District
C-1 (CZ)	Neighborhood Business Conditional Zoning District
C-2 (CZ)	Highway Commercial Conditional Zoning District
C-4 (CZ)	Central Business District Conditional Zoning District
M-1 (CZ)	Light Industrial Conditional Zoning District
M-2 (CZ)	Heavy Industrial Conditional Zoning District

## 4.2 Locations and Boundaries of Districts

The locations and boundaries of each of the zoning districts shall be shown on the map accompanying this ordinance and made a part hereof, entitled the "Official Zoning Map of the Town of Pittsboro, North Carolina", and adopted by the Board of Commissioners. The official Zoning Map and all the notations, references, and amendments thereto and other information shown thereon are hereby made a part of this ordinance. The Official Zoning Map shall be kept on file in the office of the Town Manager and shall be available for inspection by the public. The Official Zoning Map and any amendments shall be identified by the signature of the Town Manager and shall bear the seal of the city, under the followings words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of the Town of Pittsboro, North Carolina," together with the date of the adoption of this ordinance.

## 4.3 Rules Governing Boundaries

When uncertainty exists with respect to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- 4.3.1 District boundary lines are intended to be along or parallel to property lines or lot lines of a platted addition and to the center lines of streets, alleys, railroads, easements, other right-of-way, and creeks, streams, or other water channels.

- 4.3.2 In the absence of specified distances on the map, dimensions or distances shall be determined by the Zoning Enforcement Officer by the scale of the Official Zoning Map.
- 4.3.3 The Board of Adjustment shall interpret the intent of the maps as to the location of district boundaries upon appeal from decision of the Zoning Enforcement Officer.

## **ARTICLE V**

### **DISTRICT REGULATIONS**

Regulations for the various classes of districts shall be as set forth in the tables on the following pages and in the notes thereto.

#### **5.1. Description of Districts**

- A.     **R-A5 Rural Agricultural District**  
This district is defined as one to provide land primarily for very low density residential development in environmentally sensitive or transitional areas while permitting continued agricultural use. These areas are located outside the urban growth area, as designated on the Zoning Map. Public water and sewer is not expected to serve these areas in the near future. Minimum lot size is three (3) acres, however lots created must average five (5) acres in size.
  
- B.     **RA-2 Residential - Agricultural**  
This district is defined as one to provide land primarily for very low density residential development in rural areas while permitting continued agricultural use. These districts are located in areas where public water and sewer service is not expected in the near future. The minimum lot size is two acres.
  
- C.     **R-A Residential - Agricultural**  
This district is defined as one to provide land primarily for low density residential development in transitional areas located on the periphery of the urbanized Pittsboro area. These areas are currently served primarily by wells and septic systems but as land is converted from rural to urban uses, public water and sewer service becomes more feasible.
  
- D.     **R-15 Low-Density Residential**  
This district is defined as low-density residential areas of mostly single family dwellings plus open areas where similar residential development will likely occur. The uses permitted in this district are designed to stabilize and protect the essential characteristics of the area and to prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations.
  
- E.     **R-12M Medium Density Residential and Mobile Home Parks**  
This district is defined as medium-density residential areas of mostly single-family dwellings, open areas where similar residential development will likely occur and mobile home parks. The uses permitted in this district are designed to protect the essential characteristics of the area and to prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations.

- F.     **R-12 Medium Density Residential**  
This district is defined as medium density residential areas mostly single-family dwellings and certain open areas where similar residential development will likely occur. The uses permitted in this district are designed to prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations.
- G.     **R-10 High-Density Residential**  
This district is defined as medium to high density residential areas where single-family and multi-family dwellings are commingled and certain open areas where similar residential development will likely occur. The uses permitted in this district are designed to stabilize and protect the essential characteristics of the area and prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations.
- H.     **O-I Office and Institutional District**  
This district is defined as certain land areas with structures that provide office spaces for professional services and for certain institutional functions; and residential accommodations, usually medium or high density. The district is normally small, and may include older homes undergoing conversion. The district is usually situated between business and residential districts, and the regulations are designed to permit development of the enumerated functions and still protect and be compatible with nearby residential districts.
- I.     **C-1 Neighborhood Shopping District**  
This district is defined as a compact neighborhood shopping district which provides convenience goods, such as groceries and drugs, and some types of personal services, to the surrounding residential area. The regulations are designed to protect the surrounding residential districts and provide an appropriate community appearance.
- J.     **C-2 Highway Commercial District**  
This district is defined as certain areas that are primarily designed for citizens using the major highways that run through or around the City. The district is customarily located along the major arterial highways. This district is intended to provide retail, office and service areas for the benefit of residents in nearby areas and non-residents. This district accommodates intensive commercial uses such as shopping centers and strip centers as well as free-standing, highway-oriented business establishments. Included also are certain functions, such as warehousing, that are compatible with the primary uses.

- K.     MUPD Mixed Use Planned Development  
This district is defined as an area integrating mixed uses which may include commercial, office, institutional, hotel, residential and recreational uses. The purpose of this district is to encourage the design of a more complete and sustainable environment consistent with the Town's small-town character through the application of imaginative approaches to community design that allow and encourages mixed uses, sensitivity to the environment, and the coordination of development with the adequacy of public facilities. The specific procedures and standards for the review of Mixed Use Planned Development districts is found in Sec. 5.6, *Mixed Use Planned Development Districts*.
- L.     C-4 Central Commercial District  
This district is defined as certain land and structures that provide personal services, retailing and business services of all kinds for local and regional commerce. The area is located in the heart of the town where major streets and highways converge. The regulations are designed to permit a concentrated development of permitted facilities and to protect the district itself from over-intensive development and congestion.
- M.     M-1 Manufacturing District (Restricted)  
This district is defined as certain areas more suited for industrial use than residential use, but situated where residential development, or prospective development is in close proximity on one or more sides of the district. The uses, which are permitted in this district are those characterized by low-traffic density, low land coverage, and absence of objectionable external effects. Large setbacks are required in this district and landscaping in keeping with residential areas is encouraged.
- N.     M-2 Manufacturing District (Heavy Industrial)  
This district is defined as certain lands so situated as to be suitable for industrial development usually along railroad sidings or major thoroughfares, but where certain operations could adversely affect nearby properties. The purpose of this district is to permit the normal operations of almost all industries excepting those that would be detrimental to adjoining properties. Excluded from this district are those industries which are noxious by their emission of smoke, dust, fumes, glare, noise and vibrations and those industries which deal primarily in hazardous products such as explosives. Selected business uses are also appropriate in this district.
- O.     Watershed Overlay Districts  
The watershed districts are established as overlay districts for all general zoning districts for the purpose of (i) protecting portions of the designated Jordan Lake and Haw River public water supply watersheds from activities which

could degrade water quality, (ii) reducing the volume of nutrients and other chemicals which could enter the water supply by reducing the amount of runoff which any given development will generate, (iii) minimizing land disturbances to reduce the amount of sediment entering the river, and (iv) providing for natural and engineered methods of managing stormwater. The watershed overlay districts consist of two separate districts: WSIV-CA, Watershed Overlay Critical Area and WSIV-PA, Watershed Overlay Protected Area. The boundaries of the areas included in the watershed overlay districts are delineated on the official Zoning Map as defined in Article IV, Section 4.2. Land use within a watershed district must comply with all of the requirements of both the underlying general zoning district and the applicable watershed overlay district. Supplementary watershed district standards are delineated in Section 5.5. The supplementary standards and requirements of Section 5.5, however, are applicable only to new development activities which require an erosion and sedimentation control plan in accordance with the rules established by the North Carolina Sedimentation Control Commission.

(1) **WSIV-CA Watershed Overlay Critical Area**

This overlay district is defined as (i) that portion of the Jordan Lake public water supply watershed designated by the N.C. Environmental Management Commission (EMC) which is located within the Town of Pittsboro planning jurisdiction and which is ½ mile from the normal pool elevation of Jordan Lake or to the ridge line of the watershed, whichever comes first and (ii) those portions of the Haw River public water supply watershed designated by the EMC which are located within the Town of Pittsboro planning jurisdiction and which are ½ mile upstream and draining to the public water supply intakes located directly in the Haw River or to the ridge line of the watersheds, whichever comes first.

(2) **WSIV-PA Watershed Overlay Protected Area**

This overlay district is defined as (i) that portion of the Jordan Lake public water supply watershed designated by the EMC which is located within the Town of Pittsboro planning jurisdiction and which is 5 miles upstream from and draining to the Jordan Lake Reservoir or to the ridge line of the watershed, whichever comes first and (ii) that portion of the Haw River public water supply watershed designated by the EMC which is located within the Town of Pittsboro planning jurisdiction and which is 10 miles upstream from and draining to the public water supply intake located directly in the Haw River or to the ridge line of the watershed, whichever comes first.

P. Conditional Zoning Districts

Conditional Zoning Districts are districts that correspond to the general use zoning districts in which the development and use of the property is subject to conditions imposed as part of the legislative decision creating the district in addition to the standards and regulations in the corresponding general use zoning district.

Q. PDD Planned Development District

This district is established and intended to promote innovative land planning, design and layout of large development projects that may not otherwise be permitted under general zoning district standards, subdivision regulations, or other development requirements. (The words “standards”, “requirements”, and “regulations” are used interchangeably in Article V when referring to development standards). The PDD district promotes innovative land planning, design and layout by:

- (1) Reducing or eliminating the inflexibility that sometimes results from strict application of zoning and development standards or regulations that were designed primarily for individual lots;
- (2) Allowing greater freedom in selecting the means to provide access, light, open space, and design amenities;
- (3) Allowing greater freedom for a broad mix of various land uses in the same development;
- (4) Promoting quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land uses;
- (5) Encouraging quality urban design by allowing higher densities when such increases are supported by superior design or the provision of additional amenities; and
- (6) Advancing public health, safety and general welfare.

In return for greater flexibility, planned developments in this district are expected to deliver communities of exceptional design, character and quality that preserve critical environmental resources and provide open space amenities. Such communities incorporate creative design in the layout of buildings, open space, and circulation; assure compatibility with surrounding land uses and neighborhood character; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. Because flexibility is essential for the development of such communities, variations from otherwise applicable regulations and standards may be granted with the adoption of the required Planned Development District Master Plan (PDD Master Plan).

## 5.2 Permitted Uses

### 5.2.1. Table of Permitted Uses

Districts in which particular uses are permitted as a Use by Right are indicated by "X". Districts in which particular uses are permitted as a Use by Right with certain conditions are indicated by "X" with a reference to a footnote to this Table.



Districts in which particular uses are prohibited are indicated by a blank.

Districts in which particular uses are permitted as a Special Use upon recommendation of the Planning Board and approval of the Board of Commissioners are indicated by "S". (See Regulations for Special Uses, Section 5.3. for further information.)

**SECTION 5.2.1**  
**PERMITTED USE TABLE**

USE TYPE	R15	R12M	R12	R10	0I	C1	C2	C4	M1	M2	RA	RA2	RA5	MU-PD	LUC
<b>AGRIUCLTURAL USES</b>															
Agricultural production (crops.)									X	X	X	X	X		1
Agricultural production (live-stock), but not including animal feeder/breeder operation										X	X	X	X		3
Animal feeder/breeder operation												S	S		5
Forestry												X	X		1
Game preserves, fish hatcheries, and ponds												S	S		1
Nurseries, truck farms, commercial greenhouses, etc.									X	X	X	X	X	X	1
<b>MINING USES</b>															
Quarries and other extractive industries										X					5
Oil or gas drilling exploration or production activities utilizing hydraulic fracturing										S					5
<b>RESIDENTIAL USES</b>															
Bed and breakfast			X	X	X	X	X				X	X	X	X	2
Bed and breakfast with open dining					S	X	X					S	S	X	3
Boarding and rooming houses			X	X	X	X	X				X			X	2
Condominiums, residential	S		S	S	S									X	1
Family care home (see note 10)	S	S	S	S	S						S	S	S	X	1
Group care home					S	S									2
Manufactured home, Class A		X									X	X	X		1
Manufactured home, Class B		X									X	X	X		1

**Permitted Use Table**  
**Town of Pittsboro, N.C.**

**X= permitted by right**  
**S = permitted by SUP only**

USE TYPE	R15	R12M	R12	R10	OI	C1	C2	C4	M1	M2	RA	RA2	RA5	MU-PD	LUC
Manufactured home park		S													2
Modular home	X	X	X	X	X						X	X	X	X	1
Planned unit development (PUD)	S		S	S	S						S	S	S		1
Pocket Neighborhoods			X	X											
Rehabilitation homes, such as halfway houses				S	S										2
Residences, multi-family; 1 structure per lot				S	S									X	2
Residences above commercial use					X		X	X						X	
Residences, one-family detached	X	X	X	X	X						X	X	X	X	1
Residences, townhouses	S		S	S	S	S								X	2
Residences, two-family			X	X	X										1
Tourist homes	S	S	S	S	X	X					S	S	S	X	2
<b>ACCESSORY USES AND STRUCTURES</b>															
Accessory buildings	X	X	X	X	X	X	X	X	X	X	X	X	X	X	-
Accessory dwelling units		S	S	S	S						S	S	S	X	-
Home occupation (see note 2)	X	X	X	X	X						X	X	X	X	-
Residences, for caretaker or domestic employee on premises where employed	S		S	S	S			X			S	S	S	X	
Rural family occupation											S	S	S		-
Swimming pool (see note 1)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	-

**Permitted Use Table  
Town of Pittsboro, N.C.**

**X= permitted by right  
S = permitted by SUP only**

USE TYPE	R15	R12M	R12	R10	0I	C1	C2	C4	M1	M2	RA	RA2	RA5	MU-PD	LUC
<b>RECREATIONAL USES</b>															
Amusements, commercial including bowling alleys, roller skating rinks							X	X	X	X				X	3
Athletic fields, Play grounds					X	X	X	X	X	X	X	X	X	X	3
Bingo games							X							X	3
Clubs and lodges; private, non-profit	S		S	S	S	S	X	X	X	X	S	S	S	X	3
Fairgrounds									S						
Gamerooms							S	S						X	3
Golf courses, except par three or miniature courses												X	X	X	1
Golf driving range									X	X	X	X	X	X	3
Hunting clubs, recreational camps; commercial and non-profit												S	S		3
Fitness Centers					X		X	X						X	3
Public parks, recreational facilities	X	X	X	X	X	X	X	X	X	X	X	X	X	X	1
Stables, riding and boarding; commercial												S	S		2

**Permitted Use Table  
Town of Pittsboro, N.C.**

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USE TYPE	R15	R12M	R12	R10	0I	C1	C2	C4	M1	M2	RA	RA2	RA5	MU-PD	LUC
<b>EDUCATION &amp; INSTITUTIONAL USES</b>															
Auditoriums, assembly halls							X	X	X	X				X	3
Cemetery or mausoleum	S		S	S	S	S	X				S	S	S		2
Churches & other places of worship, rectories	X	X	X	X	X	X	X	X	X		X	X	X	X	3
College, universities, etc, and incidental uses on same property	S		S		S	X	X	X			S			X	3
Community buildings, not for commercial gain	S	S	S	S	S	X	X	X	X	X	S	S	S	X	3
Correctional, penal institutions, jails									S	S	S				4
Fire station/emergency medical service	S	S	S	S	X	X	X	X	X	X	S	S	S	X	3
Hospitals, nursing homes			S		X	X	X				S	S	S	X	3
Philanthropic institutions	S				S	X	X	X	X		S			X	3
Post Office					X	X	X	X	X	X				X	3
Public buildings (no outside storage) libraries, museums, art galleries	S	S	S	S	X	X	X	X	X	X	S	S	S	X	3
Schools (academic) public or private; kindergarten, elementary, secondary	S	S	S	S	S	S	S	S	S	S	S	S	S	X	3
<b>BUSINESS, PROFESSIONAL, AND PERSONAL SERVICES</b>															
Automobile painting, and fender works; truck repairing;							X			X					4

**Permitted Use Table  
Town of Pittsboro, N.C.**

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USE TYPE	R15	R12M	R12	R10	0I	C1	C2	C4	M1	M2	RA	RA2	RA5	MU-PD	LUC
Automobile repair shops; all work within a completely enclosed building							X		X	X					3
Agencies, including travel, broker, insurance, loan, employment					X	X	X	X	X	X				X	3
Automobile parking lots serving uses permitted in districts in which the lot is located	S	S	S	S	X	X	X	X	X	X	S	S	S	X	3
Automobile parking lots, serving non-residential uses in another district			S	S	S	X	X	X	X	X					3
Automobile parking lots, commercial					X	X	X	X	X	X					3
Automobile service station, no outside storage of used, wrecked, inoperable or dismantled automobiles; gasoline sales (see note 3)						X	X		X	X					4
Banks, savings, and loan, similar financial institutions					X	X	X	X	X					X	3
Beauty salons, barber shops, spas					X	X	X	X			S	S	S	X	3
Blacksmith and horseshoeing shop									X	X	X	X	X		3
Carwash, automated							X		X	X				X	4
Carwash, self-service							S							X	4
Catering establishments						X	X	X	X					X	3
Cleaners laundries (see note 4)						X	X	X	X	X				X	3
Cleaners and laundries, self-service (see note 4)						X	X	X	X					X	3
Day care facility	S		S	S	S	X	X	X	X		S	S	S	X	3
Electrical shops							X	X	X	X					3

**Permitted Use Table  
Town of Pittsboro, N.C.**

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USE TYPE	R15	R12M	R12	R10	0I	C1	C2	C4	M1	M2	RA	RA2	RA5	MU-PD	LUC
Equipment repair, heavy									X	X					4
Funeral home or crematorium					X		X		X	X					3
Hotels, motels							X	X	X					X	3
Kennels, commercial, pet grooming (see note 8)							X		X	X	S	S	S	X	3
Laboratories, experimental, photo or motion picture, film or testing									X	X					3
Laboratories, medical, research					X		X	X	X	X				X	3
Locksmith and gunsmiths						X	X	X	X	X				X	3
Medical, dental, paramedical, chiropractic offices			S		X	X	X	X						X	3
Miscellaneous services, not listed						X		X						X	3
Offices, general					X	X	X	X	X	X				X	3
Offices, professional or non-profit			S		X	X	X	X	X	X				X	3
Printing or binding shop							X	X	X	X				X	3
Repair and servicing of office and household equipment					S	X	X	X	X	X					3
Service establishments, professional and personal services not otherwise listed					X	X	X	X	X	X				X	3
Shoe repair						X	X	X	X	X				X	3
Small item repair shop					S	X	X	X	X	X				X	3
Theater, indoor (except adult theater)					X		X	X						X	3
Theater, outdoor							X	X	S	X				X	4
Decorator shops, Upholstery, paper hanging							X	X	X					X	3

**Permitted Use Table  
Town of Pittsboro, N.C.**

**X = permitted by right  
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USE TYPE	R15	R12M	R12	R10	0I	C1	C2	C4	M1	M2	RA	RA2	RA5	MU-PD	LUC
Veterinary establishments (see note 8)					X		X		X	X	S	S	S	X	3
Vocational business, secretarial schools, music or dance studios					S	X	X	X	X	X	S			X	3
Woodworking shops									X	X		S	S	X	4
<b>RETAIL TRADE</b>															
Adult bookstore, adult entertainment club, adult theater							S								3
Antiques and gift retail stores					X	X	X	X				S	S	X	3
Appliance sales and service							X	X	X	X				X	3
Arts and crafts supply and retail sales						X	X	X	X	X				X	3
Automobile accessories sales						X	X	X	X	X				X	3
Automobile sales, new and used							X		X	X				X	4
Bakeries, on -site retail sales							X	X	X	X				X	3
Bicycle and motorcycle sales and repair						X	X	X	X	X				X	3
Book (except adult) and stationery stores						X	X	X						X	3
Building and hardware supplies with open storage							S		X	X				X	4
Building and hardware supplies without open storage						X	X	X	X					X	3
Clothing sales						X	X	X						X	3
Convenience stores with gas pumps						X	X	X						X	4
Convenience stores without gas pumps					X	X	X	X						X	3
Crafts production and retail sales							X		X	X		S	S	X	3
Drugstore						X	X	X						X	3

**Permitted Use Table  
Town of Pittsboro, N.C.**

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USE TYPE	R1 5	R12M	R12	R10	0I	C1	C2	C4	M1	M 2	RA	RA2	RA5	MU-PD	LUC
Electronic Gaming Operation							S								4
Drugstore within a medical office, hospital or nursing facility					X		X								3
Flea markets, open air farmers markets, etc.							X		X	X				X	4
Food stores							X	X	X						3
Fuel oil sales							X		X	X				X	4
Furniture, home furnishings						X	X	X	X	X				X	3
Garden center, retail nursery						X	X	X	X	X				X	3
LP gas refueling station							S							X	4
Manufactured home sales							S		X	X					4
Massage parlor							S								3
Nightclubs (except adult entertainment club), bars, taverns							S	S						X	3
Photographic developing, processing and finishing							X	X	X	X				X	3
RV, boat, agricultural implement, heavy machinery sales, rental storage							X		X	X					4
Restaurants					X	X	X	X	X	X				X	3
Restaurants, drive -in, drive thru							X	X	X	X				X	3
Retail businesses not otherwise listed							X	X						X	3
Tattoo Parlor/Tattoo Studio Establishment and/or Body Piercing							X							X	3
<b>WHOLESALE TRADE</b>															
Appliance distributor							X	X	X	X					4
Flowers, nursery stock, florist supplies									X	X	X	X	X	X	4
Livestock										X					5

**Permitted Use Table  
Town of Pittsboro, N.C.**

**X = permitted by right  
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USE TYPE	R15	R12M	R12	R10	0I	C1	C2	C4	M1	M2	RA	RA2	RA5	MU-PD	LUC
Wholesale establishments, not listed							X		X	X					4
<b>TRANSPORTATION, WAREHOUSING AND UTILITIES</b>															
Landing Strips									S	S	S	S	S		5
Broadcasting studio, radio, TV					X	X	X	X	X	X				X	3
Construction storage yards (see note 6)									X	X					5
Flammable liquids or gases, bulk storage, <100,000 gallons							S		X	X					4
Flammable liquids or gases, bulk storage, > 100,000 gallons										X					5
Garbage landfills, incinerators									S	S					5
Public utilities; no service and storage yards	X	X	X	X	X	X	X	X	X	X	X	X	X	X	-
Public utilities; with service and storage yards							S		X	X				X	5
Public water and wastewater treatment facilities									S	S	S	S	S		5
Storage, outdoor not otherwise listed						S			S	X				X	4
Telephone exchanges, radio and TV towers, transmitting stations, communication towers over 50' height					S	S	S		S	S	S	S	S		3
Transportation terminals, freight							X		X	X					5
Transportation terminals, passenger							X	X	X	X				X	3
Warehousing, general									X	X					4

**Permitted Use Table  
Town of Pittsboro, N.C.**

**X = permitted by right  
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USE TYPE	R15	R12M	R12	R10	0I	C1	C2	C4	M1	M2	RA	RA2	RA5	MU-PD	LUC
Warehousing for finished lumber and other wholesale goods in enclosed storage building										X		S	S		4
Warehouses, mini, no unit >400 SF									X	X					4
<b>MANUFACTURING AND INDUSTRIAL</b>															
Animal slaughtering and rendering										S					5
Assembling of electrical appliances, electronic instruments; manufacture of small parts only									X	X					4
Bakeries, bottling works							X		X	X				X	4
Concrete plants, Asphalt plants									X	X					5
Electric and electronic machinery, equipment, supplies										X					4
Electroplating of metal										S					5
Foundry casting, light-weight, nonferrous metal; not causing noxious fumes, noise or odors									X	X				S	5
Ice									X	X					4
Junkyards,										S					5
Machine shop excluding punch press over 20 tons rated capacity, drop hammers and automatic screw machine									X	X					4
Manufacture of pottery and figurines, ceramic products, etc. fired only by electrical or gas kilns							X		X	X		S	S	X	4
Manufacture and assembly of electric and neon signs, billboards, light sheet metal products, etc.							S		X	X					4

**Permitted Use Table  
Town of Pittsboro, N.C.**

**X = permitted by right  
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USE TYPE	R15	R12M	R12	R10	0I	C1	C2	C4	M1	M2	RA	RA2	RA5	MU-PD	LUC
Manufacture of musical instruments, toys, novelties, and rubber and metal stamps									X	X				X	4
Manufacturing, compounding, assembling or treatment from previously prepared materials such as bone, cellophane, canvas, cloth, cork, feathers, etc.									X	X					4
Manufacturing, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, etc.									X	X					4
Metal shops involving fabrication of sheet metal only									X	X					4
Monument works, stone works									X	X					4
Planing or sawmills										X		S	S		5
Poultry dressing plants										X					5
Poultry and egg processing										X					5
Primary metal products										X					4
Sheet metal, roofing shops								X		X	X				4
<b>OTHER USES</b>															
Any use not otherwise prohibited by law or by this ordinance ( <b>see note 5</b> )										X					4
Art and craft shows/fairs							X	S	X	X				X	-
Christmas tree sales					X	X	X	X	X	X		S		X	-
Condominiums, commercial					S	S	S	S	S	S				X	3
Exhibition building, galleries or showrooms							X	X	X	X				X	3

**Permitted Use Table  
Town of Pittsboro, N.C.**

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USE TYPE	R15	R12M	R12	R10	0I	C1	C2	C4	M1	M2	RA	RA2	RA5	MU-PD	LUC
Fences and walls	X	X	X	X	X	X	X	X	X	X	X	X	X	X	-
Outdoor religious events					S	S	S		S	S					-
Shopping centers							S							X	3
Signs	X	X	X	X	X	X	X	X	X	X	X	X	X	X	-
Temporary buildings incidental to a construction project	X	X	X	X	X	X	X	X	X	X	X	X	X	X	-
Adult Care Homes	S		S	S							S	S	S		-

**Permitted Use Table  
Town of Pittsboro, N.C.**

**X = permitted by right  
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### 5.2.2 Notes To The Table Of Permitted Uses

These notes provide regulations and conditions for certain uses which are unusual in their nature or complexity, or are potentially incompatible with their surroundings unless special protective restrictions are applied. Each use listed shall comply with the regulations of the district in which it is located, with the requirements specified herein, and conditions for uses requiring Special Use Permits.

#### NOTE 1 Accessory Uses

Swimming pools as an accessory use in R-15, R-12M, R-12, R-10, and O-I Districts shall be enclosed by protective fencing. In O-I, C-I, and C-4 districts, there shall be no open storage as an accessory use.

#### NOTE 2 Home Occupations

Home occupations are permitted as an incidental use in residential districts provided such activities are clearly subordinate to its use for residential purposes by its occupants. Home occupations are defined as specialized activities, which by their scale of operation and limited traffic would be unlikely to cause an adverse impact on neighboring residents. Such occupations may be carried on in the residence or in a permitted accessory building subject to following limitations.

- (1) Such occupations shall be engaged in only by residents on the premises and not more than one employee who may be a non-resident.
- (2) No more than 25% of the principle dwelling structure shall be used for the permitted activity. An accessory building may be used in lieu of the principal dwelling provided no more than 400 square feet of accessory building will be used for the permitted activity. The accessory building must be located within required yard setbacks of the principal dwelling, and must conform with the principal dwelling, and must conform with the principal dwelling in general appearance.
- (3) No display of goods or advertising shall be visible from the street, except one non-illuminated sign is allowed which shall not exceed four (4) square feet in area.
- (4) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.
- (5) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- (6) The customary home occupations referred to in this subsection shall include the merchandising and sale of goods and products at retail, and the manufacture and assembly of goods and products, provided such retail or manufacturing or assembly occupations shall be carried on by a resident of

the home and items 1-5 are met. The applicant must provide evidence that such activities will not adversely impact the surrounding neighborhood and the requirements of the town before the permit can be approved and renewed each year.

- (7) Any person wanting to conduct a home occupation within their residence shall apply for and be granted a home occupation permit prior to beginning said occupation. Permits are not transferable and shall be renewed by the applicant during the month of June each and every year during which the home occupation is in existence. The home occupation permit is valid only as long as the use meets the provisions for home occupations specified herein and the permit may be revoked any time the use does not meet the provisions of this or other applicable ordinances. Applicants shall pay any administrative fee established by the Town at the time of the application. (Amendment to Article V. Section 2, Note 2 of the Town of Pittsboro Zoning Ordinance approved on January 9, 1989 by the Board of Commissioners).

NOTE 3 Automobile Service Stations

- (1) Automobile Service Stations shall be a permitted use in the C-1 District provided the following conditions are met:
- (a) The service station is contained in a structure limited in size to two single car service bays, plus office, rest rooms and storage.
  - (b) The service station is limited in function to dispensing gasoline, oil, grease, anti-freeze, tires batteries and automobile accessories directly to motor vehicles, and to washing, polishing, and servicing motor vehicles only to the extent of installation of the enumerated items and to selling at retail the items customarily sold by service stations.
  - (c) The service station does not overhaul motors; provide upholstery work, auto glass work, painting, welding, body work, tire recapping or auto dismantling.
  - (d) The service station does not rent or sell motor vehicles, trailers, or major replacement parts.
  - (e) The service station is provided with barriers of such dimensions that occupants of nearby residential structures are not unreasonably disturbed, either by day or night, and the movement of vehicles and light facilities are so arranged that they neither unreasonably disturb occupants of nearby residential properties nor interfere with traffic.
  - (f) The service station extinguishes all floodlights at close of business or 11:00 p.m., which is earlier.
  - (g) The service station shall have a minimum lot area of ten thousand (10,000) square feet with a frontage of not less than one hundred and fifty (150) feet. No service station shall be located within two hundred (200) feet of any pre-existing

school, playground, church, library or community center as measured from any point on the property line.

- (h) The service station has no pumps, above ground tanks, or parked vehicles closer than twenty-five (25) feet to any street right of way line.
- (2) Automobile service stations in the C-2 and C-4 Districts shall have no gasoline or oil pump located within forty (40) feet of any street right of way line.
- (3) Automobile service stations in all permitted districts may erect accessory structures such as canopies within forty (40) feet of any street right of way as long as the nearer edge of any such structure shall not be within two (2) feet of a vertical plane of any street right-of-way. The height of the structure shall not be less than fourteen (14) feet or more than twenty (20) feet. The accessory structure shall be subject to sign ordinance if used to display or advertise the business and must be approved by the planning staff prior to installation.

**NOTE 4 Dry Cleaners and Laundries**

Dry cleaning and laundry establishments shall be permitted when only oil, gas, or electricity is used for heat, when screening and filtering devices are used to prevent the introduction of objectionable smoke, dust, fumes, odors, or steam into the atmosphere.

**NOTE 5 Industries**

The following industrial uses shall not be allowed:

- (a) The manufacturing, processing, fabrication and/or bulk storage of acetylene gas (except for use on premises) ammunition, explosives, fireworks, gunpowder, jute or matches.
- (b) The manufacturing, processing and/or fabrication of acids (except non-corrosive acids), ammonia, ammonium nitrate, animal by-products, bleaching powder, cellulose, cement chlorine, creosote and creosote treatment, detergents, enamels, lacquers, lime, linoleum, oil cloth, paper pulp, pigments, plaster, rubber (except tire recappers), soaps, tannery products, turpentine, varnishes, whiting and/or wood fillers, or any other use which is noxious or offensive by reason of vibration, or the emission of dust, odor, smoke, gas or noise.

**NOTE 6 Reserved**

**NOTE 7 Hazardous Chemicals**

This note shall apply to materials which are highly flammable, or which may react to cause fires or explosions, or which by their presence create or augment a fire or explosion hazard, or which because of their toxicity, flammability, or liability to



explosion render firefighting abnormally dangerous or difficult; also to materials and formulations which are chemically unstable and which may spontaneously form explosive compounds, or undergo spontaneous or exothermic reactions of explosive violence or with sufficient evolution of heat to be a fire hazard. Hazardous chemicals shall include such materials as corrosive liquids, flammable solids, highly toxic materials, oxidizing materials, poisonous gases, radioactive materials, and unstable chemicals, as defined in Section 20.2 of the American Insurance Association Fire Prevention Code. Where such materials are stored, their storage shall not be considered a Use By Right except when written authorization is given by the Fire Chief of the Town of Pittsboro.

**NOTE 8 Kennels**

No outside kennel is permitted in O-I or commercial zones. In manufacturing zones, kennels must be 50' from the property line (See Section 5.3.3 for special use requirements in RA, RA-2 and R-A5 zones).

**NOTE 9 No Class A, B, or C manufactured home shall be allowed for residential or nonresidential purposes in commercial zones.**

**NOTE 10 Family Care Homes**

Family Care Homes are private residences for aged and disabled adults who may require supervision and assistance with personal care needs. Family Care Homes are owned by providers who live with the residents they serve. They must maintain a license with the State of North Carolina, are limited to six residents and may not be closer than a 2640 foot radius to another Family Care Home.

**NOTE 11 Planned Development Districts (PDD)**

A Planned Development District may contain any use listed in the Permitted Use Table (Section 5.2.1) and specified in the approved PDD Master Plan. All uses that are set out in the approved PDD Master Plan shall be treated as a "Use By Right" within the PDD, including those identified in this ordinance as "permitted by right" and those "permitted by SUP (Special Use Permit) only." The PDD Master Plan shall establish the general locations for permitted uses. The permitted uses may vary for different areas or phases of the PDD Master Plan.

The PDD Master Plan shall identify the total number of residential units and the maximum square footage for non-residential uses. The form for presenting these quantities shall be determined by the applicant, but the form shall be clearly presented and easy to track. If the measure used includes density, gross density is the applicable standard. (Gross residential density is defined as the total number of dwelling units divided by the total acreage in the PDD. Gross non-residential density is defined as the total square footage of non-residential uses divided by the total acreage in the PDD.) The identified quantities for residential and non-residential uses may be moved between or within areas or phases shown in the PDD Master Plan so long as neither the maximum number of residential units nor the

maximum square footage for non-residential uses in the PDD Master Plan is exceeded.

For uses listed as “permitted by SUP (Special Use Permit) only” in the Table of Permitted Uses and included as permitted uses in the PDD Master Plan, the PDD Master Plan will establish the development standards to mitigate, if necessary, the impacts of each use, especially with regard to property adjacent to the PDD.

## 5.3 Special Uses

### 5.3.1 Special Use Permit - Objectives and Purposes

Permitting Special Use adds flexibility to the Zoning Ordinance. Subject to high standards of planning and design, certain property uses are allowed in the several districts where these uses would not otherwise be acceptable. By means of controls exercised through the Special Use Permit procedures, property uses which would otherwise be undesirable in certain districts can be developed to minimize any bad effects they might have on surrounding properties. The uses for which Special Use Permits are required are listed in the chart accompanying this section, along with a detailed description of the procedures which must be followed in the issuance of each such permit. Uses specified in this section shall be permitted only upon the issuance of a Special Use Permit.

### 5.3.2 Special Use Permit Review Process

- A. An application for a special use permit shall be submitted to the Board of Commissioners by filing a copy of the application with the Zoning Enforcement Officer at least three weeks prior to the 4<sup>th</sup> Monday meeting of the Board of Commissioners. The review process for a special use permit shall include:
  - (1) Public hearing held by the Board of Commissioners in accordance with subsection b; the hearing and subsequent review and decision shall follow quasi-judicial procedures;
  - (2) Planning Board review and recommendation in accordance with subsection c.; and
  - (3) Board of Commissioners review and action in accordance with subsections d. and e.
- B. Public Hearing Requirements and Procedures
  - (1) No special use permit shall be approved until a public hearing has been held by the Board of Commissioners.
  - (2) Upon receipt of an application for a special use permit in accordance with subsection a, the Town Clerk shall publish a notice of the public hearing in a newspaper having general circulation in the area. The notice shall be published not less than 10 nor more than 25 days before the date affixed for the hearing. In computing this period, the date of publication shall not be counted but the date of the hearing shall be.

The notice required by this subsection shall:

- (a) State the date, time, and place of the public hearing;
  - (b) Summarize the nature and character of the permit request;
  - (c) Reasonably identify the property affected by the permit request;
  - (d) State that the full permit request application can be reviewed at the office of the Town Clerk; and
  - (e) State that substantial changes in the permit request may be made following the public hearing in its proposed location, but only those conditions mutually approved by the Town and the petitioner may be incorporated into the permit requirements.
- (3) The Zoning Enforcement Officer shall mail written notice of the public hearing to the owners of all properties involved in the permit request as well as the owners of all properties any portion of which is within 100 feet of the property involved in the permit request.
  - (4) The Zoning Enforcement Officer shall post notices of the public hearing in the vicinity of the property involved in the permit request and take any other action deemed by the Zoning Enforcement Officer to be useful or appropriate to give notice of the public hearing on any permit request.
  - (5) The Zoning Enforcement Officer must post notice of the hearing in the vicinity of the property involved in the permit request and may take any other action deemed useful and appropriate to give notice of the public hearing.
  - (6) At the conclusion of the public hearing, the permit request shall be referred to the Planning Board for review and recommendation.

C. Planning Board Review and Recommendation

- (1) The Planning Board shall consider the special use permit application and the Zoning Enforcement Officer's report within 60 days from the initial date the application was received by the Planning Board. If the Planning Board fails to act on the application within the 60 day period, the Zoning Enforcement Officer shall forward the application to the Board of Commissioners. The Planning Board, at its discretion, may hear from the applicant or members of the public.
- (2) After reviewing the application, the Planning Board shall report to the Board of Commissioners whether it concurs in whole or in part with the Zoning Enforcement Officer's report, and to the

extent there are differences, the Planning Board shall propose its own recommendations and the reasons therefore.

- (3) In response to the Planning Board's recommendations, the applicant may modify his application prior to submission to the Board of Commissioners, and the Zoning Enforcement Officer may likewise revise his recommendations.

D. Board of Commissioner Action on Special Use Permits

- (1) Upon receipt of a recommendation from the Planning Board, the Board of Commissioners shall review the application for a special use permit, the Planning Board's recommendation and the Zoning Enforcement Officer's recommendation.
- (2) After reviewing the application and recommendations, the Board of Commissioners may proceed to vote on the permit request, refer it to committee for further study, or take any other action consistent with its usual rules of procedure.
- (3) The Board of Commissioners is not required to take final action on a permit request within any specific period of time, but it should proceed as expeditiously as practicable on permit requests since inordinate delays can result in the applicant incurring unnecessary costs.
- (4) Subject to subsection d.5, the Board of Commissioners shall issue the requested permit unless it concludes, based upon the information submitted at the public hearing, that:
  - (a) The requested permit is not within its jurisdiction according to the Table of Permitted Uses; or
  - (b) The application is incomplete; or
  - (c) If completed as proposed in the application, the development will not comply with one or more requirements of this Ordinance.
- (5) Even if the Board of Commissioners finds that the application complies with all other provisions of this Ordinance, it may still deny the permit if it concludes, based upon the information submitted at the public hearing, that if completed as proposed, the development, more probably than not:
  - (a) Will materially endanger the public health or safety; or
  - (b) Will substantially injure the value of adjoining or abutting property; or
  - (c) Will not be in harmony with the area in which it is to be located; or
  - (d) Will not be in general conformity with the land development plan or other plans officially adopted by the Board of Commissioners.
- (6) The burden of persuasion on the issue of whether the development, if completed as proposed, will comply with

the requirements of this Ordinance remains at all times on the applicant. The burden of persuasion on the issue of whether the application should be turned down for any of the reasons set forth in subsection d.5. rests on the party or parties urging that the requested permit should be denied.

(7) In considering whether to approve an application for a special use permit, the Board of Commissioners shall proceed according to the following format:

- (a) The Board of Commissioners shall consider whether the application is complete. If no member moves that the application be found incomplete (specifying either the particular type of information lacking or the particular requirement with respect to which the application is incomplete) then this shall be taken as affirmative finding by the Board of Commissioners that the application is complete.
- (b) The Board of Commissioners shall consider whether the application complies with all of the applicable requirements of this Ordinance. If a motion to this effect passes, the Board of Commissioners need not make further findings concerning such requirements. If such a motion fails or is not made then a motion shall be made that the application be found not in compliance with one or more of the requirements of this Ordinance. Such a motion shall specify the particular requirements the application fails to meet. Separate votes may be taken with respect to each requirement not met by the application.
- (c) If the Board of Commissioners concludes that the application fails to comply with one or more requirements of this Ordinance, the application shall be denied. If the Board of Commissioners concludes that all such requirements are met, it shall issue the permit unless it adopts a motion to deny the application. Such a motion shall propose specific findings, based upon the evidence submitted, justifying such a conclusion.

E. Additional Requirements on Special Use Permits

- (1) Subject to subsection e.2. in granting a special use permit, the Board of Commissioners may attach to the permit such reasonable requirements in addition to those specified in this Ordinance as will ensure that the development in its proposed location:

- (a) Will not endanger the public health or safety;
  - (b) Will not injure the value of adjoining or abutting property;
  - (c) Will be in harmony with the area in which it is located; and
  - (d) Will be in conformity with the land development plan, thoroughfare plan, or other plan officially adopted by the Board of Commissioners.
- (2) Specific conditions applicable to these districts may be proposed by the petitioner or the town or its agencies, but only those conditions mutually approved by the town and the petitioner may be incorporated into the zoning regulation or permit requirements. Conditions and site specific standards imposed in a conditional use permit shall be limited to those that address conformance of the development and use of the site to town ordinances and an officially adopted comprehensive plan by the development or use on the site. The Board of Commissioners may not attach additional conditions that modify or alter the specific requirements set forth in this Ordinance unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements.
- (3) Without limiting the foregoing, the Board of Commissioners may attach to a permit a condition limiting the permit to a specified duration.
- (4) All additional conditions or requirements shall be entered on the permit.
- (5) All conditions or requirements shall run with the land and shall be binding on the original applicants for the special use permit, their heirs, successors, or assigns.
- (6) All additional conditions or requirements authorized by this subsection are enforceable in the same manner and to the same extent as any other applicable requirement of this Ordinance.
- (7) A vote may be taken on application conditions or requirements before consideration of whether the permit should be denied for any of the reasons set forth in Subsections d.4 or d.5.

F. If the Planning Board recommends the disapproval of the Special Use Permit, and if the Board of Commissioners denies the permit, each body shall enter the reason for its action in the minutes of the meeting at which the action is taken. No appeal may be taken to the Board of Adjustment from the action of the Town Board in granting or denying a Special Use Permit. When issuing or denying special use permits, the Town Board shall follow the procedures established for the Board of Adjustment except that no vote greater than a majority vote shall be required for the Town Board to issue such permits. The

Town Board shall administer oaths to all witnesses and shall make administrative findings of fact. Every such decision of the Town Board on special use permits shall be subject to review by the superior court by proceedings in the nature of certiorari to issue such permits. For the purpose of this section, vacant positions on the Board and members who are disqualified from voting shall not be considered "members of the board" for calculation of the requisite majority.

- G. In addition to the conditions specifically imposed in this paragraph and such further conditions as the Town Board may deem reasonable and appropriate, Special Uses, other than Planned Unit Developments, shall comply with the height, area and parking regulations for the zone district in which they are located. All special uses other than Manufactured Home Parks; Condominiums; Townhouses and Planned Unit Developments shall comply with yard regulations for the zone district where they are located. No structure in any Manufactured Home Park or Planned Unit Development (either commercial or residential) shall be located closer to any external property line of the tract on which it is situated than 25 feet, nor closer to the right-of-way line of any street outside the Manufactured Home Park or Planned Unit Development than the distance specified as a front yard requirement for the zone district in which it is located. 2/26/07
- H. In the event of failure to comply with the plans approved by the Town Board, or with any other conditions imposed upon the Special Use Permit, the permit shall thereupon immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this Special Use Permit shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the provisions of this ordinance; provided, however, that the Town Board shall not be prevented from thereafter rezoning said property for its most appropriate use.
- I. Minor changes in the detail of the approved site plan which will not alter the basic relationship of the proposed development to surrounding properties or the standards and requirements of these regulations, or any conditions attached to the approval may be approved by the Zoning Enforcement Officer without going through the standard permit review process or a public hearing. The Zoning Enforcement Officer, at his discretion, may forward any application for changes in detail to the Board of Commissioners for its consideration and approval. The Zoning Enforcement Officer shall report all approved minor changes to the Town Board at its next regularly scheduled meeting following approval of the minor changes.

All other modifications and changes to the approved site plan or the special use permit shall be reviewed in accordance with the procedures established for the initial review of a special use permit application.

- J. Site plans shall be prepared in accordance with the requirements of Article XV. Depending on the nature of the special use and the need for a site plan to show the relationship of the requested special use to other buildings on the property and to adjoining land uses, the Zoning Enforcement Officer is authorized to require more or to require less information than that specified in Section 15.3 Preparation of Plans.

#### 5.3.3 Regulations for Special Use Permits

- A. The development standards listed herein are additional to other requirements in this Ordinance. These development standards are use-specific and apply to those uses requiring approval of a Special Use (designated with a 'S' in the Table of Permitted Uses, Section 5.2). Such uses shall be subject to these standards as well as any additional standards or conditions required by the Special Use Permit.
- B. The following rules shall apply to all special uses listed below:
  - (1) Property Separation  
All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed use is to be located to the lot line of the closest use (or zoned property) from which the proposed use is to be separated.
  - (2) Use Separation  
All measurements shall be made by drawing straight lines from the nearest point on the wall of a proposed or existing principal building or edge of a proposed use to the nearest point on the wall of the principal building from which the subject building is to be separated, unless otherwise specified.
  - (3) Outdoor Lighting  
Outdoor lighting structures shall be located, angled, shielded, or limited in intensity so as to cast no direct light upon adjacent property and to avoid the creation of a visual safety hazard to passing motorists,
  - (4) Screening  
Landscaping and screening shall be as required by section 7.4 or as specified herein, whichever is more stringent.

#### 5.3.3.1 Accessory Dwelling Units In Front Yards

- A. Where Required  
RA-2 and RA-5 districts.
- B. General Requirements
  - (1) The accessory dwelling unit is permitted on the same lot with a principal unit.



- (2) No more than one accessory dwelling unit is permitted on the same lot with a principal dwelling unit.
- (3) No accessory dwelling unit shall be permitted on the same zone lot with a two-family or multi-family dwelling or family care home.

C. Accessory Dwelling Unit Within a Principal Single-Family Dwelling

- (1) The principal building shall not be altered in any way so as to appear from a public or private road to be multi-family housing. Prohibited alterations include, but are not limited to, multiple entranceways, or multiple mailboxes. Access to the accessory dwelling unit shall be by means of an existing side or rear door, except where a new entrance is required by the N.C. Building Code. No new doorways or stairways to upper floors are permitted if they are attached to the side of a building facing a public or private street.
- (2) An accessory dwelling unit shall occupy no more than 25 percent of the heated floor area of the principal building. The sum of all accessory use (including home occupations) in a principal building shall not exceed 25 percent of the total floor area.

D. Detached Accessory Dwelling Units

- (1) A detached accessory dwelling unit may be:
  - (a) a manufactured home in zones which permit this use;
  - (b) a dwelling unit which is part of an accessory garage; or
  - (c) a freestanding dwelling unit meeting the NC Building Code.
- (2) The lot containing both the principal and the detached accessory dwelling units shall have 1.5 times the minimum lot area required for the district.
- (3) The detached accessory dwelling unit shall:
  - (a) have an approved sewage disposal connection or system;
  - (b) meet all setbacks applicable to the principal building;
  - (c) be erected behind and at least 10 feet from the principal building; and
  - (d) not exceed the maximum lot coverage when added to the square footage of all accessory buildings on the lot.
- (4) A detached accessory dwelling, other than a manufactured home shall have no more than 50 percent of the gross floor area of the principal building.

5.3.3.2 Adult Bookstore, Adult Entertainment, Adult Theater; Massage Parlor

A. Where Required

C-2 District.

B. Use Separation

- (1) No adult bookstore, adult entertainment club, adult theater or massage parlor shall be located within 1,500 feet of any other adult bookstore, adult entertainment club, adult theater, or massage parlor.
- (2) No such establishment shall be located within 500 feet of a church, school, public park or residentially zoned property.

5.3.3.3 Adult Care Home

A. Where Required

R-15, R-12, R-10, RA, RA-2, and RA-5 districts.

B. Maximum Duration

Permits for temporary dependent care residences shall be issued initially for a one-year period and may be renewed by the Town Board on a six month basis.

C. Maximum Size

A temporary dependent care residence shall not exceed 1,200 square feet in total floor area.

D. Dimensional Requirements

A temporary dependent care residence which is detached from the principal dwelling shall conform to the building setback requirements of the zoning district in which it is located.

E. Class B manufactured homes are permissible temporary dependent care residences only in the RA, RA-2 and RA-5 zoning districts.

5.3.3.4 Landing Strips

A. Where Required

M-1, M-2, RA, RA-2, and RA-5

B. Minimum Area

Fifty acres is required for Basic Utility Stage 1 airport with 2,000-foot runway. More area is required for larger airports. Airport size and layout shall conform to FAA Advisory Circular 150/5300-4B or its current replacement.

C. Use Separation

There shall be a minimum 300-foot distance between the airport property and the nearest residence.

- D. Fencing  
Security fencing shall be provided sufficient to control access to runways and taxiways. The fencing shall be a minimum 6 feet in height.
- E. Site Plan Requirements
  - (1) Structures- Location and size of all existing and proposed structure, streams and floodways within tract boundaries and within 500 feet of runway.
  - (2) Parking and loading, all service areas as required.
  - (3) Erosion control and stormwater management design.
  - (4) Screening and lighting design.
  - (5) Waste management plans.
- F. Other Requirements  
No application for a proposal to construct an airport shall be submitted to the Federal Aviation Agency before a special use permit request has been reviewed by the Planning Board and approval by the Town Commissioners. After the permit has been approved, zoning for the purpose of regulating the height of structures in the approach zones may be adopted. All structures and impervious surfaces must total less than ten (10) percent of the lot area. Setbacks for all structures on the perimeter of the runway shall be a minimum required to ensure safe operation of aircraft and provide adequate-protection for adjacent property and the occupants thereof. Lighting shall be shielded so as to cast no light on adjacent property.

#### 5.3.3.5 Animal Slaughtering or Rendering

- A. Where Required  
M-2 district.
- B. Property Separation  
All structures, buildings or enclosed areas used for the operation shall be a minimum of 150 feet from all property lines.
- C. Noise  
Equipment producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.
- D. Dust  
All unpaved storage areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.
- E. Fencing  
Security fencing shall be provided around all outside storage areas.

- F. Access  
A truck route plan shall be submitted showing routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools or other land uses which would be negatively impacted by truck traffic.
- G. Odors  
The use shall not generate fumes or odors beyond what normally occurs in the zoning district in which it is located.

#### 5.3.3.6 Antiques and Gift Retail Stores

- A. Where Required  
RA-2 and RA-5 districts.
- B. Maximum Area  
A maximum of 3,000 square feet of gross floor area shall be permitted per establishment.
- C. Outside Storage  
No outside storage of materials shall be permitted.

#### 5.3.3.7 Automobile Parking Lots In Residential Districts.

- A. Where Required  
R-12, R-10 and O-I districts.
- B. Screening  
A screen of dense plant material which is not less than 6 feet in height shall be required where any parking lot abuts a residential lot.
- C. Site Plan Requirements
  - (1) Structures - location and size of proposed sign
  - (2) Circulation. - proposed points of access and egress and pattern of internal circulation.
  - (3) Parking and Loading - Layout of parking spaces.
  - (4) Other Details - Proposed illumination if designed for night time operation.
- D. Signs  
One sign no larger than 15 square feet may be constructed at a location behind the normal front setback line, such sign to be ground mounted and not higher than seven (7) feet above the ground.
- E. Dimensional Requirements  
Vehicle parking spaces shall not encroach into any principal building yard setback required for the district.

5.3.3.8 Beauty Salons, Barbershops

- A. Where Required  
RA, RA-2, and RA-5 districts.
- B. Minimum Lot Area  
A minimum of 40,000 square feet of lot area is required for the use.
- C. Site Plan Requirements
  - (1) Access driveways and internal circulation pattern including parking and loading spaces.
  - (2) Surrounding land uses within 500 feet.
  - (3) Signage proposed.
  - (4) Controls for traffic, noise, dust or visual impacts.

5.3.3.9 Bed and Breakfast with Open Dining

- A. Where Required  
O-I, RA, RA-2, and RA-5 districts.
- B. Maximum Area  
The floor area reserved for the dining and cooking area shall not exceed 50 percent of the total space of the structure.

5.3.3.10 Building and Hardware Supplies with Open Storage

- A. Where Required  
C-2 district.
- B. Screening and Fencing Requirements  
Open storage areas shall be enclosed by a fence not less than 6 feet in height. In addition, an opaque screen not less than 6 feet in height of dense plant material shall be required where the use abuts a residential lot. Such screening requirement shall be in addition to any landscaping or screening required by Section 7.4.
- C. Maximum Area  
Open storage areas shall not exceed 20 percent of the gross building area of the principal area or 800 square feet, whichever is less.
- D. Dimensional Requirements  
Open storage areas shall not encroach into any principal building setback.

5.3.3.11 Car Wash, Self-Service

- A. Where Required  
C-2 district.

- B. Use Separation  
Building(s) shall be not less than 75 feet from any side or rear property line which adjoins residentially or public-institutionally zoned property.
- C. Screening  
A minimum 6 foot high opaque fence shall be provided adjacent to all residentially-zoned property.
- D. Operation
  - (1) All washing operations shall be contained in a building.
  - (2) Specific areas shall be provided for the manual drying, waxing, polishing and vacuuming of automobiles and other motor vehicles when these services are offered on the site. These areas shall not conflict with on-site circulation patterns.
  - (3) Hours of operations shall be between 7:00 a.m. and 10:00 p.m. when adjoining developed residentially zoned property.
- E. Adequate provision shall be made for the safe and efficient disposal of waste products.

#### 5.3.3.12 Cemetery or Mausoleum

- A. Where Required  
R-15, R-12, R-10, O-I, C1, RA, RA-2 and RA-5 districts.
- B. Minimum Area  
A minimum of 3 contiguous acres shall be required to establish a cemetery or mausoleum not located on the same tract of land as a church.
- C. Screening  
A screen of dense plant material not less than 6 feet in height shall be required where the use abuts a residential lot.
- D. Dimensional Requirements  
The use shall not encroach into any principal building setback required for the district in which located.
- E. Site Plan Requirements
  - (1) Structures - Location of sign, entrances and buildings must be shown on the plan.
  - (2) Circulation - Proposed points of access and egress and pattern of internal circulation.
  - (3) Parking and Loading - Layout of parking spaces.

(4) Other Details - Proposed restrictions, if any.

5.3.3.13 Clubs and Lodges, Private, Non-Profit

- A. Where Required  
R-15, R-12, R-10, O-1, C-1, RA, RA-2 and RA-5 districts.
- B. Minimum Lot Area  
Swimming clubs shall have a minimum lot area of 1 acre for each 40 club members or families.
- C. Fencing  
Any swimming pool area shall be enclosed by fencing not less than 5 feet in height.
- D. Private non-profit clubs having only one operating swimming pool with bathhouse facilities and open only during the swimming season are exempt from the minimum lot area requirements if all activities and facilities (other than parking) are located no closer than 50 feet to any property line.
- E. No improvements, structures, sidewalks or play areas or equipment shall be closer than 50 feet to any adjoining property lines. Parking areas may be permitted within 20 feet of an adjoining property line if the above mentioned 20 feet strip is used for planting designed to grow at least 6 feet high.
- F. Adjacent to swimming pools there shall be provided paved patio areas(s) in the ratio of 2 square feet of paving for each square foot of water area that is 5 feet or less in depth.
- G. Lights shall be located and shielded so as not to adversely affect adjacent property.

5.3.3.14 Colleges, Universities, etc, and Incidental Uses on the Same Property

- A. Where Required  
R-15, R-12, R-10, O-I and RA districts.
- B. Site Requirements
  - (1) Structures - Location and approximate size of all existing and proposed buildings and structures within the site and on the lot adjacent thereto.
  - (2) Circulation - Proposed points of access and egress and pattern of internal circulation.
  - (3) Layout of parking spaces.
  - (4) Location and extent of open recreation areas.

5.3.3.15 Community Buildings not for Commercial Gain

- A. Where Required

R-15, R-12M, R-12, R-10, O-I, RA, RA-2 and RA-5 districts.

B. Site Requirements

- (1) Structures - Location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.
- (2) Circulation - Proposed points of access and egress and pattern of internal circulation.
- (3) Layout of parking spaces.
- (4) Location and extent of open recreation areas.

5.3.3.16 Condominiums, Residential; Condominiums, Commercial

A. Where Required

Residential Condominiums: R-15, R-12, R-10, and O-I districts

Commercial Condominiums: O-1, C-1, C-2, C-4, M-1 and M-2 districts.

B. Before a declaration establishing a unit ownership development may be recorded in the office of the Chatham County Register of Deeds as prescribed in the North Carolina Unit Ownership Act, the declaration and site plan shall be approved by the Board of Commissioners. No unit shall be conveyed until the declaration and plan have been approved by the Board of Commissioners and recorded in the Office of the Board of Commissioners and recorded in the Office of the Chatham County Register of Deeds.

C. The "declaration" shall be a complete legal document prepared strictly in accordance with the North Carolina Unit Ownership Act and shall be submitted in 5 copies to the Zoning Enforcement Officer.

D. The site plan and related documents shall contain the following particulars:

- (1) The unit designation of each unit and a statement of its location, approximate area, number of rooms and immediate common area to which it has access and any other data necessary for its proper identification;
- (2) Description of the general common areas and facilities as defined in the North Carolina Unit Ownership Act and the proportionate interest of each unit owner therein;
- (3) Description of all boundary lines between portions of the structures designed for different ownership;
- (4) Description of all garages, balconies, patios, etc. which form a part of each unit;
- (5) Description of any special common areas and facilities stating what units shall share the same and in what proportion;
- (6) Statement of the purpose for which the building and each of the units are intended and restricted as to use;
- (7) Description of signing and parking areas;
- (8) Description and location of all fences, walls, and hedges;



- (9) Description and location of solid waste storage facilities; and
- (10) Description of all structures and zoning within 300 feet of the property.

E. Because a "final" plan may not be possible until an engineering survey has been made of the constructed condominium, the Town Board may permit the applicant to build under the special use permit, providing all items other than the final engineering survey. No declaration and plan shall be recorded until all final boundary descriptions have been added to the plan and approved by the Zoning Enforcement Officer.

#### 5.3.3.17 Correctional, Penal Institutions; Jails

A. Where Required

M-1, M-2, and R-A districts

B. State Approval

Plans for the facility must be approved by the appropriate State of North Carolina review agency prior to receiving approval from the Town Board. Plans used for securing state agency approval plus any additional information deemed necessary by either the Planning Board or the Town Board shall be submitted by the applicant.

#### 5.3.3.18 Crafts, Production and Retail Sales

A. Where Required

RA-2 and RA-5 districts

B. Minimum Lot Area

The use shall be located on a lot with sufficient area to accommodate all buildings, parking areas, and required buffer screens.

C. The use shall have no more than 5 full-time employees.

#### 5.3.3.19 Day Care Facility

A. Where Required

R-15, R-12, R-10, O-1, RA, RA-2, and RA-5 districts.

B. Fencing

Outdoor play areas for children shall be enclosed by a fence at least 5 feet in height.

C. Hours of Operation

In residential districts, the facility shall not be operated between the hours of 7 p.m. and 6 a.m.

D. Site Plan Requirements

- (1) Structures - Location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.
- (2) Circulation - Proposed points of access and egress and pattern of internal circulation.
- (3) Parking and Loading - Layout of parking spaces.
- (4) Other Details - Location and extent of open play area.

5.3.3.20 Electronic gaming operations and establishments:

A. Where Required

C2 district. In addition to any other restrictions set forth in this chapter, electronic gaming establishments shall be subject to the following conditions:

- B. All establishments shall be separated no less than five hundred (500) feet from any place of worship, school, day care, public park, residential use or zoning district, and any other electronic gaming establishment. The distance between any proposed electronic gaming establishments and any applicable existing use shall be measured by following a straight line from the nearest point of the lot line of the proposed use to the nearest point of the lot line of the lot on which the existing permitted use is located.
- C. Computer gaming use can be conducted or operated from the hours of 8:00 a.m. to 10:00 p.m. daily.
- D. Persons must be at least 18 years of age to enter the computer gaming area of the establishment. The age restriction applies to employees and patrons.
- E. Each computer gaming establishment will be subject to a privilege license fee and an annual fee per computer which shall be set by the Board from time to time. Such fees must be paid before the zoning permit is issued.
- F. No permit will be issued for any establishment that has an outstanding zoning or municipal code violation from the Town of Pittsboro.
- G. All persons applying for a permit to conduct a computer gaming establishment shall complete an application form. The Town Manager shall establish an application form and procedures for review and issuance of permits.
- H. All legally operating gaming operations made nonconforming by the adoption of this section shall be removed or brought into compliance

with these provisions within 24 months of the date of the adoption of this section. Any business owner affected by this amortization may petition to the Town Council for an extension of the amortization period.

*North Carolina General Statutes.* This section does not apply to any game or process prohibited by G.S. 14-304 through 1-309 or any types of machines and devices prohibited by G.S. 14-306.1A

#### 5.3.3.21 Fairgrounds

- A. Where Required  
M-1
- B. Fencing  
Security fencing, a minimum of 6 feet in height, shall be provided along with entire boundary of the use.
- C. Screening  
An adjoining residential lot shall be screened with a 6 foot high opaque fence in addition to any landscaping or screening required by section 7.4.
- D. Site Plan Requirements
  - (1) Internal circulation and provisions for parking
  - (2) Control of noise, dust, traffic, visual impact
  - (3) Surrounding land uses within 500 feet of the property.

#### 5.3.3.22 Game Preserves, Fish Hatcheries, and Ponds

- A. Where Required  
RA-2 and RA-5 districts.
- B. Minimum Lot Area  
A minimum of 10 acres of lot area is required for the use.
- C. Use Separation  
Principal structures and customary appurtenances shall be set back at least 200 feet from all property lines.
- D. Maximum Built-Upon Area  
All structures and impervious surfaces shall total less than 10 percent of the lot area.
- E. Site Plan Requirements
  - (1) Structures - Location and size of all existing and proposed structures, streams and floodways within tract boundaries and within 500 feet of property.
  - (2) Parking and loading areas as required.
  - (3) Stormwater management design

- (4) Screening and lighting design.
- (5) Waste Management Plan.

#### 5.3.3.23 Gamerooms

- A. Where Required  
C-2 and C-4 districts.
- B. Use Separation  
No gameroom shall be located within 500 feet of any other game room
- C. Property Separation  
No gameroom shall be located within 1,000 feet of a church, elementary or secondary school, public park, or residentially-zoned property.
- D. Vehicular Access  
Vehicular access to a lot on which a gameroom is established shall have the capacity to accommodate the additional traffic generated by the proposed use. Vehicular access from a residential street (a street designed to provide vehicular access primarily to properties abutting it) shall not be approved.
- E. Hours of Operation  
When located adjacent to a residential zoning district, the hours of operation of a game room shall be limited to 7:00 a.m. to midnight.

#### 5.3.3.24 Garbage Landfills, Incinerators

- A. Where Required  
M-1 and M-2 districts.
- B. Fencing  
Security fencing, a minimum of 6 feet in height, shall be provided along the entire boundary of the use.
- C. Screening  
Any adjoining residential lot shall be screened with a 6 foot high opaque fence in addition to any landscaping or screening required by Section 7.4.
- D. Site Plan Requirements
  - (1) Internal circulation and provisions for parking
  - (2) Control of noise, dust, traffic, visual impact
  - (3) Surrounding land uses within 500 feet of the property.

#### 5.3.3.25 Group Care Home

- A. Where Required  
R-10 and O-I districts

- B. Property Separation  
No such facility shall be located within ½ mile of an existing group care facility.
- C. Operation  
The facility shall be limited to not more than 30 persons including resident managers.

#### 5.3.3.26 Nursing Homes, Hospitals

- A. Where Required  
R-12, RA, RA-2, and RA-5 districts.
- B. Minimum Lot Area  
The use shall meet the minimum lot area requirement of the district in which located plus 1,000 square feet of lot area for each person to be accommodated.
- C. Site Plan Requirements
  - (1) Structures - Location and approximate size of all existing and proposed structures within the site and on the lots adjacent thereto.
  - (2) Circulation - Proposed points of access and egress and proposed patterns of internal circulation.
  - (3) Parking and Loading -Layout of parking spaces.
- D. The use shall meet all of the applicable licensing requirements of the State of North Carolina.
- E. Where located in a residential district, there must be ample site area, adequate open space on all sides of the proposed structure and other considerations, including landscaping, to the character of the neighborhood, so that its residential nature will be preserved.

#### 5.3.3.27 Hunting Clubs, Recreation Camps; Commercial and Non-Profit

- A. Where Required  
RA-2 and RA-5 districts.
- B. Minimum Lot Area  
The use shall have a minimum of 20 acres plus 1 acre for each club member, registered guest or camper.
- C. Use Separation  
Principal structures and customary appurtenances shall be set back at least 300 feet from all property lines.
- D. Maximum Built-Upon Area

All structures and impervious surfaces shall total less than 10 percent of the lot area.

- E.
  - (1) Structures - Location and size of all existing and proposed structures, steams and floodway within tract boundaries and within 500 feet of property.
  - (2) Parking and loading areas as required.
  - (3) Stormwater management design.
  - (4) Screening and lighting design.
  - (5) Waste management plan.

#### 5.3.3.28 Junkyards

- A. Where Required  
M-2 district.
- B. Fencing  
Security fencing, a minimum of 6 feet in height, shall be provided along the entire boundary of the use.
- C. Screening  
Any adjoining residential lot shall be screened with a 6 foot high opaque fences in addition to any landscaping or screening required by Section 7.4.
- D. Site Plan Requirements
  - (1) Internal circulation pattern and provisions for parking
  - (2) Control of noise, dust, traffic, visual impact
  - (3) Surrounding land uses within 500 feet of the property.
- E. Use Separation  
The operations of junkyards and salvage yards shall not be any closer than 300 feet to the property line of any residence, school, hospital, nursing home, or day care facility.

#### 5.3.3.29 Kennels, Commercial; Pet Grooming

- A. Where Required  
RA, RA-2 and RA-5 districts
- B. Pens and runs located outdoors shall be at least 50 feet from all property lines.

#### 5.3.3.30 LP Gas Refueling Station

- A. Where Required  
C-2 district.
- B. Maximum Storage Area  
Refueling stations shall be limited to 1 storage tank of up to 1,000 gallons including accessories for dispensing LPG.

C. Dimensional Requirements

All minimum setback and height requirements applicable to the principal building shall apply to the refueling station.

D. Site Plan Requirements

- (1) Location and size of refueling station area.
- (2) Access to tank for loading and refueling.
- (3) Control of visual and safety impacts.

5.3.3.31 Manufacture and Assembly of Electric and Neon Signs, Billboards, Light Sheet Metal Products etc.

A. Where Required

C-2 district.

B. Minimum Lot Area

The use shall be located on a lot containing a minimum of 1 acre.

C. Site Plan Requirements

- (1) Structures, existing and proposed.
- (2) Parking and access.
- (3) Surrounding land uses within 250 feet.
- (4) Landscaping in buffers.

5.3.3.32 Manufactured Home Parks

A. Where Required

R-12M districts.

B. Minimum Lot Area/Minimum Number of Spaces

The minimum tract size for a manufactured home park shall be 80,000 square feet (unless a larger lot area is required by the Health Department to meet septic system requirements). The minimum number of manufactured home spaces is 6 spaces.

C. General Requirements

- (1) Manufactured homes shall not be sold within a manufactured home park, except that an individual manufactured home owner shall be allowed to sell the manufactured home in which he/she resides.
- (2) The transfer of a deed to a manufactured home space or spaces either by sale or by any other manner shall be prohibited within a manufactured home park as long as the manufactured home park is in operation.
- (3) Prefabricated structure specifically designed by the manufacturer for manufactured dwelling extensions and any other addition

meeting the N.C. Building Code may be added to any manufactured dwelling provided that setback within the space can be met and a building permit is obtained from the County.

- (4) Every manufactured home park owner or operator shall maintain an accurate register containing a record of all occupants and owners of manufactured homes in the park. The register shall be available for the inspection at all times by the Zoning Enforcement Officer. The register shall contain the following information:
  - (a) Name of owner or occupant;
  - (b) Manufactured home space address;
  - (c) Make, model, and registration;
  - (d) Date when occupancy within the manufactured home park begins and date when occupancy within the manufactured home park ceases.
- (5) The Zoning Enforcement Officer is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Section. It shall be the duty of the owners or occupants of manufactured home parks to give these agents free access to such premises at reasonable times for inspection.
- (6) The person to whom an operating permit for a manufactured home park is issued shall operate the park in compliance with this Section and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair, and in a clean and sanitary condition.
- (7) The park owner or operator shall notify park occupants of all applicable provisions of this Section and inform them of their duties and responsibilities under this Section.
- (8) Manufactured home parks may contain Class A, B, or C manufactured homes.

D. Manufactured Home Space Requirements

- (1) All manufactured homes shall be located on individual manufactured home spaces. Spaces served by public water and sewer systems or community water and sewer systems shall have at least 5,000 square feet of lot area. Spaces served by either a public or community sewer system, but not served by a public or community water system shall have at least 15,000 square feet of lot area. Spaces served by a public or a community water system but not served by a public or a community sewer system shall have at least 15,000 square feet of lot area per manufactured home unit, allowing no more than one manufactured home per septic tank. Spaces shall not be less than 100 feet in width at the setback line. An individual manufactured home with neither public or community water service nor public or community



sewer service shall not be permitted within a manufactured home park.

- (2) 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.
- (3) Each manufactured home space shall be located so as not be susceptible to flooding and shall be graded so as to prevent any water from ponding or accumulating on the premises.
- (4) Each manufactured home shall be located at least 20 feet from any other manufactured home, at least 20 feet from any building within the manufactured home park, at least 20 feet from a side external property line, at least 30 feet from a rear external property line, and at least 15 feet from the edge of the right-of-way of any private interior road. 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.
- (5) No double-wide unit may be located on a space not specifically designated on the approved plan for such a unit.

E. Access Requirements

- (1) All interior drives shall be paved to a width of at least 21 feet, except that one-way drives shall be at least 12 feet wide.
- (2) No manufactured home space shall have direct vehicular access to a public street.
- (3) All manufactured home spaces shall directly abut a private street contained within the park.
- (4) Paved walkways of not less than 2 feet in width shall connect all service buildings to abutting drives.

F. Utility Requirements

- (1) **Water Supply:** An accessible, adequate, and potable supply of water shall be provided in each manufactured home park. Where a public water supply is available, connection shall be made thereto and its supply used exclusively. When a public water supply is not available, a community water supply shall be developed, and its supply used exclusively in accordance with the standards of the N.C. Division of Health Services. Placement of water improvements to manufactured home spaces shall comply with the N.C. Building Code for Plumbing.
- (2) **Sewage Disposal:**
  - (a) Adequate and safe sewage disposal facilities shall be provided in all manufactured home parks. Collection systems and sewage treatment plants complying with the requirements of the N.C. Division of Environmental Management shall be provided. Plans for sewage collection systems

and treatment facilities shall be submitted to the N.C. Division of Environmental Management. Placement of sewer improvements to manufactured home spaces shall comply with the N.C. Building Code for Plumbing. Individual septic tank systems can be considered, if soil, topography, and ground water conditions are favorable and approval from the Chatham County Health Department is obtained.

- (b) Provision shall be made for plugging 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 4 inches above ground elevation.
- (3) Solid Waste Disposal and Sanitation Requirements. Garbage collection and storage shall be provided in one of the following ways:
  - (a) A permanent location shall be selected and a dumpster or similar container shall be provided to serve all manufactured homes in the park or;
  - (b) Two metal garbage cans with tight fitting covers and a capacity of at least 20 gallons and not more than 32 gallons shall be provided for each manufactured home space. Garbage cans shall be located no further than 100 feet from any mobile home space. The cans shall be kept in sanitary conditions in an approved rack at all times.

G. Screening Requirements

Manufactured home parks shall have on their entire perimeter a natural or artificial barrier to provide safety and privacy to the park. Such barriers shall be unbroken except at entrance driveways or walkways. If plantings are used, plantings shall grow to a height of at least 5 feet after one full growing season, and when mature, be more than 10 feet in height.

H. Recreational Space Requirements

- (1) Each manufactured home park shall provide 400 square feet of recreational area for each manufactured home space that is less than 10,000 square feet in area. However, no recreational area required by this subsection shall be less than 2,500 square feet.
- (2) Recreational areas shall not be located in an area utilized for septic tank fields.

I. Site Plan Requirements

- (1) Topography - Topography of the site at contour intervals no greater than 5 feet.

- (2) Structures - Location and approximate size of all existing and proposed buildings and structures within 500 feet adjacent thereto.
- (3) Circulation - Proposed points of access and egress and pattern of internal circulation.
- (4) Parking and Loading - Location of and arrangement of all proposed automobile parking spaces.
- (5) Solid Waste Disposal - Location, description and size of all solid waste storage facilities.
- (6) Timing - Outline and timing of initial development.
- (7) Other details:
  - (a) Location and dimensions of individual mobile home spaces.
  - (b) Provision for storm drainage and sanitary sewerage (approved by the Town).
  - (c) Location and size of open play space and all other accessory features customarily incidental to the operation of a manufactured home park.
  - (d) Site plan shall be at a scale of 1 inch equals 50 feet or 1 inch equals 100 feet.

#### 5.3.3.33 Manufactured Home Sales

- A. Where Required  
C-2 district.
- B. Minimum Lot Area  
Manufactured home sales operations shall have a minimum lot area of 1.4 acres.
- C. Screening  
In addition to the requirements of Section 7.4, a screen of not less than 10 feet high of dense plant material where the lot abuts a residential lot. Plantings shall grow to at least a height of 5 feet during the first growing season and when mature, be more than 10 feet in height.
- D. Site Plan Requirements
  - (1) Structure - Location and size proposed sign and sales center or office.
  - (2) Circulation - Proposed points of access and egress and pattern of internal circulation with traffic patterns.
  - (3) Parking - Layout of public parking.
  - (4) Surrounding Land Uses - A plan showing surrounding land uses within 250 feet of the property.
  - (5) Other Details- Proposed illumination, if designed for night time operation. (Lighting shall be shielded so as to cast no direct light on adjoining residential property).

5.3.3.34 Medical, Dental, Paramedical, Chiropractic Offices.

- A. Where Required  
R-12 district.
- B. Property Separation  
Proposed and existing structures shall not be located within 200 feet of existing residential structures.
- C. Access  
Access to the use shall be from a major arterial street (US 64, 15-501).
- D. Maximum Employees  
No more than 7 persons may be employed at the proposed location.
- E. The design of proposed or existing structures and other site elements such as landscaping shall be considered in order to ensure that the office location harmonizes with the character of the neighborhood.
- F. Site Plan Requirements
  - (1) Structures - Location and approximate size of all existing and proposed buildings and structures on the site and adjacent properties within 200 feet of subject property.
  - (2) Exterior elevations - sketch of proposed construction or alterations to existing structures and other considerations such as landscaping and access points.
  - (3) Circulation - proposed points of access and egress to off-street parking and pattern of internal circulation.

5.3.3.35 Night clubs, Bars, and Taverns

- A. Where Required  
C-2 and C-4 districts.
- B. Use Separation  
No night club, bar, or tavern shall be located within 500 feet of any other night club, bar or tavern.
- C. Property Separation  
No such establishment shall be located within 200 feet of a church, elementary or secondary school, public park or residentially - zoned property.
- D. Frontage  
The main entrance of the building shall be toward a road zoned predominantly for nonresidential use.

- E. Screening  
A minimum 6-foot high opaque fence shall be erected adjacent to the property line of abutting residences.
- F. Parking  
Parking areas related to the establishment shall be located no closer than 30 feet to the property line of abutting residences.

#### 5.3.3.36 Offices, Professional or Non-Profit

- A. Where Required  
R-12 district.
- B. Property Separation  
Proposed and existing structures shall not be located within 200 feet of existing residential structures.
- C. Access  
Access to the use shall be from a major arterial street (US 64, US 15-501).
- D. Maximum Employees  
No more than 7 persons may be employed at the proposed location.
- E. The design of proposed or existing structures and other site elements such as landscaping shall be considered in order to ensure that the office location harmonizes with the character of the neighborhood.
- F. Site Plan Requirements
  - (1) Structures - location and approximate size of all existing and proposed buildings and structures on the site and adjacent properties within 200 feet of subject property.
  - (2) Exterior Elevations - sketch of proposed construction or alterations to existing structures and other considerations such as landscaping and access points.
  - (3) Circulation - proposed points of access and egress to off-street parking and pattern of internal circulation.

#### 5.3.3.37 Philanthropic Institutions

- A. Where Required  
R-15, R-12, R-10, O-I and RA districts.
- B. Site Plan Requirements
  - (1) Structures - Location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.

- (2) Circulation - Proposed points of access and egress and pattern of internal circulation.
- (3) Layout of parking spaces.
- (4) Location and extent of open recreation areas.

#### 5.3.3.38 Planned Unit Development (PUD)

##### A. Where Required

R-15, R-12, R-10, O-I, RA, RA-2, and RA-5 districts.

##### B. Purpose and Permissible Uses

To provide desirable open space, tree cover, recreation areas, scenic vistas and variety in residential properties by allowing certain variations in lot sizes and dimensional requirements. The development proposed in the PUD Plan shall allow for a mix of residential uses delineated in the Plan. Permissible residential uses include one-family detached residences, two-family residences, townhouse residences, multifamily dwellings, and residential condominiums. Manufactured homes are not permissible residential uses in a PUD. Permissible public and institutional uses that support residential development shall be the same as those specified in Sec. 5.2.1, Table of Permitted Uses for the zoning district in which the proposed PUD is located. Condominiums shall also comply with the requirements of Section 5.3.3.16.

##### C. Area, Yard and Height Requirements

The area, yard height requirements in Section 5.4, Table of Area, Yard, and Height Requirements, may be varied in the Special Use Permit for the PUD approved by the Town

The maximum number of dwelling units per gross acre shall be no greater than that permitted in the underlying zoning district in which the proposed PUD is located except, that in the R-12 and R-10 zoning districts, the maximum number of dwelling units in a PUD shall not exceed twelve units per gross acre.

The permissible density, lot sizes, building setbacks, and building heights shall be determined during the special use permit review process. In exchange for flexibility in dimensional requirements and density, PUDs shall provide a design, as agreed upon in the Special Use Permit review process, that (i) ensures quality development and construction that is compatible with and which enhances or exceeds surrounding land uses and character of development, (ii) provides open space and community amenities, (iii) preserves sensitive environmental features, (iv) includes landscaping and screening that ensures compatibility with the area, (v) provides an efficient design and layout of utilities, streets, and other infrastructure and (vi) includes creative and innovative design and construction principles.

The PUD concept shall not be used as a means to circumvent the Town's density and dimensional requirements solely to achieve a higher density of development. PUD design, construction standards, and amenities shall be superior to that of permissible traditional development. To achieve this objectives, PUDs shall include the following features:

- (1) An overall design that encourages cluster and compact development that is interrelated and linked by sidewalks and/or pedestrian paths.
- (2) A community building or club house.
- (3) The following building design and appearance features incorporated into all buildings containing multifamily residences:
  - (a) Multiple building materials or multiple surface textures; and
  - (b) Façade modulations, architectural elements, or roof line changes.
- (4) Landscaping and screening, in accordance with the standards delineated in Section 7.4, Screening Requirements and in Appendix 1, on the periphery of the development to adequately buffer any adjoining dissimilar land uses or lower density residential uses. Plantings, fencing, walls, or earthen berms, alone or in combination, may be approved to achieve appropriate buffering and screening of adjoining properties.
- (5) Foundation landscaping for all buildings, including community buildings, storage and maintenance buildings and garage buildings.
- (6) Building heights and setbacks on the periphery of the development that are compatible with adjoining land uses.
- (7) Five percent of the gross land area reserved as common space, including the minimum active recreational space required in subsection D.

D. Recreational Space Requirements

Play areas shall be provided for all residential buildings groups with over five units and shall contain a minimum of 56 square feet per unit with each play area not to exceed 4,000 square feet. These areas must be clearly delineated on the site plan and shall not be used for paths nor any other purposes other than recreation. The reasonableness that such sites could be used by young children, free from apparent danger, must be clearly evident before approval.

E. Access and Parking Requirements

- (1) Principal vehicular access points shall be designed to provide for smooth traffic flow, minimizing hazards to vehicular, pedestrian, or bicycle traffic. Where a PUD abuts a major collector, arterial road or highway, direct access to such roads or highway from individual lots, units, or buildings shall be limited.

- (2) Points of access and egress shall consist of driveways or roadways at least 20 feet in width and shall be set back a sufficient distance from highway intersections to minimize traffic hazards, inconvenience and congestion.
- (3) Parking areas shall have a stabilized surface with parking spaces and traffic lanes clearly marked.
- (4) The property shall not extend across any major arterial street.

F. Site Plan Requirements

- (1) Topography - Topography of the site at contour intervals no greater than five (5) feet.
- (2) Structures - Location and approximate size of all existing and proposed structures within the site and all buildings and structures within 500 feet. All easement or rights-of-way, public or private, adjoining or intersecting such property.
- (3) Circulation - Automobile, pedestrian and bicycle circulation within, to, and from the site including proposed points of access and egress and proposed pattern of internal automobile and pedestrian circulation.
- (4) Parking and Loading - Location and extent of parking and loading areas and proposed lighting facilities for parking and loading areas.
- (5) Timing - Proposed schedule of development including stages likely to be followed.

5.3.3.39 Public Buildings (no outside storage), Libraries, Museums, Art Galleries, etc.

A. Where Required

R-15, R-12M, R-12, R-10, RA, RA-2, and RA-5 districts.

B. Screening

Any parking lot adjoining a residential lot shall be screened with a 4-foot high vegetative screen of dense plant material. Such requirement shall be in addition to any landscaping or screening required by Section 7.4.

C. Site Plan Requirements

- (1) Circulation-Automobile, pedestrian and bicycle circulation within, to and from the site including proposed points of access and egress and proposed pattern of internal circulation.
- (2) Provisions for automobile and bike parking

5.3.3.40 Public Utilities with Services and Storage Yards

A. Where Required

C-2 district.



- B. Minimum Lot Area  
Public utilities shall be required to have a minimum of one-half acre of lot area.
- C. Fencing  
Opening services or storage areas shall be enclosed by a fence not less than 6 feet in height.
- D. Site Plan Requirements
  - (1) Structures - Location and approximate size of all existing and proposed buildings and structures within the site and all buildings and structures within 500 feet.
  - (2) Circulation - Proposed points of access and egress.
  - (3) Parking and Loading - Location of and arrangement of all proposed off-street parking.

#### 5.3.3.41 Public Water and Wastewater Treatment Plants

- A. Where Required  
M-1, M-2, RA, RA-2, and RA-5 districts.
- B. Use Separation  
All structures, buildings, or enclosed areas used for the water treatment operation shall be minimum of 300 feet from a residentially used or zoned lot; 300 feet for wastewater treatment operations.
- C. Noise  
Equipment producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.
- D. Security Fencing  
Security fencing, a minimum of 6 feet in height, shall be provided around the entire facility.

#### 5.3.3.42 Quarries and Other Extractive Industries

- A. Where Required  
M-2 districts.
- B. Use Separation
  - (1) The edges of any pit where a mining operation is taking place and any equipment used in the processing of rock and gravel, any asphalt plant, or other industrial uses operated in conjunction with the mine or quarry shall be located at least 300 feet from any property line.
  - (2) Where the mining operation site is bounded by a railroad right-of-way currently being used for rail service to the mining operation, no setback shall be required between the railroad right-of-way and such operation.

- C. Hours of Operation  
All operations involving blasting discernible beyond the external property line on a quarry shall only be conducted between the hours of 7:00 a.m. and 6:00 p.m.
- D. Mining Permit  
A valid state-issued mining permit must be obtained.

5.3.3.43 Rehabilitation Homes

- A. Where Required  
R-10 and O-I districts.
- B. Use Separation  
The zoning lot on which a rehabilitation home is proposed shall not be located within 500 feet of a zoning lot containing another such use.
- C. Licensing Requirements  
All rehabilitation homes shall be licensed and/or sponsored by the appropriate state or local agency.
- D. Signs  
One sign, not to exceed 1 square foot in area, which is flat-mounted against a building or fence is permitted.

5.3.3.44 Residence, for Caretaker or Domestic Employee on Premises Where Employed

- A. Where Required  
R-15, R-12, R-10, O-I, RA, RA-2, and RA-5 districts.
- B. Operation  
A building permit for the principal building must be obtained or the principal use must be initiated prior to occupancy.
- C. Number  
No more than 1 caretaker or domestic employee dwelling unit shall be permitted per lot.
- D. A caretaker dwelling may be a manufactured home if located in a zoning district that permits manufactured homes.
- E. A caretaker or domestic employee dwelling shall:
  - (1) have an approved sewage disposal connection or system;
  - (2) meet all setbacks applicable to the principal building or use
  - (3) be erected in accordance with the N.C. Building Code;
  - (4) be located on a lot which has sufficient lot area for both the principal use and a single-family residence.

#### 5.3.3.45 Residences, Multi-Family; One Structure Per Lot

- A. Where Required  
R-12 district.
- B. Recreation Space Requirements  
Play areas shall be provided for all buildings with over five units and shall contain a minimum of 56 square feet per unit with each play area not to exceed 4,000 square feet. These areas must be clearly delineated on the plan and shall not be used for paths nor any other purposes other than recreation. The reasonableness that such sites could be used by young children, free from apparent danger, must be clearly evident before approval.
- C. Access and Parking
  - (1) The use shall be located within 500 feet of a major thoroughfare and shall have direct access thereto.
  - (2) Points of access and egress shall consist of driveways or roadways at least 20 feet in width and shall be set back a sufficient distance from highway intersections to minimize traffic hazards, inconvenience and congestion.
  - (3) Parking areas shall have a stabilized surface with parking spaces and traffic lanes clearly marked.
  - (4) The property shall not extend across any major arterial street.
- D. Site Plan Requirements
  - (1) Topography - Topography of the site at contour intervals no greater than 5 feet.
  - (2) Structures - Location and approximate size of all existing and proposed structures within the site and all buildings and structures within 500 feet. All easements or rights-of-way, public or private, adjoining or intersecting such property.
  - (3) Circulation - Automobile, pedestrian and bicycle circulation within, to and from the site including proposed points of access and egress and proposed patterns of internal automobile and pedestrian circulation.
  - (4) Parking and Loading - Location and extent of parking areas; proposed lighting facilities.

#### 5.3.3.46 Residence, Townhouses

- A. Where Required  
R-15, R-12, R-10, O-I, and C-1 districts.
- B. Platting
  - (1) The site plan submitted with the application for a special use permit shall also serve as the preliminary plat of subdivision.

- (2) A final plat of the entire or portion of the townhouse development shall be submitted and approved in accordance with the Town's Subdivision Regulations prior to occupancy of any of the townhouse units.

C. Site Plan Requirements

- (1) The site plan shall show the location of the buildings, streets, alleys, walks, parking area, recreation areas and facilities, numbered and dimensioned residential sites, and common areas to be conveyed to an owners' association, the members of which shall be all of the owners of sites within the development.
- (2) The design standards for planned unit developments (Section 3.3.36) shall be applicable to townhouse developments; and in addition, the following requirements shall be complied with:
  - (a) Sites: The site plan shall number and show the location and dimension of sites within the development. Site shall be that property intended for conveyance to a fee simple owner after the construction thereon of a structure and shall be sufficient in size to contain the structure to be constructed thereon; the site may be of any larger size desired by the developer, provided that in no case shall a site be located within twenty (20) feet of any public right of way.
  - (b) Common areas. All areas on the site plan, other than public streets and sites, shall be shown and designated as common areas, the fee simple title to which shall be conveyed by the developer to the owners' association. Such common areas shall not be subdivided or conveyed by the owners' association.
  - (c) Covenant and restrictions. The developer shall file with an application for preliminary approval a declaration of covenants and restrictions governing the common areas, the owners' association and sites. The restrictions shall contain (but not be limited to) provisions for the following:
    - (i) The owner's association shall be organized and in legal existence prior to the sale of any structures in the development
    - (ii) Membership in the owners' association shall be mandatory for each original purchaser and each successive purchaser of a site.
    - (iii) The owners' association shall be responsible for the payment of premiums for liability insurance,

local taxes, maintenance of facilities located on the common areas, payment of assessments for public and private capital improvements made to or for the benefit of the common areas, maintenance and repair to the exterior of all structures located within the development. It shall be further provided that upon default by the owners' association in the payment to the government authority entitled thereto of any ad valorem taxes levied against the common areas or assessments for public improvements to the common areas, which default shall continue for a period of 6 months, each owner of a site in the development shall become personally obligated to pay to the taxing or assessing governmental authority a portion of such taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the governmental authority by the total number of sites in the development. If such sum is not paid by the owner within thirty (30) days following receipt of notice of the amount due, then such sum shall become a continuing lien on the site of the owner, his heirs, devisees, personal representatives and assigns, and the taxing or assessing governmental authority may either bring an action at law against the owner personally obligated to pay the same or may elect to foreclose the lien against the lot of the owner.

- (iv) The owners' association shall be empowered to levy assessments against the owners of sites within the development for the payment of expenditures made by the owners' association for the items set forth in the preceding paragraph and any such assessments not paid by the owner against whom such are assessed shall constitute a lien on the site of the owner.
- (v) Easements over the common areas or access, ingress and egress from and to public streets and walkways and easements for enjoyment of the common areas, as well as for parking, shall be granted to each owner of a site.
- (vi) All common walls between individual residences shall be party walls and provisions for the maintenance thereof and restoration in the event of destruction or damages shall be established.

#### 5.3.3.47 Rural Family Occupation

- A. Where Required  
RA, RA-2 and RA-5 districts.
- B. Minimum Area.
  - (1) The Rural Family Occupation (RFO) must be located on a tract of 2 acres or more in RA districts, 3 acres in RA-2 districts, and 6 acres in RA-5 districts.
  - (2) A portion of the tract measuring 40,000 square feet with 150 feet of width must be designated and reserved as exclusively residential in RA districts.
- C. Maximum Area
  - (1) The total floor area of all buildings occupied by the RFO shall not exceed 5,000 square feet. The maximum land area that may be used in conjunction with the Rural Family Occupation is 15,000 square feet.
- D. Use Separation  
All operations of the RFO shall observe a 50-foot setback from all property lines.
- E. Location  
All operations of the RFO shall be located behind the rear line of the building occupied as the principal residence.
- F. Screening  
All operations of the RFO, including buildings, outside storage areas, and parking shall be treated as a separate use and shall be screened in accordance with the requirements of Section 7.4.
- G. Operation
  - (1) The RFO shall be owned by the landowner who must reside on the property.
  - (2) No more than 5 persons shall be employed other than those residing on the property.
  - (3) There shall be no more than 2 commercial vehicles operating in or out of the property.
  - (4) The RFO shall not be operated between the hours of 9 p.m. to 6 a.m.
  - (5) Permitted uses shall be limited to those products assembled or manufactured on-site for resale elsewhere, services sold or provided on premises, or stock in trade clearly incidental to services. Commercial retail or wholesale operations which bring to the site goods specifically for those purpose of resale shall be prohibited.

#### 5.3.3.48 Schools Academic

- A. Where Required  
Academic: All districts.
- B. Site Plan Requirements
  - (1) Structures - Location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.
  - (2) Circulation - Automobile, pedestrian and bicycle circulation within, to and from the site including proposed points of access and egress and pattern of internal circulation.
  - (3) Parking and Loading - Layout of parking spaces.
  - (4) Other Details:
    - (a) Location and extent of open recreation or training area.
    - (b) Estimated number of students.
    - (c) Subjects to be taught outside of regular classroom facilities (for example, in laboratories, gyms, etc.)

#### 5.3.3.49 Shopping Centers

- A. Where Required  
C-2 district.
- B. Screening  
Any adjoining residential lot shall be screened with a 6-foot high vegetative screen of dense plant material. Such requirement shall be in addition to any landscaping or screening required by Section 7.4.
- C. Access and Parking
  - (1) Planned shopping centers shall be located within 500 feet of a major thoroughfare and shall have direct access thereto.
  - (2) Points of access and egress shall consist of driveway or roadways at least 20 feet in width and shall be set back a sufficient distance from highway intersections to minimize traffic hazards, inconvenience and congestion.
  - (3) Parking areas shall have a stabilized surface with parking spaces and traffic lanes clearly marked.
  - (4) The property shall not extend across any major arterial street.
- D. Site Plan Requirements
  - (1) Topography - Topography of the site at contour intervals no greater than 5 feet.
  - (2) Structures - Location and approximate size of all existing and proposed structures within the site and all buildings and structures within 500 feet. All easements or rights-of-way, public or private, adjoining or intersection such property.

- (3) Circulation - Automobile, pedestrian and bicycle circulation within, to and from the site including proposed points of access and egress and proposed pattern of internal automobile and pedestrian circulation.
- (4) Parking and Loading - Location and extent of parking and loading areas and proposed lighting facilities for parking and loading areas.
- (5) Timing- Proposed schedule of development including stage likely to be followed.
- (6) Other Details:
  - (a) Proposed provision for storm and sanitary sewerage, approved by Town Engineer, including both natural and man-made features.
  - (b) Size and proposed location of any signs to be visible from a public right of way.
  - (c) Proposed solid-waste storage facilities.
  - (d) Proposed water system and fire fighting facilities such as hydrant or sprinkler connections.
  - (e) Types of surfacing for drives, sidewalks, malls, etc.
  - (f) The location and heights of all fences, walls and hedges shall be shown.

#### 5.3.3.50 Small Item Repair Shop

- A. Where Required  
O-I district.
- B. Operation  
No more than 5 full-time employees may be employed on the premises.

#### 5.3.3.51 Stable, Riding and Board; Commercial

- A. Where Required  
RA-2 and RA-5, MUPD districts.
- B. Minimum Lot Area  
A minimum lot area of 10 acres shall be required
- C. Dimensional Requirements
  - (1) All structures and impervious surfaces must total less than 10 percent of the lot area.
  - (2) Principal structure and customary appurtenances shall be set back at least 200 feet from all property lines.



D. Site Plan Requirements

- (1) Structures - Location and size of all existing and proposed structures, streams and floodway within tract boundaries and within 500 feet of property.
- (2) Parking and loading areas as required.
- (3) Stormwater management design.
- (4) Screening and lighting design
- (5) Waste management plan.

5.3.3.52 Storage, Outdoor, Not Otherwise Listed

A. Where Required

C-2 and M-1 districts.

B. Screening and Fencing

Open storage areas must be enclosed by a fence not less than 6 feet in height. In addition, an opaque screen not less than 6 feet in height of dense plant material where lot abuts a residential property. Such screening requirement shall be in addition to any landscaping or screening required by Section 7.4.

C. Dimensional Requirements

Open storage areas shall not encroach into any principal building setback.

D. Site Plan Requirements

- (1) Location and size of open storage area.
- (2) Access for loading and parking.
- (3) Control of visual, noise, dust and traffic impacts.

5.3.3.53 Telephone Exchanges, Radio and Television Towers, Transmitting Stations, Communication towers over 50' in Height.

A. Where Required

O-I, C-1, C-2, M-1, M-2, RA, RA-2 and RA-5 districts.

B. Location

Towers shall be a minimum of 100 feet from any residence and shall be located such that all supporting cables and anchors are contained on the property.

C. Fencing

Security fencing, a minimum of 6 feet in height, shall be provided around the entire facility.

D. Screening

Buildings shall be screened with dense plant material at least 6 feet in height where the use abuts a residential lot. Such requirements shall be in addition to any landscaping or screening required by Section 7.4.

#### 5.3.3.54 Theater, Outdoor

- A. Where Required  
C-2, C-4, M-1 AND M-2 districts.
- B. Minimum Lot Area  
Outdoor theaters shall have a lot area of at least 5 acres.
- C. Fencing  
The use shall be enclosed by a solid fence no less than 6 feet in height.
- D. Location
  - (1) Projection screens, if located less than 1000 feet from a major thoroughfare shall face away from the major thoroughfare and shall have a direct access thereto.
  - (2) Drive-in theaters shall be located within 500 feet of a major thoroughfare and shall have a direct access thereto.
- E. Site Plan Requirements
  - (1) Topography - Topography of the site at contour intervals not greater than 5 feet.
  - (2) Structures - Location and approximate size of all existing and proposed structures within the site, including children's recreation areas and other accessory features, and the location and approximate size of all buildings within 1000 feet adjacent thereto.
  - (3) Circulation - Proposed points of access and egress together with the proposed pattern of internal circulation.
  - (4) Other Details- An area capable of storing at least 1/3 as many cars as can be accommodated within the viewing area shall be provided, away from the flow of incoming or outgoing traffic, for waiting vehicles.

#### 5.3.3.55 Veterinary Establishments

- A. Where Required  
RA, RA-2, and RA-5 districts.
- B. Pens and runs located outdoors, shall be at least 50 feet from all property lines.

#### 5.3.3.56 Warehousing for Finished Lumber and other Wholesale Goods in Enclosed Storage Buildings

- A. Where Required  
RA-2 and RA-5 districts.

- B. Hours of Operation  
Noise and traffic impacts on adjacent residential uses may require limited hours of operation.
- C. Site Plan Requirements  
Structures - Location and size of all proposed buildings within the site and within 500 feet of the site.

#### 5.3.3.57 Woodworking Shops

- A. Where Required  
RA-2 and RA-5 districts.
- B. Property Separation  
All structures, buildings, or outdoor areas used for the operation shall be a minimum of 150 feet from a residential lot.
- C. Noise  
The amount of noise generated shall not disrupt the activities of the adjacent land uses.
- D. Hours of Operation  
The hours of operation shall be compatible with the land uses adjacent to the woodworking shop.

## 5.4 Table of Area, Yard and Height Requirements

**Table of Area, Yard, and Height Requirements**

Zoning District	Minimum Lot Requirements		Minimum Set Back Requirements (FT)			Maximum Building Height (FT)
	Area'	Frontage (FT)	Front	Rear	Side	
R-A5	5AC	150	50	30	25	35
R-A2	2 AC	150	50	30	25	35
R-A	40,000 SF	150	50	30	25	35
R-15	15,000 SF	100	35	25	10	35
R- 12 Single Unit	12,000 SF	75	30	25	10	35
Multi Unit	12,000 SF Per unit	100	30	25	10	35
R-10 Single Unit	10,000 SF	75	25	25	10	35
Multi-Unit	10,000 SF Per unit	100	25	25	10	35
0-I Residential Use	2	2	2	2	2	2
Nonresidential Use			25	25	10	50
C-1			30	0 <sup>3</sup>	0 <sup>3</sup>	50
C-2 Residential Use	2	2	2	2	2	2
Nonresidential Use		50	25	25	10	50
C-4			0	0 <sup>3</sup>	0 <sup>3</sup>	50
M-1			35	20	20	50
M-2			35	20	20	50

<sup>1</sup>Where public water and sewer service is not available a greater lot area may be required by the Chatham County Health Department. For property located within a watershed overlay district, see Section 5.5 for additional lot area requirements.

<sup>2</sup>Permitted residential uses in O-I and C-2 districts shall comply with the requirements of the R-10 district.

<sup>3</sup>Whenever a lot in a C-1, C-2, or C-4 district has a common side or rear boundary with a lot in a residential district, all nonresidential uses shall be required to set back a minimum of 10 feet from such adjoining lot boundary.

#### 5.4.1 Notes To The Table Of Area, Yard And Height Requirements

- NOTE 1      Special use Requirements Take Precedence  
Yard and Height requirements as set forth in Article V, Section 3, Special Uses, shall take precedence when a Special Use Permit is issued.
- NOTE 2      Fences, Walls and Planted Buffer Strips  
Notwithstanding other provisions of this ordinance, fences, walls and planted buffer strips may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall or planted buffer strip is required to shield a residential district from an incompatible use in a business or industrial district, said fence or planted buffer strip need not extend nearer to a street or highway right-of-way line than the established building line of the adjoining residential lots.
- NOTE 3      Front yard Setbacks for Dwellings  
The front yard setback requirements of this ordinance for dwellings shall not apply to any lot where the average setback of existing building located wholly or partially within one-hundred (100) feet on either side of the proposed dwelling and on the same side of the same block and use district and fronting on the same street as such lot is less than the minimum required front yard depth. In such case, the setback on such lots may be less than the required setback but not less than the average of the existing setbacks on the aforementioned lots, or a distance of ten (10) feet from the street right of way line, whichever is greater.
- NOTE 4      Corner Visibility  
In all districts except the C-4 Central Commercial District, no obstruction of any kind or nature to the visibility of vehicles on streets at intersections shall be erected, maintained or allowed to exist. This area of visibility shall be considered to be not more than three (3) feet higher than the curb level and not less than ten (10) feet from the property corner.
- NOTE 5      Corner Lots in Residential and Office Institution Districts  
On corner lots in any residential or office institutional district, the side yard, on that side of the lot abutting the side street, shall not be less than one-half (1/2) of the front yard requirement on that side street. Accessory buildings on that side of the lot abutting the side street shall not project beyond the full front yard requirements on that side street.
- NOTE 6      Corner Lots in Commercial and Manufacturing Districts  
On corner lots in any Commercial or Manufacturing district except the C-4 District, the side yard on that side of the lot abutting the side street, shall not be less than one-half (1/2) of the front yard requirement on that side street.
- NOTE 7      Curb Cuts in Commercial, Manufacturing and Office-Institutional Districts

No portion of any entrance driveway leading from a public street shall be closer than fifteen (15) feet to the corner of any intersection measured from the right of way line. The width of any entrance driveway leading from the public street shall not exceed thirty-six (36) feet at its intersection with curb or street line. No two (2) driveways leading from a public street shall be within twenty (20) feet of each other measured along the right of way.

NOTE 8      Side Yard Provided but not Required.  
Where any side yard is provided, though not required, the same shall be not less than three and one-half (3½) feet.

NOTE 9      Automobile Service Stations  
See Note 3 to Table of Permitted Uses for lot and yard dimensions.

NOTE 10     Maximum Lot Coverage  
Districts, 4.1 Zoning Districts on page 2 of this ordinance, maximum lot coverage shall be the percentage of total lot area listed in the following table:

R-A	Residential-Agricultural	40 percent
RA-2 & RA- 5	Residential-Agricultural (2 acres) and (5acres)	50 Percent
R-15	Low Density Residential	60 percent
R-12M & R-12	Medium Density Residential and Mobile Home Park	60 percent
R-10	High Density Residential	65 percent
O-I	Office and Institutional	65 percent
C-1 & C-2	Neighborhood Commercial and Highway Commercial	70 percent
C-4	Central Commercial	100 percent
M-1 & M-2	Light Industrial and Heavy Industrial	70 percent
WSIV-CA & WSIV-PA*	Watershed Overlay Critical Areas and Watershed Overlay Protected Area	

See Section 5.5 for additional lot area and built upon area requirements.

NOTE 11     Width of Cul-de-sac Lots  
The lots in any residential district with less than the required minimum lot width specified in the table fronting upon a cul-de-sac may be allowed provided the width of each lot at the building line is not less than 70 percent of the standard minimum lot width; and provided further, in no event shall the frontage be less than 45 feet. Amended 9/87.

NOTE 12     Accessory Buildings in Residential Districts  
Accessory buildings shall be located in the required side or rear yards provided they are located no closer than five (5) feet to the side or rear property line and no closer than the minimum required setback for dwellings in the district from any street line. (Approved 12/12/88).

Accessory structures for weatherizing well pumps shall be allowed in the front yard as long as they do not exceed ten (10) feet in height and are located no closer than five (5) feet from any property line. Other accessory buildings may be permitted in the front yard under special conditions. See Section 5.3.3.1 of detailed regulations for Special Use Permit for accessory buildings in front yard. Approved 01/23/89.

NOTE 13 "The Area, Yard and Height Requirements in Mixed Use Planned Developments shall conform to Standards set forth in the project Master Plan approved by the Town". 11/25/02

NOTE 14 Determining Density or "Yield"  
Applicants shall have the option of estimating the legally permitted density on the basis of minimum dimensions corresponding to the general zoning district within the provisions of this ordinance, Section 5.4, Table of Area, Yard, and Height; or preparing a "yield plan" within the provisions of the Subdivision Regulations Subsection 6.1, Standards for Subdivision.

Prior to calculating density the applicant shall deduct 10% of the buildable land for right of way dedication and all unbuildable land from the total parcel acreage to produce the "Adjusted Tract Acreage" on which density shall be calculated.

For sites not required to connect to the public sewage treatment facility, soil suitability for individual septic systems shall be demonstrated.

NOTE 15 Planned Development Districts

A. Development standards established by the approved PDD Master Plan shall be the applicable development standards within the PDD. Such standards may include, but are limited to, building height, building separations, building setbacks, lot size, yard, buffer and landscape requirements or other development standards.

Except as otherwise provided by the approved PDD Master Plan, property within an approved PDD shall be subject to all applicable regulations, subdivision plan approvals, site plan approvals, and other permits and approvals required by Town ordinances.

B. Development in a PDD district is subject to applicable overlay district regulations unless amended, waived or modified in accordance with the terms of the approved PDD Master Plan.

C. The development standards within the PDD may be carried for and within different areas or phases of the PDD. Such variations in standards shall be identified in the PDD Master Plan.

## 5.5 Watershed Overlay District Requirements

### 5.5.1 General Requirements

- A. The provisions of this section shall apply only to new development activities which require an erosion and sedimentation control plan in accordance with the rules established the North Carolina Sedimentation Control Commission.
- B. No structure or land use shall be allowed within the watershed overlay districts which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for toxic and hazardous materials, the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.

### 5.5.2 WSIV-CA Supplemental Standards.

- A. Density. Single-family residential uses shall not exceed a maximum density of two dwelling units per acre, as defined on a project by project basis. No single-family residential lot shall be less than 20,000 square feet in area unless located within an approved cluster development in accordance with Section 5.5.5. All other types of residential development shall comply with the built-upon area requirements of Section 5.5.2.b. Where public water and/or public sewer service is not available, a greater lot area may be required by the Chatham County Health Department.
- B. Built-Upon Area. All residential development, other than single-family development, and all nonresidential development shall be allowed a 24% built-upon area. For purposes of calculation built-upon-area, total project area shall include acreage in the tract on which the project is to be developed.
- C. Permitted Uses. Uses allowed in the underlying general zoning district or another applicable overlay district are permitted within the WSIV-CA except for the following:
  - (1) new sludge application sites;
  - (2) new landfills;
  - (3) the storage or treatment of hazardous material unless a spill containment plan is implemented.

### 5.5.3 WSIV-PA Supplemental Standards

- A. Density. Single-family residential uses shall not exceed a maximum density of two dwelling units per acre or three dwelling unit per acre for projects without a curb and gutter system, as defined on a project by project basis. No single-family residential lot area shall be less than 20,000 square feet or 14,500 square feet for projects without a curb and gutter street system, unless located within an approved cluster development in accordance with Section 5.5.5. All other types of residential development shall comply with the built-upon area requirements of Section 5.5.3.b. Where public water and/or



public sewer service is not available, a greater lot area may be required by the Chatham County Health Department.

- B. Built-Upon Area. All residential development, other than single-family development, and all nonresidential development shall be allowed a 24% built-upon area or 36% built-upon area for projects without a curb and gutter street system. For purposes of calculating built-upon area, total project area shall include acreage in the tract on which the project is to be developed.
- C. Permitted Uses. Uses allowed in the underlying general zoning district or another applicable overlay district are permitted within the WSIV-PA except for the following:
  - (1) The storage and treatment of hazardous material unless a spill containment plan is implemented.

#### 5.5.4 Best Management Practices

- A. Agricultural uses, if allowed in the underlying general zoning district, are subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 (Public Law 101-624). Animal operations greater than 100 animal units shall employ by July 1, 1994 Best Management Practices as recommended by the Soil and Water Conservation Commission.
- B. Forestry operations, if allowed in the underlying general zoning district, are subject to the provisions of the Forest Practice Guidelines Related to Water Quality (15 ANCAC 1I.0101.0209).
- C. The construction of new roads and bridges and non-residential development shall minimize built-upon area, divert stormwater away from surface water supply waters as much as possible, and employ best management practices to minimize water quality impacts. To the extent practicable, the construction of new roads in the WSIV-CA overlay districts should be avoided. The N.C. Department of Transportation shall use best management practices as outlined in their document entitled, "Best Management Practices for the Protection of Surface Waters."

#### 5.5.5 Cluster Developments

Cluster development is allowed in all WSIV-CA and WSIV-PA overlay districts provided that the following conditions are met:

- A. Minimum lot sizes may be reduced for single-family cluster development projects, however, the total number of lots shall not exceed the number of lots allowed for single-family detached developments in Section 5.5.2a. and Section 5.5.3a. Built-upon area requirements of the project shall not exceed that allowed in Section 5.5.2b and Section 5.5.3b.
- B. All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.

- C. The remainder of the tract not built upon shall remain in a vegetated or natural state. Where the development has an incorporated homeowners or property owners association, the title of the reserved open space area shall be conveyed to the association for management. Where a property association is not incorporated, a maintenance agreement shall be filed in conjunction with the property deeds.
- D. The proposed cluster development will be served by public water and sewer facilities.

#### 5.5.6 Buffer Areas

- A. A minimum one hundred foot vegetative buffer is required for all new development activities that utilize the high density development option authorized by Section 5.5.10; otherwise, a minimum thirty foot vegetative buffer for development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial stream bank or shoreline stabilization is permitted.
- B. Agricultural activities in a WSIV-CA overlay district shall maintain a minimum ten foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps.
- C. No new development is allowed in the buffer except for water-dependent structures and public projects such as road crossings and greenways where no practicable alternative exists. These activities should minimize build upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices.

#### 5.5.7 Existing Development

- A. Existing development, as defined in Article XII, Section 1, is not subject to the provisions of the watershed overlay district requirements. Redevelopment of and expansion to existing development is allowed as provided for herein.
- B. Redevelopment of existing development is allowed if the rebuilding activity does not result in a net increase in built-upon area or if the redevelopment activity includes equal or greater stormwater control than the previous development. However, existing single-family residential development may be redeveloped without any restrictions.
- C. Expansions to uses and structures classified as existing development must meet the requirements of this section provided, however, that the built-upon area of the existing development is not required to be included in the density calculation. However, existing single-family residential development may be expanded without any restrictions.

#### 5.5.8 Exceptions

A pre-existing, deeded lot owned by an individual prior to the effective date of the provisions of this Section, regardless of whether or not a vested right has been established, may be developed for single-family residential purposes without being subject to the restrictions of this Section. However, this exemption is not applicable to multiple contiguous lots under single ownership. The recombination of existing nonconforming lots in single ownership shall be required pursuant to Article VIII, Section 2.

#### 5.5.9 Variances

- A. Minor variances, as defined in Article XII, Section 1, to the provisions of this Section may be approved by the Board of Adjustment pursuant to the procedures outlined in Articles XI. The Zoning Enforcement Officer shall keep a record of all such minor variances and shall submit, on an annual basis, the record to the Supervisor of the Classification and Standards Groups, Water Quality Section, N.C. Division of Environmental Management. The record shall include a description of each project receiving a variance and the reasons for granting the variance.
- B. Major variances, as defined in Article XII, Section 1, shall be reviewed by the Board of Adjustment pursuant to the procedures outlined in Article XI and a recommendation prepared for submission to the N.C. Environmental Management Commission (EMC). The record of a major variance review shall include the following items.
  - (1) the variance application;
  - (2) the hearing notices,
  - (3) the evidence presented;
  - (4) motions, offers of proof, objections to evidence, and rulings on them,
  - (5) proposed findings and exceptions;
  - (6) the Board's recommendation, including all conditions proposed to be added to the permit.
- C. Upon receiving the record of major variance review from the Board of Adjustment, the EMC shall review the variance request, prepare a final decision on the request, and forward its decision to the Board of Adjustment. If the EMC approves the variance as proposed, the Board of Adjustment shall prepare a final decision, granting the proposed variance. If the EMC approves the variance with conditions and stipulations, the Board of Adjustment shall prepare a final decision, including such conditions and stipulations, granting the proposed variance. If the EMC denies the variance request, the Board of Adjustment shall prepare a final decision denying the variance.

#### 5.5.10 High Density Development Option

Upon approval by the Board of Commissioners, a high density option may be authorized provided that the requirements of this subsection are met.

- A. Within the WSIVP-PA overlay district, new development may exceed the density and built-upon area standards set forth in Section 5.5.3a and 5.5.3b provided that (i) engineered stormwater controls are used to control runoff from the first inch of rainfall and (ii) that the built-upon area does not exceed 70%.

- B. The engineered stormwater controls required in subsection (a) shall be designed in accordance with section 5.5.11.
- C. Financial assurance for the purpose of maintenance, repairs, or construction of stormwater control structures shall be provided pursuant to Section 5.5.12.
- D. Stormwater control structures shall be maintained and inspected in accordance with the provisions of Section 5.5.13.
- E. An occupancy permit shall not be issued for any building within the permitted development until the Board of Commissioners has approved the stormwater control structure.
- F. All site plans for development proposing to utilize the high density option must be reviewed and approved by the Board of Commissioners.
- G. The high density option authorized by this subsection shall not be applicable to properties located within a WSIV-CA overlay district.

#### 5.5.11 Stormwater Control Structures

- A. Development located within WSIVP-PA overlay districts that have been approved for the high density development option authorized in Section 5.5.10 shall comply with the requirements of this subsection.
- B. All stormwater control structures shall be designed by either a North Carolina registered professional engineer or landscape architect, to the extent that the General Statutes, Chapter 89A, allow. Other stormwater systems shall be designed by a North Carolina registered professional with qualifications appropriate for the type of system required; these registered professionals are defined as professional engineers, landscape architects, to the extent that the General Statutes, Chapter 89A allow and land surveyors, to the extent that the design represents incidental drainage within a subdivision, as provided in General Statutes 89(C)-3(7).
- C. All stormwater controls shall use wet detention ponds as a primary treatment system. Wet detention ponds shall be designed for specific pollutant removal according to modeling techniques approved by the North Carolina Division of Environmental Management. Specific requirements for these systems shall be in accordance with the following design criteria:
  - (1) Wet detention ponds shall be designed to remove 85% of total suspended solids in the permanent pool and storage runoff from a one inch rainfall from the site above the permanent pool;
  - (2) The design runoff storage volume shall be above the permanent pool;
  - (3) The discharge rate from these systems following the one inch rainfall design storm shall be such that the runoff does not draw

down to the permanent pool level in less than two days and that the pond is drawn down to the permanent pool level within at least five days.

- (4) The mean permanent pool depth shall be a minimum of three feet;
- (5) The inlet structure shall be designed to minimize turbulence using baffles or other appropriate design features;
- (6) Vegetative filters shall be constructed for the overflow and discharge of all stormwater wet detention ponds and shall be at least thirty feet in length. The slope and width of the vegetative filter shall be determined so as to provide a non-erosive velocity of flow-through the filter for a 10-year, 24 hour storm with a 10-year, 1-hour intensity with a slope of five percent or less. Vegetation in the filter shall be natural vegetation, grasses or artificially planted wetland vegetation appropriate for the site characteristics.

- D. In addition to the vegetative filters required in subsection c. (6), all land areas outside of the pond shall be provided with a ground cover sufficient to restrain erosion within thirty days after any land disturbance. Upon completion of the stormwater control structure, a permanent ground cover shall be established and maintained as part of the maintenance agreement described in section 5.5.11.c.
- E. A description of the area containing the stormwater control structure shall be prepared and filed, consistent with Section 5.5.13.i. and 5.5.12.j., as a separate deed with the Chatham County Register of Deeds along with any easements necessary for general access to the stormwater control structure. The deeded area shall include the detention pond, vegetative filters, all pipes and water control structures, berms, dikes, etc., and sufficient area to perform inspections, maintenance, repairs and reconstruction.
- F. Qualifying areas of the stormwater control structure may be considered pervious when computing total built-upon area. However, if the structure is used to compute the percentage build-upon area for one site, it shall not be used to compute the build-upon area for any other site or area.

#### 5.5.12 Financial Security for Stormwater Control Structures.

- A. All new stormwater control structures authorized in Section 5.5.10 shall be conditioned on the posting of adequate financial assurance for the purpose of maintenance, repairs or reconstruction necessary for adequate performance of the stormwater control structures.
- B. Financial assurance shall be in the form of the following:
  - (1) Surety Performance Bond or other security. The permit applicant shall obtain either a performance bond from a surety bonding company authorized to do business in North Carolina, an irrevocable letter of credit or other instrument readily

convertible into cash at face value payable to the Town of Pittsboro or placed in escrow with a financial institution designated as an official depository of the Town of Pittsboro. The bond or other instrument shall be in an amount equal to 1.25 times the total cost of the stormwater control structure, as estimated by the Zoning Enforcement Officer and approved by the Board of Commissioners. The total cost of the stormwater control structure shall include the value of all materials such as piping and other structures; seeding and soil stabilization; design and engineering; and grading, excavation, fill etc. The costs shall not be prorated as part of a larger project, but rather under the assumption of an independent mobilization.

- (2) Cash or Equivalent Security Deposited After the Release of the Performance Bond. Consistent with Section 5.5.13.k. (1), the permit applicant shall deposit with the Town of Pittsboro either cash or other instrument approved by the Board of Commissioners that is readily convertible into cash at face value. The cash or security shall be in an amount equal to fifteen percent of the total cost of the stormwater control structure or the estimated cost of maintaining the stormwater control structure over a ten year period, whichever is greater. The estimated cost of maintaining the stormwater control structure shall be consistent with the approved operation and maintenance plan or manual provided by the developer under Section 5.5.13.a. The amount shall be computed by estimating the maintenance cost for twenty-five years and multiplying this amount by two fifths or 0.4.
- C. Consistent with Section 5.5.10, the permit applicant shall enter into a binding operation and maintenance agreement between the Town of Pittsboro and all interests in the development. Said agreement shall require the owning entity to maintain, repair and, if necessary reconstruct the stormwater control structure in accordance with the operation and management plan or manual provided by the developer. The operation and maintenance agreement shall be filed with the Chatham County Register of Deeds by the Zoning Enforcement Officer.
- D. Default under the performance bond or other security. Upon default of the permit applicant to complete and/or maintain the stormwater control structure as spelled out in the performance bond or other security, the Board of Commissioners may obtain and use all or any portion of the funds necessary to complete the improvements based on an engineering estimate. The Board of Commissioners shall return any funds not spent in completing the improvements to the owning entity.
- E. Default under the cash security. Upon default of the owning entity to maintain, repair and, if necessary, reconstruct the stormwater control structure in accordance with the operation and maintenance agreement, the Board of Commissioners shall obtain and

use all or any portion of cash security to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after exhausting all other reasonable remedies seeking the owning entity to comply with the terms and conditions of the operation and maintenance agreement. The Board of Commissioners shall not return any of the deposited cash funds.

#### 5.5.13 Maintenance and Inspection of Stormwater Control Structures

- A. An operation and maintenance plan or manual shall be provided by the developer for each stormwater control structure authorized in Section 5.5.10, indicating what operation and maintenance actions are needed, what specific quantitative criteria will be used for determining when those actions are to be taken and, consistent with the operation and maintenance agreement, who is responsible for those actions. The plan shall clearly indicate the steps that will be taken for restoring a stormwater control structure to design specifications if a failure occurs.
- B. Landscaping and grounds management shall be the responsibility of the owning entity. However, vegetation shall not be established or allowed to mature to the extent that the integrity of the control structure is diminished or threatened, or to the extent of interfering with an easement or access to the stormwater control structure.
- C. Except for general landscaping and grounds management, the owning entity shall notify the Zoning Enforcement Officer prior to any repair or reconstruction of the stormwater control structure. All improvements shall be made consistent with the approved plans and specifications of the stormwater control structure and the operation and maintenance plan or manual. After notification by the owning entity, the Zoning Enforcement Officer shall inspect the completed improvements and shall inform the owning entity of any required additions, changes or modifications and of the time period to complete said improvements. The Zoning Enforcement Officer may consult with an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A allow) designated by the Board of Commissioners.
- D. Amendments to the plans and specifications of the stormwater control structure and/or the operation and maintenance plan or manual shall be approved by the Board of Commissioners. Proposed changes shall be prepared by a North Carolina registered professional engineer or landscape architect (to the extent that the General Statutes, Chapter 89A allow) and submitted to and reviewed by the Zoning Enforcement Officer prior to consideration by the Board of Commissioners.
  - (1) If the Board of Commissioners approves the proposed changes, the owning entity of the stormwater control structure shall file sealed copies of the revisions with the Zoning Enforcement Officer.
  - (2) If the Board of Commissioners disapproves the changes, the proposal may be revised and resubmitted to the Board of Commissioners as a new proposal. If the proposal has not been revised and is essentially the same as that already reviewed, it shall be returned to the applicant.

- E. If the Board of Commissioners finds that the operation and maintenance plan or manual is inadequate for any reason, the Board shall notify the owning entity of any required changes and shall prepare and file copies of the revised agreement with the Chatham County Register of Deeds, the office of the Zoning Enforcement Officer and the owning entity.
- F. Processing and inspection fees shall be submitted in the form of a check or money order made payable to the Town of Pittsboro. Applications shall be returned if not accompanied by the required fee.
- G. A permit and inspection fee schedule, as approved by the Pittsboro Board of Commissioners shall be posted in the office of the Zoning Enforcement Officer.
- H. Inspection fees shall be valid for 60 days. An inspection fee shall be required when improvements are made to the stormwater control structure consistent with subsection (c), except in the case when a similar fee has been paid within the last 60 days.
- I. The stormwater control structure shall be inspected by the Zoning Enforcement Officer, after the owning entity notifies the Zoning Enforcement Officer that all work has been completed. At this inspection, the owning entity shall provide:
  - (1) The signed deed, related easements and survey plat for the stormwater control structure ready for filing with the Chatham County Register of Deeds.
  - (2) A certification sealed by an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) stating that the stormwater control structure is complete and consistent with the approved plans and specifications.
- J. The Zoning Enforcement Officer shall present the materials submitted by the developer and the inspection report and recommendations to the Board of Commissioners at its next regularly scheduled meeting.
  - (1) If the Board of Commissioners approves the inspection report and accepts the certification, deed and easements, the Board shall file the deed and easements with the Chatham County Register of Deeds, release up to seventy-five percent of the value of the performance bond or other security and issue an occupancy permit for the stormwater control structure.
  - (2) If deficiencies are found, the Board of Commissioners shall direct that improvements and inspections be made and/or documents corrected and resubmitted to the Board of Commissioners.
- K. No sooner than one year after the filing date of the deed, easements and maintenance agreement, the developer may petition the Board of Commissioners to release the remaining value of the performance bond or other security. Upon receipt of said petition, the Zoning Enforcement Officer shall inspect the stormwater control structure



to determine whether the controls are performing as designed and intended. The Zoning Enforcement Officer shall present the petition, inspection report and recommendation, to the Board of Commissioners.

- (1) If the Board of Commissioners approves the report and accepts the petition, the developer shall deposit with the Board of Commissioners a cash amount equal to that described in Section 5.5.12b(2) after which, the Board of Commissioners shall release the performance bond or other security.
- (2) If the Board of Commissioners does not accept the report and rejects the petition, the Board of Commissioners shall provide the developer with instructions to correct any deficiencies and all steps necessary for the release the performance bond or other security.

- L. All stormwater control structures shall be inspected at least on an annual basis to determine whether the controls are performing as designed and intended. Records of inspection shall be maintained on forms approved or supplied by the North Carolina Division of Environmental Management. Annual inspections shall begin within one year of filing date of the deed for the stormwater control structure.
- M. In the event the Zoning Enforcement Officer discovers the need for corrective action or improvements, the Zoning Enforcement Officer shall notify the owning entity of the needed improvements and the date by which the corrective action is to be completed. All improvements shall be made consistent with the plans and specifications of the stormwater control structure and the operation and maintenance plan or manual. After notification by the owning entity, the Zoning Enforcement Office shall inspect and approve the completed improvements. The Zoning Enforcement Officer may consult with an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A. allow) designated by the Board of Commissioners.

## 5.6 Mixed Use Planned Development District

### 5.6.1 General

This Section establishes the procedures and standards for review of the Town's Mixed Use Planned Development zone districts:

### 5.6.2 General Applicability

Before any development shall be designed as a Mixed Use Planned Development zone district, it shall receive approval pursuant to the terms of this Section.

### 5.6.3 Minimum Land Area

A Mixed Use Planned Development District (MUPD) zone district designation may only be applied to lands that comprise a minimum of twenty-five (25) acres in area.

#### 5.6.4 Unified Ownership or Control

The title to all land that is part of a Mixed Use Planned Development (MUPD) zone district designation shall be owned or controlled by one person. A person shall be considered to control all lands in the district either through ownership or by written consent of all owners of said land that they will be subject to the conditions and standards of the adopting ordinance and the Mixed Use Planned Development District Plan.

#### 5.6.5 Procedures

##### A. Overview

A Mixed Use Planned Development District shall constitute an amendment to the Official Zone District Map. It shall be controlled by a MUPD Plan that is approved as part of the MUPD zone district designation. The procedure requires review and recommendations of approval, approval with conditions or disapproval by the Planning Board and approval, with conditions or disapproval by the Town Board.

##### B. General

The procedures for initiation of the application contents, fees, submission and review by Town staff, notice of public hearing review by the Planning Board and recommendations, approval with conditions or disapproval by the Town Board shall comply with the requirements of ARTICLE X. AMENDMENT PROCEDURES.

#### 5.6.6 Standards

In approving a Mixed Use Planned Development zone district, the Town Board shall find the zone district designation and MUPD Plan complies with the following standards:

##### A. Development Parameters

- (1) The uses proposed to be developed in the MUPD Plan are those uses permitted in Sec. 5.2.1, Permitted Use Table.
- (2) The area, setback and height requirements in Sec. 5.4, Table of Area, Yard, and Height Requirements, may be varied in the MUPD Plan. The Area, yard and height requirements in the Mixed Use Plan Developments shall conform to standards set forth in the project Master Plan approved by the Town.
- (3) The development proposed in the MUPD Plan shall provide for a mix of uses delineated in the Plan. The proposed mix of uses shall be shown on an Illustrative Site Plan in order to demonstrate a compatible relationship of said uses.
- (4) The development proposed in the MUPD Plan encourages cluster and compact development to the greatest extent possible, that is interrelated and linked by pedestrian ways, bike ways and other transportation systems.
- (5) The design of development in the MUPD Plan results in land use patterns that promote and expand opportunities for public transportation and an efficient compact network of streets.
- (6) The development proposed in the MUPD Plan is compatible with the character of surrounding land uses and maintains the values of surrounding properties.

B. Off- Street Parking and Lighting

Off -street parking and loading complies with the standards of Sections 7.1-7.3, Off-Street Parking and Loading Requirements, except that variations from these standards may be permitted with shared parking and on street parking counted if a comprehensive parking and loading plan for the MUPD is submitted that is determined to be suitable and generally consistent with the intent and purpose of those standards.

C. Screening and Buffering of the Area:

Mixed Use Planned Developments deviate from conventional landscape screenings to buffer among differing land uses. Therefore, variations from the standards for screening and buffers may be permitted where it is demonstrated compatibility with land uses on surrounding properties, creates attractive streetscapes and parking areas and its consistent with the character of the area. Details of the proposed landscaping must be clearly delineated in the Master Plan narrative.

D. Signs

Signage may be designed pursuant to the Sign Planned Development Flexibility Option as provided in Section 6.9.

E. Public Facilities

- (1) The MUPD Plan must demonstrate a safe and adequate on-site transportation circulation system. The on-site transportation circulation system shall be integrated with the off-site transportation circulation system of the Town.
- (2) The MUPD Plan must demonstrate a safe and adequate on-site system of potable water and wastewater lines that can accommodate the proposed development, and are efficiently integrated into off-site potable water and wastewater public improvement plans.
- (3) Adequate off-site facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection and roads shall be planned and programmed for the development proposed in the MUPD Plan, and the development shall be conveniently located in relations to schools and police protection services.
- (4) The improvements standards applicable to the public facilities that will serve the site shall comply with the Subdivision Regulations of the Town of Pittsboro, provided, however, the development may deviate from the Town's road width standards so the development achieves greater efficiency of infrastructure design and installation through clustered or compact forms of development when the following minimum design principles are followed:
  - (a) The circulation system shall be designed to provide convenient access to all areas of the proposed development using the minimum practical roadway length. Roadway widths and proposed parking to satisfy development requirements shall be clearly delineated in

the Master Plan. Internal pathways shall be provided to form safe and convenient systems for pedestrian access to dwelling units and common areas, with appropriate linkages off-site.

- (b) Roadways shall be designed to permit access by emergency vehicles to all lots and units.
- (c) Principal vehicular access points shall be designed to provide for smooth traffic flow, minimizing hazards to vehicular, pedestrian or bicycle traffic. Where a MUPD abuts a major collector, arterial road or highway, direct access to such road or highway from individual lots, units or buildings shall be limited.

(5) Common recreation space. The development proposed in the MUPD shall comply with the following common recreation space standards.

- (a) Adequate space, but no less than a minimum of 5 percent of the gross land in the MUPD Plan shall be reserved for common recreation space. Parking areas, street right-of-way and minimum yard setbacks shall not be counted when determining common recreation space. Passive parks and accessible water bodies shall be counted.
- (b) All common recreational facilities shall be shown in the Master Plan and shown on the Illustrative Site Plan.
- (c) All privately owned common recreation space shall continue to conform to its intended use, as specified in the MUPD plan. If common recreation space is proposed to be maintained through an association or nonprofit corporation, such organization shall manage all common recreation space and facilities that are not dedicated to the public, and shall provide for the maintenance, administration and operation of such land and any other land within the MUPD not publicly owned.

F. Storm water management

The Master Plan shall comply with the applicable Watershed Overlay District Requirements, which may include the High Density Development Option as provided in Section 5.5.10.

G. Phasing.

The MUPD Plan may include a phasing plan for the development.

H. Major Transportation Corridor.

If the MUPD lies within a Major Transportation Corridor District, then the MUPD Plan:

- (1) Shall comply with the purpose and intent of the MTC district as stated in Section 14.1.

- (2) There shall be an appropriate buffer along arterial roads with appropriate landscaping provided for in the MUPD Plan and an appropriate setback from arterial roads.
- (3) Sections 14.7, Sign Controls and 14.8, Turn Lane Requirement/ Driveways requirements shall be substantially complied with. The other planning requirements of the MTC do not apply to a MUPD Plan.

#### 5.6.7 Conditions

The Planner and the Planning Board shall have the authority to recommend and the Town Board shall have the authority to impose such conditions on an MUPD zone district designation and MUPD Plan that are necessary to accomplish the purposes of this Section, this Article, this Ordinance, the Subdivision Regulations and the goals and policies of the Land Use Plan. If more than fifty (50) dwelling units are proposed in the MUPD Plan, the Planner shall have the authority to require preparation and submission of an Environmental Impact Assessment and an Economic Impact Assessment as detailed in Section 5.2 of the Subdivision Regulations of the Town of Pittsboro.

#### 5.6.8 Placement of Mixed Use planned Development District (MUPD) Designation on Official Zoning Map.

After final approval of the adopting ordinance for the Mixed Use Planned Development (MUPD) zone district designation and the MUPD Plan, the Zoning Officer shall amend the Official Zoning District Map to show a Mixed Use Planned Development (MUPD) district.

#### 5.6.9 Effect

Approval of an adopting ordinance for Mixed Use Planned Development (MUPD) zone district designation and the MUPD Plan shall constitute an Official Zone District Map designation and recognition by the Town that the landowner may proceed, consistent with the MUPD Plan, to prepare plans to develop the land. The next appropriate development approval for the land is a site plan and subdivision plan.

#### 5.6.10 Expiration

The approval of the adopting ordinance for a Mixed Use Planned Development (MUPD) zone district designation and the MUPD Plan shall be null and void unless construction of required improvements is commenced and diligently pursued to completion, and a site plan or subdivision plan is submitted for at least the initial phase of the MUPD Plan within three years after the date of approval of the MUPD Plan. Such time period will not be extended with transfer of ownership. Upon written request, one extension of time may be granted by the Town Board for a period not to exceed one year for good cause shown. No request for an extension shall be considered unless a written request is submitted to the Zoning Officer no later than 30 calendar days prior to the date the MUPD Plan is to expire. The approval shall be deemed extended until the Town Board has acted upon the request for extension. Failure to submit an application for an application for an extension within the time limits established by this Section shall render the adopting ordinance for a MUPD zone district designation and the

MUPD Plan null and void, and the land shall automatically revert back to its prior zone district designation.

#### 5.6.11 Minor Deviations

A minor deviation to a MUPD Plan may be approved by the Town Board. A minor deviation shall be limited to technical or engineering considerations first discovered during actual development which could not reasonably be anticipated during the approval process or any other process or any other change which has no material effect on the character of the approved MUPD development or any of its approved terms or conditions, as long as it complies with the standards of his Ordinance.

### 5.7 Pocket Neighborhoods

#### 5.7.1 Purpose and intent

The general purposes of the pocket neighborhood housing development design concept are:

A pocket neighborhood housing development is an alternative type of detached housing providing small residences for households. This is provided as part of the Town's overall housing strategy which intends to encourage affordability, infill development, innovation and variety in housing design and site development while ensuring compatibility with existing neighborhoods, and to promote a variety of housing choices to meet the needs of a population diverse in age, income, household composition and individual needs.

#### 5.7.2 Development Standards

##### A. Number of Dwelling Units

An individual pocket neighborhood development shall be of at least four (4) (single family dwelling units) with a maximum of twelve (12) (single family dwelling units) per development.

##### B. Density and minimum lot area

A pocket neighborhood development shall not exceed 12 units per acre, and are not permitted on parcels less than 20,000 square feet. Lots must be a minimum of 2000 square feet. All residential units will count towards the maximum permitted density.

##### C. Lot coverage and yards

Dwelling unit footprints shall not exceed 60% of lot. The front and rear setbacks must be a minimum of 8 feet. The side setbacks must be a minimum of 5 feet, and no less than 12 feet is permitted between two units.

##### D. Required open space

A minimum of 500 square feet of common open space per unit is required. At least 50% of the units shall abut common open space, and the common open space shall have dwelling units abutting at least two sides. Common open space shall be a centrally located, shared space that may be used by all occupants of the neighborhood.

- E.     Parking  
Parking spaces at .75 spaces per bedroom per dwelling unit shall be required. Parking must be located within the pocket neighborhood property.
- F.     Housing Type  
Housing types are limited to single family residential dwelling units.
- G.     Accessory Dwelling Units  
New accessory dwelling units (ADUs) are not permitted in pocket neighborhood housing developments.
- H.     Private open space  
Each residential unit shall be provided an area of private open space. The private open space shall separate the primary entrance to the dwelling unit from the common open space to create a sense of privacy and shall be oriented to take advantage of solar orientation and other natural features to create a small but pleasant private yard area. The private open space shall be separated from the common open space with a small hedge, picket fence, or other similar visual separation to create a sense of separate ownership.
  - (1)     Each unit shall be provided with a minimum of 200 square feet of usable private open space oriented towards the primary entrance and separated from the common open space by a hedge or fence, or other similar visual separation not to exceed 36 inches in height.
  - (2)     No dimension of the private open space shall be less than eight feet.
- I.     Tree conservation  
Pocket neighborhood developments shall be designed to incorporate existing trees to the extent practicable. New trees shall be located to create amenities in the common open space, private open space, provide shade where appropriate, to create separation between buildings when desired, and to screen and soften the perimeter of parking areas and street facing sides of the housing developments. Native trees and other vegetation shall be preserved to the extent practicable and the overall site design shall take advantage of the location of existing trees as well as natural openings or clearings on forested sites. A Landscape Plan for the neighborhood shall be provided for review and approval as part of the development process.

## 5.8 Planned Development District (PDD)

- 5.8.1 The PDD is a base-zoning district, not an overlay district. Except as modified by specific procedures set forth herein, a PDD zoning district shall be established through the process for

rezoning property pursuant to the procedures for a “General Use” rezoning as contained in Article X of this ordinance. An application to rezone to a PDD must be signed property owner(s) or agent of the owner(s).

The Town Board of Commissioners may recommend revisions or additions to a proposed PDD Master Plan, or to a proposed amendment to a PDD Master Plan, that promote the intentions of the Planned Development District identified in Section 5.1.P of this ordinance. The applicant, at anytime prior to the Board’s vote, may amend a proposed PDD Master Plan, or a proposed amendment to a PDD Master Plan.

#### 5.8.2 Size of a PDD

A PDD shall be one hundred (100) acres or more in size.

#### 5.8.3 Required PDD Master Plan

Submittal on an application to rezone property to a PDD shall include submission of a Planned Development District Master Plan (PDD Master Plan). The PDD and the PDD Master Plan shall be treated as a single item when acted on by the Board of Commissioners. The form and elements of the PDD Master Plan are listed below.

The PDD Master Plan shall include the following:

- (1) a map, including parcel numbers, showing the parcels proposed for the PDD (County GIS maps are adequate);
- (2) a topographic map(s), for the property included in the proposed PDD (County GIS maps are adequate);
- (3) a list of permitted uses proposed in the PDD;
- (4) the general locations of the proposed uses;
- (5) a summary of the amount, quantity, or gross density of those uses proposed in the PDD;
- (6) a map(s) showing the locations of water bodies appearing on USGS or NRCS Soil Survey maps within or adjacent to the boundary of the proposed PDD;
- (7) a map(s) showing the locations of wetlands, stream buffers, the 100 year floodplain, and slopes greater than 20%;
- (8) a utility plan that includes the type and general location of the following existing and proposed public utilities:
  - (a) water
  - (b) wastewater
  - (c) reuse water;
- (9) a general plan addressing stormwater within the proposed PDD;
- (10) a public service plan for the PDD that evaluates potential impacts on:
  - (a) police service



- (b) fire service
  - (c) schools;
- (11) a multi-model transportation plan for the PDD that includes:
  - (a) the location of existing and proposed major roads in the adjacent to the PDD;
  - (b) a general plan for an on-site transportation system that addresses vehicular, bicycle, transit and pedestrian circulation;
- (12) the location of known historic structures or sites within the PDD;
- (13) a recreation and open space plan(s) that includes the locations and standards for greenways, open spaces, and recreation areas within the PDD
- (14) a boundary buffer plan showing transition treatments between the proposed PDD and adjacent properties;
- (15) proposed land development standards/regulations for the PDD; and,
- (16) a plan for development phasing within the PDD

Further explanations of some of the foregoing required elements are listed in Sections 5.2.2, Note 10, 5.4.1, Note 15; and 5.8.4 through 5.8.8 below.

In addition the applicant may choose to include other items or plans. The elements of the PDD Master Plan may be presented in various forms and can include any combination of text and illustrations deemed appropriate by the applicant. The form(s) chosen should clearly illustrate the element of the PDD Master Plan being presented.

#### 5.8.4 Land Use Mix

- A. A mix of land uses is expected in the PDD zoning district. The PDD Master Plan shall identify how uses will be mixed within the PDD. Uses may vary for and within areas or phases of the PDD and it is acknowledged that the mix of uses may need to change over time.
- B. Planned developments containing residential and non-residential uses shall be designed, located, and oriented on the site(s) so that non-residential uses are accessible to residents of the development. In general, the proposed development shall provide for connectivity of land uses through a network of roadway improvements and pedestrian sidewalks and/or trails and/or bicycle facilities, the final layout of which will be determined as specific site plans or subdivision plans are approved.

#### 5.8.5 Utility, Stormwater and Public Service Plans

The PDD Master Plan shall identify the types and locations of existing public utilities and public services (police, fire services, and schools) within the PDD. Additionally, proposed facilities included in the Town's Capital Improvement Program or County Schools Plans shall be identified. Adopted municipal plans related to public water, wastewater, reuse water and stormwater shall also be identified. The PDD Master Plan shall consider how these facilities, utilities, and services, both existing and planned, might be used or incorporated into development of the PDD. The PDD Master Plan may propose revisions, alternatives, and/or clarifications to this plan.. These plans will, by necessity, become more specific as development progresses. In addition, the PDD Master Plan shall include a timeline or phasing plan, so that public infrastructure is installed as needed to serve the PDD. The installation of utility infrastructure shall not be required before it is needed to service property subject to the PDD Master Plan.

#### 5.8.6 Mutli-Modal Transportation Plan

The PDD Master Plan shall include an on-site transportation system plan addressing vehicular, bicycle, transit and pedestrian circulation. The PDD Master Plan shall show the location of existing and proposed major roads within the PDD as shown in the adopted Town Comprehensive Transportation Plan. To the extent practicable, the on-site transportation system shall be integrated with the off-site transportation system shown on the adopted Town Comprehensive Transportation Plan. The PDD Master Plan may propose revisions, alternatives, and/or clarifications to this plan. A traffic impact analysis (TIA) is not required for the approval of a PDD. The installation of transportation infrastructure shall be required in developing areas of the PDD only as needed to serve those portions of the PDD

#### 5.8.7 Greenways, Recreation Space, and Open Space

##### A. General Requirement

The general location and proposed amount or lengths of greenways, open space and recreation space, shall be identified in the PDD Master Plan. The open space within a PDD shall contain areas for both active and passive uses. Open space may include active and passive recreation areas, including "community recreation areas" as defined in the Town's Subdivision Regulations and may be used to satisfy the requirements for such recreation areas. The PDD Master Plan, or subsequent agreements, may provide for restrictions on the Town's ability to sell land dedicated for community recreation areas. The PDD Master Plan shall consider adopted Town plans for greenways, recreation space, and open space, but many propose revisions, alternatives, and/or clarifications to this plan.

##### B. Conservations and/or Preservation Areas

The PDD Master Plan may provide for utilization of portions of the PDD that are subject to conservation easements or otherwise set aside for preservation, to satisfy Town requirements for open space and/or recreation.

C. Management of Greenways, Recreation and Open Space

Because these areas may be placed under the control of a public entity such as the Town, or a private entity, such a property owners association, the PDD Master Plan shall identify which areas are to be public and which are to be private. The PDD Master Plan shall include a management plan for those areas that will be privately controlled addressing long-term maintenance responsibility for these areas.

5.8.8 Landscaping, Transitions, and Buffers

A. Compliance with General Landscaping Requirements

Landscaping shall comply with the standards of Article XVIII of this ordinance, except that variations from or modifications to these standards may be permitted in accordance with the PDD Master Plan or when a site plan or subdivision plan is presented for approval. The proposed landscaping should ensure compatibility with land uses on surround properties, create attractive streetscapes and parking areas, and be consistent with the urban design objectives and/or character of the PDD.

B. Perimeter Boundary Transitions

The PDD Master Plan shall address transitions between land uses along the perimeter boundary of the PDD and dissimilar land uses on properties adjoining the perimeter boundary of the PDD. These boundary transitions may include buffers, specific compatible land uses, and/or other transitions. These boundary transitions may be varied over their length and/or width.

C. Internal Transitions

No buffers or transitions are required between land uses within the PDD.

5.8.9 Interpreting the PDD Master Plan

The Town Manager or Town Manager's designee is authorized, when necessary, to interpret the development standards and/or plans contained in the PDD Master Plan. In such cases, the interpretation should be applied in a way that most closely meets the original intent of the PDD Master Plan.

5.8.10 Amendments to the PDD and PDD Master Plan

Both the Planned Development District (PDD) and the Planned Development District Master Plan (PDD Master Plan) may be amended by the approval of a request to the Town Board of Commissioners. Amendments requiring a rezoning shall follow the process for rezoning

property pursuant to the procedures for a “General Use” rezoning as contained in Article X of this ordinance, except as modified by specific procedures set forth herein.

A. Amendments Requiring Rezoning

- (1) additions or deletions of land that is subject to the PDD
- (2) additions to the uses permitted or changes to their locations
- (3) increases in the total number of residential units
- (4) increases in the maximum square footage of non-residential uses
- (5) reductions in the width of or standards of the treatment in boundary buffers, other than those allowed by Article 5.8.9
- (6) reductions in the amount of recreation or open space
- (7) changes to the development standards in the PDD Master Plan

B. Other Amendments

Other amendments to, or revisions of the approved PDD Master Plan including, but not limited to, revisions of the utility plan, stormwater plan, circulation plan, or phasing plan, shall not be subject to a rezoning. The Town Manager is authorized to approve these amendments. Such amendments should meet the original intent of Section 5.1P of this ordinance.

## **ARTICLE VI**

### **SIGNS**

**(Approved December 12, 1989)**

#### **6.1 Intent and Purpose**

The purpose of this section is intended to accomplish the following objectives:

To ensure that signs are designed, constructed, installed, and maintained so that public safety and traffic safety are not compromised.

To minimize the distractions and the obstructing-of-view that contributes to traffic hazards and endangers public safety.

To encourage a high standard for signs in order that they should be appropriate to and enhance the aesthetic appearance and attractiveness of the community and, further, create an aesthetic environment that contributes to the ability of the community to attract sources of economic development and growth.

To allow for adequate and effective signs for communicating identification while preventing signs from dominating the visual appearance of the area in which they are located.

#### **6.2 Definitions**

For the purposes of these regulations, the following words and phrases shall be defined as specified below:

- 6.2.1 *Amortization*: A provision requiring nonconforming signs, as determined in Section 6.11 of this ordinance to either become conforming or be removed within a set period of time, otherwise known as the amortization period.
- 6.2.2 *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.
- 6.2.3 *Building Wall*: The entire surface area, including windows and doors, of an exterior wall of a building. For the purposes of this ordinance, the area of a wall will be calculated for the first three stories, or 45 feet in height of a building, whichever is less.
- 6.2.4 *Canopy*: A permanent structure other than an awning made of cloth, metal or other material 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. A canopy is not a completely enclosed structure.
- 6.2.5 *Changeable Copy*: A Copy that is, or can be, changed manually in the field or through mechanical or electronic means, (e.g. readerboards with changeable letters).

- 6.2.6 *Commercial Message*: A message placed or caused to be placed before the public by a person or business enterprise directly involved in the manufacture or sale of the products, property, accommodations, services, attractions, or activities that are offered or exist for sale or for hire.
- 6.2.7 *Copy*: Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign display surface area.
- 6.2.8 *Farm Product Sales*: Seasonal sale of farm products raised on the premises where products are raised as an accessory to an agricultural use.
- 6.2.9 *Grade*: 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 of adjacent to the sign.
- 6.2.10 *Logo*: A business trademark or symbol.
- 6.2.11 *Marquee*: A permanent roof like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.
- 6.2.12 *Out parcel*: A parcel of land associated with a shopping center or multi-tenant property 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, saving and loans, dry cleaners, service stations, vehicle repair garages, offices, restaurants, retail establishments, or combination of uses thereof and adjoins the shopping center or multi-tenant property development or the parking and service drives associated with it on any side, other than the side fronting the public right-of-way.
- 6.2.13 *Parapet*: The portion of a building wall or false front that extends above the roof line.
- 6.2.14 *Planned Development*: A tract of land under single, corporate, 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.
- 6.2.15 *Premises*: A parcel of real property with a separate and distinct number or designation shown on a record plat, record of survey, parcel map, subdivision map, or a parcel legally created or established pursuant to applicable zoning. Outparcels of shopping centers shall be considered on the premises of the shopping center for the purpose of this ordinance.
- 6.2.16 *Roof Line*: The highest point of a flat roof and mansard roof and the lowest point of a pitched roof, excluding cupolas, chimneys or other minor projections.
- 6.2.17 *Sign*: Any object, device, or 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, or any fraternal, religious or civic organizations; works of art which is no way identify a product; or scoreboards located on athletic fields.

- 6.2.18 *Sign Face Area*: The area within a single, continuous perimeter enclosing the extreme limits of characters, lettering, logos, illustrations, or ornamentations, together with any material or color forming an integral part of the display or to differentiate the sign from the background to which it is placed. Structural supports bearing no sign copy shall not be included in the sign area. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence onto which the sign face or letters are placed shall be calculated in the sign area. Only one side of a sign shall be included in the calculation.
- 6.2.19 *Sign Height*: The distance measured from the highest point of a sign measured perpendicularly to the level of the grade or in the case of a sign located on property higher in elevation than grade, the distance measured from the ground level of the base of the sign.
- 6.2.20 *Sign Structure or Support*: Any structure that supports or is capable of supporting a sign, including decorative cover.
- 6.2.21 *Special Event*: A planned, temporary activity.
- 6.2.22 *Sign Types*: The following are types of signs included in this ordinance.
- A. *Banner*: A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations or ornamentations applied to plastics or fabrics of any kind, excluding flags and emblems of political, religious, education, or corporate organizations.
  - B. *Bulletin Board*: A sign used to announce meetings or programs to be held on the premises of a church, school, auditorium, library, museum, community recreation center, or similar noncommercial places of public assembly.
  - C. *Business Sign*: A sign that directs attention to a business, profession, or industry located upon the premises where the sign is displayed; the type of products sold, manufactured or assembled; and/or services or entertainment offered on said premises.
  - D. *Campaign or Election Sign*: A sign that advertises a candidate or issue to be voted upon on a definite election day.
  - E. *Canopy and Awning Signs*: A sign attached to or painted onto a canopy or awning. For the purposes of this ordinance, the permitted size of a canopy or awning sign will be calculated on the basis of the size of the building wall to which the canopy is attached. It will, for measuring purposes, be considered a wall sign.
  - F. *Construction Sign*: A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or other involved in the development of the project.

- G. *Detached Sign:* Any sign that is not affixed or attached to a building and is securely and permanently mounted in the ground. Such sign may be a ground mounted sign, pole sign, or monument sign.
- H. *Directional or Instructional Sign:* A sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "Parking", "One-Way", or similar directional instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.
- I. *Directory Sign:* A secondary sign on which the names and locations of occupants or the use of a building or property is identified.
- J. *Ground Mounted Sign:* A sign which extends from the ground or which has a support which places the bottom thereof less than 2 feet from the ground.
- K. *Government Sign:* Any temporary or permanent sign erected and maintained for any governmental purposes.
- L. *Flashing Sign:* A sign that uses an intermittent or flashing light source to attract attention.
- M. *Identification Sign:* A sign which displays only the name, address, and/or crest, or insignia, trademark occupation or profession of an occupant or the name of any building on the premises.
- N. *Illuminated Sign:* A sign either internally or externally illuminated.
- O. *Incidental Sign:* A sign used in conjunction with equipment or other functional elements of a use of operation. These shall include, but not be limited to drive through window menu boards and signs on automatic teller machines, gas pumps, vending machines, or newspaper delivery boxes.
- P. *Marquee Sign:* A sign attached to or made a part of a marquee.
- Q. *Memorial Sign:* A sign designating names of buildings 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.
- R. *Monument Sign:* A monolithic sign in which the bottom of the sign is flush with the ground and the vertical dimension of the sign is greater than the horizontal dimension.
- S. *Nonconforming Sign:* Any sign which was lawfully erected in compliance with applicable code provisions and maintained prior to the effective date of this ordinance, and which fails to conform to all applicable standards and restrictions of this ordinance.



- T. *Off-Premises Sign:* Off-Premise Signs are defined as follows:
- *Off-Premise Sign:* Any sign used for the purpose of displaying, advertising, identifying, or directing attention to a business, service, activity, or place including products, or services sold or offered for sale on premises other than on the premises where such sign is displayed.
  - *Off-Premise Advertising Sign:* Any sign advertising a product, service, business, or activity which is sold, located, or conducted elsewhere than on the premises on which the sign is located.
  - *Off-Premise Directional Sign:* Any off-premise sign indicating the location of or directions to a church, community event, park, historic property, or school.
  -
- U. *On-Premises Sign:* A sign that directs attention to a business commodity, service, or establishment conducted, sold, or offered on the premises on which the sign is erected.
- V. *Outdoor Advertising Sign:* A type of sign, generally, but not limited to, a rigidly assembled sign, display, or devise, usually free standing, that is affixed to the ground or to a building, the primary purpose of which is to display advertising posters. Such signs commonly referred to as "billboards" are generally designed so that the copy or poster on the sign and be changed frequently and the advertising space is for lease.
- W. *Planned Development Sign:* A sign used in conjunction with an approved planned residential, office, businesses, industrial or mixed use development.
- X. *Pole Sign:* A detached sign erected and maintained on a freestanding frame, mast, or pole and not attached to any building but not including ground-mounted signs.
- Y. *Portable or Movable Sign:* A sign that is not permanently attached to the ground, a structure, or a building that can easily be moved from one location to another. For example, a sign on wheels.
- Z. *Projecting Sign:* Any sign other than a wall, awning, canopy, or marquee sign, which is affixed to a building and is supported only by the wall on which the sign is mounted.
- AA. *Public Interest Sign:* A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as warning and no trespassing signs.
- BB. *Real Estate Sign:* A sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.
- CC. *Primary Sign:* The main or principal sign located on a premises.
- DD. *Roof Sign:* A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

- EE. *Secondary Sign*: A sign used in addition to a primary sign on a premise.
- FF. *Temporary Sign*: A sign which is not permanently installed in the ground or affixed to any structure or building, and which is erected for a period of time as permitted in this ordinance.
- GG. *Temporary Planned Development Sign*: A sign that pertains to the development of a new subdivision, planned multi-family development, planned shopping center, industrial, office, or business park, or similar land parcel.
- HH. *Vehicular Sign*: 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 purpose.
- II. *Wall Sign*: A sign directly attached to an exterior wall of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Signs directly painted on walls shall be considered wall signs.
- JJ. *Window Sign*: Any sign attached to or directly applied onto a window or glass door of a building intended for viewing from the exterior of such building.

### 6.3. Procedures

- 6.3.1 Permit Required. Except as otherwise provided in this ordinance, it shall be unlawful for any person to erect, construct, enlarge, move or replace any sign or cause the same to be done, without first obtaining a sign permit for such sign from the Town as required by this ordinance. Notwithstanding the above, changing or replacing the permanent copy of an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign such as to render the sign in violation of this ordinance.
- 6.3.2 Application and Issue of Permit. Applications for permits shall contain or have attached the following information:
  - A. The street name and street number of the building of the structure to which the sign is to be erected, or the tax parcel number for the zoning lot onto which the sign is to be located.
  - B. Names, addresses, and telephone numbers of the applicant, owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the licensed contractor erecting or affixing the sign.
  - C. If the applicant is not the owner of the property on which the sign will be located, written permission from the property owner or a designated representative stating agreement that the sign may be erected on the parcel for which the permit has been applied shall be required.

- D. A site or plat plan of the property involved; showing accurate placement of the proposed sign.
- E. Two (2) drawings of the plans and specifications of the sign to be erected or affixed as deemed necessary by the Zoning Administrator. Such plans may include but shall not be limited to details of dimensions, materials, copy, and size of the proposed sign. For wall signs, dimensions of the building wall on which the sign is to be affixed and the location and the size of existing wall signs shall also be included.
- F. No permit for a sign shall be issued unless the provisions of the Street Address Ordinances have been met or will be met with the erection of the sign.
- G. Other information as the Town may require to determine full compliance with this and other applicable codes.

6.3.3 Issuance of Permits. Upon the filling of an application for a sign permit, the Town shall examine the plans and specifications, and as deemed necessary, may inspect the premises upon which the sign is proposed to be erected or affixed. If the proposed sign is in compliance with all the requirements of this ordinance and the other applicable codes, a permit may be issued. Any permit issued in accordance with this section shall automatically become null and void unless the work for which it was issued has visibly been started within 6 months of the date of the issue or if the work authorized by it is suspended or abandoned for one year.

6.3.4 Fees. To obtain a sign permit, all fees, in accordance with the associated fee schedule shall be paid.

6.3.5 Final Inspection. Upon notification of completion by the permit holder, the Building Inspector or Zoning Enforcement Officer shall make a final inspection of the sign to verify conformance with applicable codes.

## 6.4 General Provisions

The following provisions shall apply to all signs:

6.4.1 Construction Standards. All signs shall be constructed and installed in accordance with the applicable provisions of the North Carolina State Building Code.

6.4.2 Electric Standards. All illuminated signs shall be installed in accordance with the applicable provisions of the North Carolina State Building Code and all detached signs shall be so illuminated by an underground electrical source.

6.4.3 Maintenance of Signs. All signs shall be maintained in good structural and aesthetic condition. Deficiencies such as chipped paint, broken plastic, missing letters and exposed light bulbs shall be evidence of a lack of maintenance. The Building Inspector or Zoning Enforcement Office shall enforce this provision in accordance with Section 612 of this ordinance.

6.4.4 Content. If a commercial sign is allowed by an provision of this ordinance, then a noncommercial sign shall likewise be permitted subject to the applicable standards herein. In addition, any commercial sign permitted by this ordinance may display or publish noncommercial message. This includes signs requiring and not requiring a permit.

6.4.5 Changeable Copy on Signs

The following regulations shall apply to all changeable copy signs in districts where they are permitted:

- A. Either computer-driven or manually changeable copy is permitted.
- B. A changeable copy sign on which copy other than time and temperature is in fact changed more than one time in any one day shall be considered a prohibited animated or flashing sign. The number one in the proceeding sentence is expressly intended to apply to the number of changes, regardless of the number of messages.
- C. No more than twenty-five percent (25%) of the area of a single sign shall be usable for changeable copy
- D. Changeable copy shall be used in residential areas for signs for permitted institutional uses only.

6.4.6 Illuminated Signs

- A. Signs may be illuminated from within or from an external source, but such illumination must be in a manner which avoids glare or reflection which in any way or manner interferes with traffic safety. Any external source of illumination such as spot or floodlights shall be placed so that it is not directly visible from any adjacent residential property.
- B. In all residential districts, internally illuminated signs shall be permitted only if the background of the sign is opaque and copy is either translucent and trans-illuminated or opaque and backlit.
- C. All business signs shall not be illuminated between the hours of twelve (12) pm. and six (6) am except for businesses which are open for business during these hours.

6.4.7 Setback from Residential Zone. If the lot on which the sign is located is zoned other than residential, then a distance of at least twenty (20) feet shall intervene between the closest part of such sign and the adjacent lot line of the property in the residential district.

6.5 Prohibited Signs

The following signs are prohibited under any circumstances.

- A. Signs extending into the public right-of-way other than those permanent signs approved by the Town and/or the North Carolina Department of Transportation.

- B. Roof signs.
- C. Portable signs except as permitted in Section 6.6.12 for special event.
- D. Flashing, fluttering, animated, swinging, or rotating signs other than time and/or temperature signs.
- E. Signs that are similar in color, design, and appearance to traffic control signs.
- F. Vehicular signs as defined in Section 6.2.
- G. Off-premises signs except as noted in Section 6.6m and Section 6.6n.
- H. Nonconforming signs, except as permitted in Section 6.11 of this ordinance.
- I. Other signs not expressly allowed by this ordinance.
- J. Changeable copy signs on which copy other than time and temperature is in fact changed more than once in any one day.

## 6.6 Signs Not Requiring a Permit

- A. Any sign not visible from a public right of way or adjacent property, as well as the following types of signs, are exempt from permit requirements and allowed in all zones, but shall be in conformance with all other requirements of this ordinance.
- B. Memorial signs, plaques, or grave markers that are noncommercial in nature.
- C. Public interest signs.
- D. On premises directional and instructional signs not exceeding 6 square feet in area, unless such sign is monument sign in which case it shall not exceed 9 square feet.
- E. Identification signs not exceeding 1 ½ square feet in area, that indicate the name and/or address of the occupant.
- F. Window signs with a total copy area not exceeding 20 percent of the window or glass door onto which the sign(s) are located provided such signs in combination with all other signs on the lot do not exceed the maximum permitted sign area for the lot.
- G. Incidental signs, however in no case shall a drive-in service window menu board sign be oriented to the public right-of-way or exceed 32 square feet in size or 6 feet in height.
- H. Flags of the United States, North Carolina, foreign nations having diplomatic relations with the United States, and any other flags adopted or sanctioned by an elected

legislative body of competent jurisdiction or religious, civic or educational organizations, provided such a flag shall not exceed 40 square feet in area and shall not be flown from a pole the top of which is more than 45 feet in height. These flags must be flown in a manner which meet U.S. Congressional protocol. Failure to display flags in a manner which meet Congressional protocol will be a violation of this section. All flags used in connection with a commercial promotion as an advertising device or integral part of a commercial sign must comply with the sign ordinance for area, height, number and location.

I. Campaign or Election signs provided:

- (1) Individual signs shall not exceed 12 square feet in area, nor more than one sign posted per candidate on an individual lot.
- (2) Signs shall be placed no more than ninety (90) days prior to the election to which the sign pertains. All signs shall be removed within 7 days after the election for which they were made.
- (3) Prior to the erection of any campaign or election sign, the candidate or an authorized representative shall post a bond with the Town Clerk in the amount of \$50.00 guaranteeing the removal of such signs within 7 days after the election for which they are used.
- (4) Property owners shall be held responsible for violations.
- (5) No signs shall be permitted in the public right-of-way.

J. Real Estate signs other than temporary planned development signs provided:

- (1) Signs advertising individual single family lots and duplexes under 3 acres in size or individual units within attached housing shall not exceed 6 square feet.
- (2) Signs advertising all other uses shall not exceed one square foot for every 5 linear feet of frontage of the advertised property, up to a maximum of 32 square feet in sign face area.
- (3) Only one sign per street front of the advertised property shall be erected.
- (4) Properties having a continuous frontage in excess of 850 linear feet may be allowed an additional sign so long as such sign is no closer than 850 feet from another real estate sign on the property.
- (5) Signs shall not be illuminated.
- (6) Signs shall be removed within 7 days after the sale is closed or, rent or lease transaction is finalized.

K. Construction signs, other than temporary development signs provided:

- (1) Signs located on single family lots or duplex lots shall not exceed 6 square feet in area. Rider signs exceeding 2 square feet in area shall be permitted in addition to the 6 square feet.
- (2) Signs for all other uses shall not exceed one square foot for every 5 linear feet of frontage of property under construction, up to a maximum of 32 square feet in sign area.
- (3) Signs are confined to the site of construction

- (4) Only one sign per street front of the property under construction shall be erected.
  - (5) Signs shall not be illuminated.
  - (6) Signs shall be removed within 7 days after the completion of the project.
- L. Temporary farm products signs provided:
  - (1) Signs are located on the premises where the products are sold in conjunction with a permitted farm use in that district.
  - (2) Signs shall not exceed 12 square feet in area.
  - (3) Only one sign shall be erected.
  - (4) Signs shall be removed within 7 days of the termination of sale activities.
- M. Temporary signs advertising upcoming special events of civic, philanthropic, educational, charitable or religious nature are allowed provided:
  - (1) They must be registered with the Zoning Enforcement Officer.
  - (2) The applicant must provide the written permission of the owner of the land upon which the sign is to be placed.
  - (3) The size is restricted to twenty four (24) square feet excluding the supporting frame and the overall height shall not exceed six (6) feet.
  - (4) The signs shall not be placed upon a sidewalk nor within the right of way of any street, road or thoroughfare. In no event shall the signs be located within the bounds of the Courthouse Square.
  - (5) The signs shall not be displayed earlier than fourteen (14) days prior to the event and shall be removed twenty four (24) hours after the event has occurred, occurred, except that if the event shall end on a Saturday, the signs must be removed within forty-eight (48) hours.
  - (6) No more than four (4) such signs advertising the identical specific special event shall be allowed throughout the Town.
  - (7) No more than one (1) temporary sign shall be allowed per site.
- N. Off-Premise Directional Signs as defined in Section 6.2.22t, provided that such signs conform to the following limitations:
  - (1) Off-premise commercial signage is not permitted.
  - (2) Off-premise signs permitted only for a place of worship, community event, park, historic property, or school.
  - (3) Content of the sign be limited to a name and directional information only, and not intended to advertise the use of the site.
  - (4) Signs to be located on private property, with the permission of the property owner, with evidence of such permission filed as part of the application for the sign.
  - (5) Size of sign to be limited to twenty four (24) square feet.
  - (6) Sign to be made of permanent materials, mounted on a secure post or framework, with the entire sign and mounting structure not to exceed six (6) feet in width and four (4) feet in height.
  - (7) Such signs may be lighted with a light focused directly on the sign of no more than the illumination equivalent of a 150 watt incandescent light

- bulb. Lights may not shine into any domicile, commercial establishment, or non-commercial establishment.
- (8) Lights shall be limited in number to two (2), one on each side of the sign.
  - (9) No glare from the lights can shine into a public highway or street.
  - (10) The applicant may place banners on the sign for special events such as suppers, fund raising activities, revivals, and bible school. This ordinance does not limit banners to just those mentioned activities.
  - (11) Only one (1) off-premise sign per non-commercial establishment is permitted.

## 6.7 Temporary Signs Requiring Permits

The following temporary signs shall be allowed subject to the applicable standards in lieu of real estate or construction signs.

Temporary Planned Development Signs, provided:

- A. Only one primary sign shall be allowed per street front of development
- B. The maximum sign face area of a primary sign shall not exceed 16 square feet for residential districts, and 32 square feet in nonresidential districts.
- C. Only one permit shall be required for all temporary planned development signs for each planned development. Permits shall be valid until a project is completed or two years, whichever comes first. Completion shall be evidenced by the issuance of all certificates of occupancy for a development by the Building Inspections Department. If a project is not completed in two years, a new permit must be obtained. However, in no instance shall more than 5 permits be issued for a development. Additional permits shall not allow secondary signs. All secondary signs shall be removed when the first permit issued expires.
- D. Temporary directional signs within a planned development, but not visible from the road(s) fronting the overall development shall be permitted so long as such signs do not exceed 12 square feet in sign area, and signs are removed upon completion of the portion of the project to which the signs are giving direction.
- E. Temporary Banners announcing the opening of a new business or change of ownership in non-residential districts provided:
  - (1) Only one banner per establishment shall be allowed at a time.
  - (2) All banners shall be attached in total to a building wall or permanent canopy extending from a building.
  - (3) No paper banner shall be allowed.
  - (4) Banners shall be erected for a period not exceed thirty (30) days.
  - (5) No banner shall extend above the second floor level of a building or 45 feet above grade, whichever is less.



## 6.8 Specifications for Permanent Signs Requiring a Permit

The following are general specifications applicable to the various permanent signs permitted. Additional specifications regarding size, number, location, and permitted types of signs are set forth in Section 6.15. District Regulations.

### 6.8.1 *Wall Signs:* Wall signs shall be permitted on the wall of a building as follow:

- A. Signs may be located on any building wall of a nonresidential structure so long as the maximum sign surface area of all signs on one wall does not exceed 10% of the area of the building wall to which the sign is attached up to a maximum area of sign face permitted each district.
- B. The size and number of wall signs in residential districts shall be regulated in accordance with Section 6.15 herein, or Section 6.09 as appropriate.
- C. The maximum allowable wall sign area per wall shall not be transferable to another wall.
- D. The total area of wall signs may be increased by 10% if such wall signs consist only of individual, outlined alphabet, numeric, and/or symbolic characters without background, except the background provided by the building surface to which the sign is affixed.
- E. The total area of wall signs may be increased by 10% if no detached sign is used on the premises.
- F. No wall sign shall extend above the parapet or roof line of the building to which the sign is attached, nor shall a wall sign project more than 18 inches from the building wall. Further, no wall sign or its supporting structure shall cover any window or part of a window or obstruct any door, fire escape, stairway or opening intended to provide light, air, ingress, or egress for any building or lot.
- G. Lamps and fixtures used to illuminate a wall sign shall not project into a required yard more than 2 feet beyond building walls and shall have a minimum clearance of 9 feet above a pedestrian walkway or 12 feet above a vehicular drive.

### 6.8.2 *Canopy and Awning Signs:* Signs may be attached, painted, or printed upon a canopy or awning, provided:

- A. The maximum allowable area for canopy or awning signs or a combination of canopy awning, and/or wall signs shall not exceed that maximum permitted in Section 6.8.1 above. Canopies and awnings shall not be calculated in the total square footage of a building wall.

### 6.8.3 *Projecting and Suspended Signs:* A projecting sign may be used in lieu of a detached sign where permitted. Such sign shall be permitted in C-4 districts, provided:

- A. A projecting sign shall not project more than 3 feet from a building wall or exceed a maximum sign face area of six (6) square feet.

- B. A projecting sign shall not extend vertically above the roof line or parapet wall of a building.
- C. The minimum height from grade to the lowest edge of a projecting sign shall be 9 feet above a pedestrian walkway or 12' above a vehicular drive.

6.8.4 *Detached Signs:* Detached signs shall be permitted, as follows:

- A. The maximum size and permitted location of detached signs shall be regulated in accordance with Section 6.15 herein, or Section 6.9 as appropriate.
- B. Unless otherwise specified in sign ordinance; no detached sign shall exceed 4 feet in height.
- C. No ground mounted or monument sign greater than 2 ½ feet in height as measured from the grade of the road or any sign having a vertical clearance less than 10 feet between grade and the bottom of the sign face shall be located in the sight distance triangle.
- D. All portions of a sign shall be located no closer than (2) feet from the street right-of-way; however, all signs greater than 2/12 feet in height as measured from the grade of the road or having a vertical clearance less than 10 feet shall be located a minimum of 15 feet behind a right-of-way.
- E. The maximum angle of a double-faced sign shall be 45 degrees, except for signs located at corners in which case the angle may be 90 degrees. This refers to the distance between sign faces on a single structure.

6.8.5 *Marquee Signs:* The following regulations shall apply to all marquee signs in all districts in which they are permitted.

- A. Marquee signs may extend over a required front yard or sidewalk, provided that a vertical clearance of nine (9) feet or more is maintained beneath the sign.
- B. No marquee sign shall be closer than two (2) feet, measured in horizontal distance from the curb line of any street.
- C. Marquee signs may extend for the full length and width of the marquee.
- D. The height of marquee signs shall not exceed five (5) feet, except that marquee signs for motion picture theaters, public auditoriums and assembly halls may have a height not exceeding eight (8) feet.

## 6.9 Planned Development Flexibility Option

For the purpose of providing flexibility and incentives for coordinated, well designed systems for large scale development, special provisions varying the standards of this ordinance may be approved by the Pittsboro Planning Board subject to the following:

- A. The development is a planned residential, nonresidential, or mixed use development; a hospital or other large scale institutional complex a large scale cultural, civic or recreational facility; or similar large scale development.
- B. A Master Sign Program that includes the following information in booklet form is submitted:
  - (1) Detailed designs of all proposed signs including the size, height, copy, materials, and colors of such signs.
  - (2) Proposed locations and number of proposed sign.
  - (3) Sign illumination plans.
  - (4) Plans for landscaping or architectural features to be used in conjunction with such plans.
- C. It is determined that the proposed signs shall meet the following criteria:
  - (1) All signs are coordinated in terms of design features.
  - (2) The maximum size of detached signs is not varied by more than 25%.
  - (3) The number of detached signs along a street frontage does not exceed 3.
  - (4) The maximum height of a detached sign does not exceed 12 feet.
  - (5) Multi-information directional signs are no greater than 16 square feet and are located in the interior of a development.
  - (6) Changeable copy highlighting special events on signs for cultural, civic, or recreational facilities shall not exceed 25% of the sign face area of a sign.

## 6.10 Regulations for Outdoor Advertising Sign

*Existing Outdoor Advertising Signs:* Existing outdoor advertising signs that do not conform to the regulations shall be removed in accordance with Section 6.11 of this ordinance.

## 6.11 Removal of Certain Signs

- 6.11.1 *Nonconforming Signs:* All existing signs that exceed the maximum sign face size, sign height, or spacing requirement of this ordinance by more than 25% or number of allowed signs shall be brought into compliance with the requirements of this ordinance or removed entirely, which means the entire sign and any associated equipment, within 8 years of the adoption of this ordinance. When two or more signs are made nonconforming because of not adhering to spacing requirements, the age of permit shall determine which sign shall be removed; the sign with the oldest valid permit shall be permitted to stay.

All signs not permitted in a zoning district shall also be removed entirely within 8 years of the adoption of this ordinance.

All roof signs shall be removed entirely within 8 years of the adoption of this ordinance.

If for any reason, such as a rezoning, a sign becomes nonconforming after the adoption of this ordinance, such sign shall be removed 8 years from the date the sign becomes nonconforming.

6.11.2 *Exception to Amortization:* North Carolina General Statute 136-131.1 requires that "just compensation" be paid upon removal of certain outdoor advertising adjacent to the highway on the national system of interstate and defense highways or a highway on the federal-aid primary highway system for which there is in effect a valid permit issued by the department of transportation. Section 6.11 shall not require that any sign be removed if cash compensation must be paid upon removal of such sign due to any state or federal law that mandates such form of "just compensation" upon removal. Should any such state or federal requirement become inoperative or otherwise fail to apply to a given sign, then such sign shall be removed within five and one-half years of such state or federal requirement becoming inoperative or otherwise failing to apply to such sign.

6.11.3 *Maintenance:* Normal maintenance of all nonconforming signs, including necessary nonstructural repairs, incidental alterations, or copy alterations which do not extend or intensify the nonconforming features of the sign, shall be permitted during the amortization period for such sign. However, no structural alteration, enlargement, or extension shall be made to a nonconforming sign unless the alteration, enlargement, or extension will result in the elimination of the nonconforming features of the sign or by an order of the Zoning Administrator to ensure the safety of the structure.

## 6.12 Enforcement

6.12.1 *Inspection and Investigations:* Agents and officials of the Town of Pittsboro will periodically inspect signs in order to determine whether there are any violation of this Ordinance. The Building Inspector or Zoning Enforcement Officer shall have the power to conduct such investigations as he may reasonably deem necessary to carry out his duties as prescribed in this Ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspection signs. No person shall refuse entry or access to any authorized representative of the Building Inspections Department who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out his official duties.

The Town may require written statements or the filing of reports with respect to pertinent questions relating to signs.

6.12.2 *Civil Penalties:* If, though inspection, it is determined that a person has failed to comply with the provisions of this Ordinance, the Zoning Administrator or Building Inspection Department shall issue a warning citation to the violator. If the violation is not corrected within ten days or a time period specified in the citation, the violator shall be subject to a fifty (\$50.00) dollar civil penalty. Subsequent citations are subject to a \$50.00 civil penalty for each day the penalty is not paid shall be issued.

These civil penalties are in addition to any other penalties or actions imposed by a court for violation of the provisions of this ordinance.

- 6.12.3 *Other Enforcement Methods:* In addition to the civil penalties, the provisions of this ordinance may be enforced by one or more of the methods described in Article IX of the Zoning Ordinance.

## 6.13 Variances and Appeals

- 6.13.1 In accordance with the procedures stated in Article XI of the Zoning Ordinance, the Board of Adjustment shall have the power to hear and act upon applications for a variance from the requirements of this ordinance after making the following findings:
- A. That a variance is necessary because of unique features of the site such as its terrain or existing landscaping, or because of unique structural circumstances involved that are not applicable to other structures in the same zoning district. The fact that the sign may be utilized more profitably should a variance be granted will not be considered grounds for a variance.
  - B. That the special conditions do not result from the actions of the applicant or of a previous owner of the property.
  - C. That granting the variance requested shall not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district.
  - D. That granting the variance requested shall not restrict rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance.
  - E. That the variance granted is the minimum variance that shall make possible the reasonable use of the land, building, or structure.
  - F. That granting a variance shall not conflict with the stated purposes of this ordinance.
  - G. That granting a variance shall not have an adverse impact upon neighboring properties.
- 6.13.2 The Board of Adjustment may prescribe a reasonable time limit within which the action for which the variance is required shall be started or completed or both.
- 6.13.3 The Board of Adjustment may consider any special features of the land, including but not limited to historic landmarks, special zoning districts and buildings listed on the National Historic Registry.
- 6.13.4 The Board of Adjustment may grant one extension of time for conformance or removal relative to the 8 year amortization provision, not to exceed 2 years, provided:
- A. The applicant has demonstrated by substantial, competent evidence that the initial economic investment in the sign has not been recovered; or

- B. Allowing the extension will result in substantial justice being done, considering both the public benefits intended to be secured by this ordinance and the individual hardships that will be suffered by a failure of the Board to grant an extension.

6.13.5 In granting a variance, the Board may attach reasonable conditions to the approval in order to protect established property values in the surrounding area or to promote the public safety and welfare. Those conditions may relate to the location, design and other features of the proposed sign for which the variance is sought.

6.13.6 Appeals to the Board of Adjustment may be heard in accordance with procedures defined in Article XI of the Zoning Ordinance.

#### 6.14 Effective Date of Regulations

The regulations contained within this ordinance shall be effective upon adoption of this ordinance with the exception of Section 6.4.6C that will become effective on July 1, 1989.

#### 6.15 Table of District Regulations

Permanent signs shall conform to the standards established in this section, in addition to those applicable standards set forth elsewhere in this ordinance.

##### 6.15.1 Residential and Rural Districts (R-15, R-12M, R-12, R-10, RA, RA-2, RA-5)

- A. Signs on the premises of single family, two family dwellings, group homes, and on the premises of mobile homes shall conform Section 6.6 of this ordinance.

- B. Signs on the premises of a multi-family building not associated with a planned multi-family development shall be regulated as follows:

Type of Sign Permitted: Identification

Permitted Number: 1 per premise

Maximum Size: 6 square feet

- C. Signs on the premises of planned residential developments including subdivisions, multi-family, mobile home parks, and retirement centers shall be regulated as follows:

Type of Sign Permitted: Identification

Permitted Number: 1 per street front; where a sign is allowed, 2 separate sign faces may be used in conjunction with a wall, fence, or other architectural entrance feature.

Maximum Size: 24 square feet

Flexibility Option: Signs for these uses may be regulated in accordance with Planned Development Flexibility Option provisions as described in Section 6.9 herein.

- D. Detached signs for other uses in Rural or Residential Districts shall be permitted in accordance with the following schedule or regulations:

USE	TYPE PERMITTED	MAXIMUM NUMBER	MAXIMUM SIZE
Church, synagogues; elementary junior high and senior high schools, and similar	Identification:	1	24 S.F.
convents, monasteries, dormitories, YMCAs and similar organizations, orphanages, commercial day care centers, museums, art galleries, hospitals sanatoriums, libraries and similar uses.	Primary Sign:	1 building	6 S.F.
	Secondary Sign:	1	2 S.F.
Golf courses, country clubs, swimming clubs; community recreation centers, tennis clubs and similar uses.	Identification:	1	24 S.F.
Small group daycare are homes and nursing homes housed in a residential structure	Identification:	1	4 S.F.
Cemeteries	Identification:	1	16 S.F.
All other nonresidential uses	Identification:	1	4 S.F.

#### 6.15.2 Office and Institution District (O-I)

- A. Signs on the premises of residential uses shall be regulated in accordance with Section 6.6 above.
- B. Detached signs on the premises of all other uses shall be regulated as follows:
- |                         |  |
|-------------------------|--|
| Type of Sign Permitted: | Identification   |
| Maximum Number:         | Identification: 1 per premise  |
| Maximum Size:           | Identification: 1 square foot for every 10 linear feet of lot frontage up to a maximum of 24 square feet. The size of sign may be increased by 25% if the sign is setback a minimum of 30 feet behind the right-of-way |

- C. Detached signs on out-parcels of planned developments shall be regulated as follows:
- Type of Sign Permitted: Ground Mounted identification
- Maximum Number: One per outparcel
- Maximum Size: ½ square foot for every 2 linear feet of lot frontage up to a maximum of 12 square feet.
- Maximum Height: 4 feet
- Location: At least 15 feet behind right-of-way
- D. Office Park Development Signs shall be regulated as follows:
- Type of Sign Permitted: Identification and Directory
- Maximum Number: One detached sign per street front.  
One directory sign per street front.
- Detached Sign: 24 square feet
- Directory Sign: 16 square feet
- Location: Directory signs shall be located behind the setback.
- Flexibility Option: Sign for these uses may be regulated in accordance with Planned Development Flexibility Option provisions as described in Section 6.9 herein.

#### 6.15.3 Business Districts (C-I, C-2, C-4)

Detached signs in business districts shall be regulated as follows:

- A. Signs for business other than shopping centers:

- Type of Sign Permitted: Identification or Business Sign; the changeable copy on a business sign shall not exceed 25% of the total sign face area.
- Maximum Number: One per premise.
- Maximum Size and Height: In accordance with the following schedule:
- | <u>Lot Frontage</u>         | <u>Maximum Sign Face Area</u> | <u>Maximum Height</u> |
|-----------------------------|-------------------------------|-----------------------|
| Lots under 150 ft. frontage | 24 sq. ft                     | 4 ft.                 |
| Lots over 150 ft. frontage  | 32 sq. ft                     | 8 ft.                 |

- B. Signs for shopping centers and other multi-tenant properties:

- Type of Sign Permitted: Identification or Business Sign; the changeable copy on a business sign shall not exceed 25% of the total sign face area.
- Maximum Number: One per street front
- Maximum Size & Height: In accordance with the following schedule:

SIZE CENTER (Gross Building Area)	MAXIMUM SIGN FACE AREA	MAXIMUM HEIGHT
50,000 sq ft. or less	24 square feet	4 feet
50,001 sq. ft. - 200,000 sq. ft.	32 square feet	6 feet
Over 200,000 sq. ft.	40 square feet	8 feet



- C. Detached signs on out-parcels of shopping centers shall be regulated as follows:
- |                         |   |
|-------------------------|---|
| Type of Sign Permitted: | Ground Mounted Identification   |
| Maximum Number:         | One per out-parcel  |
| Maximum Size:           | 50% of the permissible detached sign face square footage permitted in Section 615.3(b). |
| Maximum Height:         | 4 feet  |
| Location:               | At least 15 feet behind right-of-way  |
- D. Signs for these uses may be regulated in accordance with Planned Development Flexibility Option provisions as described in Section 6.9 herein.

6.15.4 Industrial Districts (M-1, M-2)

- A. Detached signs in industrial districts shall be regulated in accordance with Section 6.15.3(a).
- B. Industrial Park Development Signs shall be regulated in accordance with Section 6.9.

## **ARTICLE VII**

### **GENERAL DEVELOPMENT STANDARDS**

#### **7.1 Off-Street Parking and Off-Street Loading Requirements**

##### **7.1.1 General Requirements**

- A. Scope of Requirement. The requirements herein set forth shall apply to all districts except C-4 District. For land, structures, or uses actually used, occupied or operated on the effective date of this ordinance, there shall be provided such off-street parking spaces as was required for any such land use, or operation under the provisions of the off-street ordinance adopted by the Town of Pittsboro and in full force and effect at the time of the adoption of this ordinance. If such land, structures, or uses are enlarged, expanded or changed, off-street parking shall be provided for the enlargement, expansion or change in accordance with the ratios contained herein. If existing land uses are converted to another type of land use or classification by this ordinance, then the off-street ratios as contained herein must be complied with.
- B. With the proceeding exception, off-street parking space (either garage or properly graded open space with a stable surface) shall be provided in accordance with the requirements set forth below in all classes of districts. Off-street loading space shall be provided in accordance with the requirements set forth below in all classes of districts. Off-street parking and loading space shall also be provided as required under the provisions of the Special Use Regulations.
- C. Each applicant for a building permit or certificate of zoning compliance submitted to the Town Manager shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress between such space and a street or alley. This information shall be in sufficient detail to enable the Building Inspector to determine whether or not the requirements of this ordinance are met. Off street parking shall include a bicycle rack unless excepted by the Commissioners.
- D. The certificate of occupancy for the use of any building, structure or land where off-street parking or loading space is required shall be withheld by the Town Manager until provisions of this section are fully met. If at any time such compliance ceases, any certificate of occupancy shall immediately become void and of no effect.
- E. Where parking or loading areas are provided adjacent to a public street, ingress or egress thereto shall be made only through driveways or openings not exceeding 25 feet in width at the curb line of said street, except where the Town Engineer finds that a greater width is necessary to accommodate the vehicles customarily using the driveway. Detailed plans of all curb cuts and driveway openings shall be submitted to the Traffic Engineer for approval. Curb cuts and driveway openings should be used only when necessary in order to minimize potential conflict points with pedestrians and cyclists. Parking and loading activities shall not be permitted on sidewalks or crosswalks.

## 7.2 Off-Street Parking

- A. No part of an off-street parking area required for any building or use for the purpose of complying with the provisions of off-street parking requirements in this ordinance shall be included as part of any off-street parking area similarly required for another building or use unless the time of usage of such buildings or uses will not be simultaneous, as determined by the Board of Adjustment.
- B. Off-street parking space shall be located on the same lot as the use for which provided or on a separate lot within 200 feet of any entrance to the building, provided that such parking space land is owned by the owner of the building or leased for the same period of time as the building.
- C. The off-street parking requirements for two or more uses on the same lot may be combined and used jointly, provided that the parking space shall be adequate in area to provide the same total off-street parking requirements with all such uses.
- D. No parking shall be provided that would necessitate the automobile backing onto any street right of way. Sufficient maneuvering space shall be provided on the lot to enable the motorist to enter all street rights of way in a forward direction.
- E. All off-street parking spaces shall be provided with shield or bumper guards so located that no part of parked vehicles will extend beyond the parking space onto any public right of way.
- F. All off-street parking areas shall be graded and paved to Town specification if more than ten spaces are used regularly at least five days per week for more than 120 consecutive days in a year.
- G. Multi-family dwellings with more than 4 units shall have parking areas graded and paved to Town specifications.
- H. An off-street parking space shall not be less than the size required below for the angle parking shown

Angle (Degree)	Stall Width (Feet)	Curb Length Per Car (feet)	Stall Depth (Feet)
0	8	23.0	8.0
20	8	23.5	14.0
30	8	16.0	16.5
45	8	11.3	19.1
60	8	9.3	20.5
70	8	8.5	20.8
90	8	8.0	19.0

- I. The minimum number of required off-street parking and stacking spaces is indicated in Section 7.2.1. For any use not specifically listed in Section 7.2.1, the parking and stacking requirements shall be those of the most similar listed use as determined by the Zoning Enforcement Officer.

#### Section 7.2.1 Off-Street Parking Requirements

USE	SPACES REQUIRED
<b>Residential Uses</b>	
1) Boarding and rooming house, bed & breakfast	1/bedroom plus 2/3 employees on the largest shift
2) Bed and breakfast with open dining	1/bedroom plus 1/4seats in restaurant, plus 2/3 employees on the largest shift
3) Family care, group care facilities	1/4 bed plus 1/employee and visiting specialist plus 1/vehicle used in the operation
4) Multi-family residences (3 or more dwelling units)	
• Efficiency (dwelling unit with 0 bdrms)	• 1.0 parking space/dwelling unit
• Dwelling unit with 1 bedroom	• 1.25 parking spaces/dwelling unit
• Dwelling unit with 2 bedrooms	• 1.5 parking spaces/dwelling unit
• Dwelling unit with 3 or more bedrooms	• 2.0 parking spaces/dwelling unit
5) Rehabilitation Homes	1/resident staff member, plus 2/3 nonresidential staff member and/or volunteers on the largest shift, pus 1/each vehicle used in the operation
6) One-family detached and two-family dwelling units (including duplexes); manufactured homes; manufactured home parks; modular homes	2 parking spaces/dwelling unit on the same lot
<b>Accessory use</b>	
1) Accessory dwelling units	1/attached unit; 2/detached unit, located on the same lot
2) Caretaker residence	2/unit
3) Home occupation; rural family occupation	1/each non-resident employee
<b>Recreation</b>	
1) Fairgrounds;	1/200 square feet of activity area
2) Athletic fields	25/field
3) Golf courses, golf driving ranges;	1/tee or firing point
4) Tennis courts	3 per court
5) Bowling alleys	4/lane
6) Clubs; coin-operated amusement; physical fitness centers and similar indoor recreation	1/200 square feet of gross floor area

7) Commercial riding/boarding stables	1/2 stalls
8) Swimming pools	1/100 square feet of water and deck space
<b>Education and Institutional Uses</b>	
1) Ambulance services; fire stations; law enforcement stations	1/employee on the largest shift
2) Auditoriums, assembly halls	1/5 persons based upon the design capacity of the building
3) Churches	1/4 seats I main chapel
4) College and universities	7/classrooms plus 1/4 beds in main campus dorms plus 1/250 square feet of office space plus 1/5 fixed seats in assembly halls and stadiums
5) Correctional institutions	1/10 inmates plus 2/3 employee on largest shift plus 1/vehicle used in the operation
6) Elementary and secondary schools	3/room used for offices plus 3/classroom
7) Government offices; post offices	1/150 square feet of public service area plus 2/3 employees on largest shift
8) Hospitals	1/4 in-patient or out-patient beds plus 2/3 employees on largest shift plus 1/staff doctor
9) Libraries, museums and art galleries	1/450 square feet of gross floor area for public use plus 2/3 employees on the largest shift
10) Nursing homes	1/4 beds plus 1/employee and visiting specialist plus 1/vehicle used in the operation
11) Senior high school	3/room used or offices plus 7/classroom
<b>Business, Professional and Personal Services</b>	
1) Automobile repair services	3/service bay plus 1/wrecker or service vehicle plus 2/3 employees on the largest shift
2) Banks and financial institutions	*1/200 square feet gross floor area plus stacking for 4 vehicles at each drive-through window or automatic teller machine
3) Barber and beauty shops	3/operator
4) Car washes	
a) Full-service	*Stacking for 30 vehicles or 10/approach lane whichever is greater plus 3 spaces in the manual drying area plus 2/3 employees on he largest shift
b) Self-service	*3 stacking spaces/approach lane plus 2 drying spaces/stall
5) Day care, child or adult	1/employee plus 1/10 children with parking located on site
6) Delivery services	2/3 employees on largest shift plus 1/vehicle uses in the operation
7) Equipment rental and leasing	1/200 square feet gross floor area
8) Funeral homes or crematoria	1/4 seats in main chapel plus 2/3 employees on the largest shift plus 1/vehicle used in the largest operation

9) Hotels and motels containing...	
a) 5,000 square feet or less ancillary space i.e. restaurant, meeting rooms, lounge or lobby or a restaurant/lounge containing 3,000 square feet or less	1.1/rental unit
b) more than 5,000 square feet of ancillary space, i.e. restaurant, meeting rooms, lounge or lobby or a restaurant/lounge containing over 3,000 square feet	1.25/rental
10) Kennels or pet grooming	1/300 square feet of sales, grooming or customer waiting area plus 2/3 employees on the largest shift
11) Laundromat (coin operated)	1/4 pieces of rental equipment
12) Laundry and dry cleaning plants or substation.	*2/3 employees on the largest shift plus 1/vehicle used in the operation plus stacking for 4 vehicles/pickup station
13) Laboratories	*2/3 employees on the largest shift plus 1/250 square feet of office space
14) Medical, dental, or related offices	3/examining room plus 1/employee including doctor
15) Offices not otherwise classified	1/250 square feet of gross floor area
16) Repair of bulky items (appliance, furniture, boats, etc.)	2/3 employees on largest shift plus 1/vehicle used in operation
17) Theaters (indoor)	1/4 seats
18) Truck wash	*3 stacking spaces/stall
19) Veterinary service	4/doctor plus 1/employee including doctors
20) Vocational, business, or secretarial schools	1/100 square feet of classroom space plus 1/250 square feet of office space
21) Services and repairs not otherwise classified	1/250 square feet gross floor area plus 1/vehicle used in the operation
22) Drive-through not otherwise classified	*Stacking for 4 vehicles at each bay, window, lane ordering station or machine in addition to the use requirement
<b>Retail Trade</b>	
1) Bars; night clubs	1/3 persons based upon the design capacity of building plus 2/3 employees on the largest shift, located on the same zone lot
2) Convenience store	*1/200 square feet gross floor area plus 4 stacking spaces at pump islands
3) Department stores; food stores	1/200 square feet gross floor area
4) Fuel oil sales	2/3 employees on largest shift plus 1/vehicle used in the operation
5) Furniture; floor covering sales	1/1,000 square feet gross floor area
6) Motor vehicle, motorcycle, or recreational vehicles sales or rental; manufactured homes sales	5 spaces plus 1/10,000 square feet of display area plus 2/3 employees on the largest shift

7) Restaurants	*1/4 seats plus 2/3 employees on the largest shift & 11 total stacking spaces with minimum 5 spaces at or before ordering station
8) Retail sales not otherwise classified	1/200 square feet gross floor area
9) Retail sales of bulky items (appliances building materials, etc.)	1/500 square feet of gross floor area
10. Service station; gasoline sales	*3/service bay plus 1/wrecker or service vehicle plus 2/3 employees on largest shifts plus 4 stacking spaces at pump islands
<b>Wholesale Trade</b>	
1) Market showroom	1/1,000 square feet gross floor area
2) Wholesale uses	2/3 employees on the largest shift plus 1/200 square feet of retail sales or customer service area plus 1/vehicle used in the operation.
<b>Transportation, Warehousing and Utilities</b>	
1) Airport, bus and railroad terminals	1/4 seats plus 2/3 employees on the largest shift
2) Communications towers: demolition debris landfills, heliports, utility lines or substations	No requiring parking
3) Self-storage warehouses	1 space/5,000 square feet devoted to storage
4) Transportation, warehousing and utility uses not otherwise classified	2/3 employees on the largest shift plus 1/ vehicle used in the operation
<b>Manufacturing and Industrial Uses</b>	2/3 employees on the largest shift plus 1/200 square feet of retail sales or customer service area plus 1/vehicle used in the operation
<b>Other Uses</b>	
1) Shopping Centers	
a) < 250,000 square feet gross floor area	1/200 square feet gross floor area in main building(s) (excluding theaters) plus parking as required for out parcels or theaters
b) > 250,000 square feet gross floor area	1,250 spaces plus 1/225 square feet gross floor area above 250,000 square feet

/ = Per

\* = NCDOT may require additional stacking spaces on state or federal highways.

### 7.3 Off-Street Loading

- A. The duty to provide the off-street loading space herein required shall be the joint responsibility of the owner and operator of the structure or structures for which off-street loading space is required. The space shall be provided in accordance with the following table and all off-street loading spaces shall be designed so that the vehicles loading and unloading shall not rest upon or cross any public street or alley right of way. All off-street loading spaces shall be at least twelve (12) feet wide, forty (40) feet long, and have an overhead clearance of fourteen (14) feet.

## B. Table Of Off-Street Loading Space Requirements

### USE CLASSIFICATION

### SPACE REQUIREMENTS

Retail operations with a total usable floor area of 20,000 square feet or more devoted to such purposes; large shopping centers can use common loading zones for small shops approved by Town Council.

1 for each 20,000 square feet of floor area. In stores having over 20,000 square feet floor area, Maximum requirements shall be two (2) spaces per store

Retail operations and all first floor non-residential uses with a gross floor area of less than 20,000 square feet and all wholesale and light industrial operations with a gross floor area of less than 10,000 square feet.

1 space.

Office buildings and hotels with a total usable floor area of 100,000 square feet or more devoted to such purposes.

1 space for each 100,000 square feet of floor area.

Industrial and wholesale operations with a gross floor area of 10,000 square feet or over as follows:

Minimum number of loading berths required:

10,000-40,000 square feet

1

40,000 - 100,000

2

100,000 - 160,000

3

160,000 - 240,000

4

240,000 - 320,000

5

320,000 - 400,000

6

Each 90,000 above 400,000

1

## 7.4 Screening Requirements

- 7.4.1 Buffer strips, as defined in Article XII, Section 1 of this zoning ordinance, shall be required in order to shield neighboring properties from adverse external impacts of a development such as the transmission of noise, dust, odor, litter and glare of lights. Buffer strips shall also be required in some situations to shield the development from negative impacts of adjacent uses; to provide for the separation of spaces and reduce the visual impacts of unsightly aspects of adjacent development.



- 7.4.2 All buffer strips shall become part of the lot(s) on which they are located or in the case of commonly owned land shall become property of the owners' association. The buffer strip shall be maintained for the life of the use. Maintenance shall be the responsibility of the property owner or if the property is rented, the lessee.
- 7.4.3 If a natural screen is already in place which will adequately fulfill the purpose of the buffer strip, all or part of this screen may be considered in defining the buffer strip requirements for the development.
- 7.4.4 The developer must obtain prior approval from the Zoning Enforcement Officer before removing an existing natural buffer in the location of the required buffer strip.
- 7.4.5 Table of Screening Requirements set forth in Section 7.5 and provisions in other section of the zoning ordinance shall indicate specific types of screening required between two adjacent land uses. Where such screening is required for a buffer strip, only one of the two adjoining uses is responsible for installing the screening. The use assigned to this responsibility is designated the proposed use and the other use is the existing use.
- 7.4.6 Existing uses include uses approved as part of development for which Special Use Permits or Zoning Permits have been issued. If such use is an existing use but the required screening is not in place, then this lack of screening shall constitute a non-conforming situation subject to all the provisions of Article VIII of this zoning ordinance.
- 7.4.7 Any proposed development which will adjoin properties currently zoned for residential uses shall be required to install buffer strips even if such adjoining residentially zoned properties have no existing use (vacant). The buffer installed by the developer of the proposed use must meet the specifications required by this Section or any other Section of this Ordinance for any permitted residential use in the adjacent district(s).
- 7.4.8 Notwithstanding any other provisions of this ordinance, duplex and multi-family development shall be required at the time of construction, to install any screening that is required between it and adjacent existing uses according to the Table of Screening requirements, regardless of whether, in relation to such other uses, the two family or multi-family development is the existing or proposed use.
- 7.4.9 When two or more principal uses are combined to create a combined use, screening shall not be required between the component principal uses unless they are clearly separated physically and screening is determined to be necessary to satisfy the general standards set forth in Section 7.4.1.
- 7.4.10 When undeveloped land is subdivided and undeveloped lots only are sold the subdivider shall not be required to install any screening. Screening shall be required, if at all, only when the lots are to be developed, and the responsibility for installing such screening shall be determined in accordance with the requirements in this and other sections of the zoning ordinance.
- 7.4.11 Special situations which are not covered by existing requirements shall be handled by the Planning Board. The Board of Adjustment shall make the final determination as to the screening requirements based on the general standards stated in Section 7.4.1.

#### 7.4.12 Types of Screening Required in Section 7.5. Table of Screening Requirements

*Type A - Opaque Screen:* A screen that is opaque from the ground to a height of at least six feet, with intermittent visual obstructions from the opaque portion to a height of at least twenty feet. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spatial separation.

*Type B - Semi-Opaque Screen:* A screen that is opaque from the ground to a height of three feet, with intermittent visual obstruction from above the opaque portion to a height of at least twenty feet. The semi-opaque screen is intended to partially block visual contact between uses.

*Type C - Broken Screen:* A screen composed of intermittent visual obstructions from the ground to a height of at least twenty feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between space.

7.4.13 Buffer Specifications. The opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year within three years of planting. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide. The portion of intermittent visual obstructions may contain deciduous plants. Suggested planting patterns that will achieve this standard are included in Appendix 1, Guide for Landscaping.

### 7.5 Table of Screening Requirements

PROPOSED LAND USE CLASSIFICATION <sup>1</sup>	EXISTING LAND USE CLASSIFICATION <sup>1</sup>					
	1	2	3	4	5	Undeveloped
1	*	*	*	*	*	*
2	B	*	C	C	C	C
3	B	B	*	C	C	C
4	A	A	B	*	C	C
5	A	A	B	B	*	C

\* No screening required

<sup>1</sup>Land Use Classification (LUC) are listed in Section 5.2, Permitted Use Table

## **ARTICLE VIII**

### **NONCONFORMING SITUATIONS**

#### **8.1 General**

A nonconforming situation 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 matter as density and setback requirement) is not in conformity with this Ordinance, because signs do not meet the requirements of this Ordinance, or because land or buildings are used for purposes made unlawful by this Ordinance.

Unless otherwise specifically provided for in this Ordinance and subject to the restrictions and qualifications set forth in the remaining sections of this Article, nonconforming situations that were otherwise lawful on the effective date of this Ordinance may be continued. Whenever this Article 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.

#### **8.2 Nonconforming Lots**

##### **8.2.1 Single Lot of Record with Lot Area and /or Lot Width Nonconformity.**

- A. When a undeveloped lot has an area or width which does not conform to the dimensional requirements of the district where located, but such lot was of record at the time of adoption of this Ordinance or any subsequent amendment which renders such lot nonconforming, then such lot maybe used for a use permitted in the district where located, provided that the setback dimensions and other requirements, except area or width, are complied with.
- B. In residential zones, only a single-family dwelling shall be permitted on the nonconforming lot.
- C. Nothing contained herein exempts a lot from meeting the applicable provisions of the Chatham County Health Department regulations.

##### **8.2.2 Lots with Contiguous Frontage in One Ownership**

- A. When two or more adjoining and vacant lots of record with contiguous frontage are in one ownership at any time after the adoption of this Ordinance and said lots individually have a lot area or lot width which does not conform to the dimensional requirements of the district where located, such lots shall be combined to create one or more lots that meet the standards of the district where located.

- B. Nothing contained herein exempts the contiguous lots considered as a single buildable lot or lots from meeting the applicable provisions of the Chatham County Health Department regulations.

#### 8.2.3 Reduction of a Lot Record

A lot of record reduced to less than the required area, width, or setback dimensions as the result of a condemnation or purchase by a local or state government agency shall become a nonconforming lot of record.

#### 8.2.4 Lot of Record with Setback Nonconformity

When the use proposed for an undeveloped nonconforming lot is one that is conforming in all other respects except that the applicable setback requirements cannot reasonably be complied with, then the entity authorized by this Ordinance to issue a permit for the proposed use (the Zoning Enforcement Officer or Board of Commissioners) may allow deviations from the applicable setback requirements if it finds that:

- A. The property cannot reasonably be developed for the use proposed without such deviations;
- B. The deviations are necessitated by the size or shape of the nonconforming lot; and
- C. The property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health or safety.

### 8.3 Nonconforming Use Land

#### 8.3.1 Continuance of Nonconforming Use of Land

Any nonconforming use legally existing at the time of adoption or amendment of this Ordinance may be continued so long as it remains otherwise lawful subject to conditions provided in this Section.

#### 8.3.2 Conditions for Continuance

Such nonconforming use of land shall be subject to the following conditions:

- A. No nonconforming use shall be changed to another nonconforming use unless such use is determined to be of equal or less intensity. In determining whether a nonconforming use is of equal or less intensity, the Board of Adjustment shall consider.
  - (1) probable traffic of each use;
  - (2) parking requirements of each use;
  - (3) probable number of persons on the premises of each use at a time of peak demand;
  - (4) off-site impacts of each use, such as noise, glare, dust, vibration or smoke and other impacts on surrounding properties of the public health or safety.
- B. The number of dwelling units in a nonconforming residential use shall not be increased

- C. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
- D. If any nonconforming use of land ceases for any reason for a continuous period of more than 180 days, any subsequent use of such land shall be a permitted use in the district in which such land is located unless reestablishment of a nonconforming use is specifically authorized by the Board of Adjustment pursuant to the provisions of Section 8.7.2.
- E. The resumption of a nonconforming use of land shall not be permitted if such nonconforming use is superseded by a permitted use for any period of time.
- F. No additional structure(s) not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

8.3.3 Nonconforming uses of land for purposes of a junk yard may be continued upon compliance with the following conditions:

- A. the installation of fencing as requires by Section 5.3.3.29 (B)
- B. the installation of screening as required by Section 5.3.3.29 (C) on or before January 1, 1999.

8.3.4 Extension, Enlargement or Replacement of a Nonconforming Use

- A. Except as provided for in subsection (b) through (f), no nonconforming use shall be extended, enlarged, or replaced.
- B. Any single-family residential nonconforming use (which may be a manufactured home) may be enlarged or replaced with a similar single-family residential structure of the same size or of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to setback requirements.
- C. Any other nonconforming use may be extended, enlarged, or replaced only upon the issuance of a special exception if the Board of Adjustment finds that, in completing the extension, enlarging, or replacement work:
  - (1) there is no increase in the total amount of lot area devoted to the nonconforming use;
  - (2) there is no greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations, or density requirements or other requirements such as parking, loading and landscaping requirements; and
  - (3) there is no significant adverse impact on surrounding properties or the public health or safety.

In issuing a special exception, the Board of Adjustment may affix other reasonable and appropriate conditions such as but limited to, landscaping and buffering, to separate dissimilar uses or to screen parking and loading areas.

- D. A nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this Ordinance, was manifestly designed or arranged to accommodate such use. However, a nonconforming use may not be extended to additional buildings or to land outside the original building unless specifically authorized in accordance with subsection 6.3.3.
- E. A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use that involves the removal of natural materials from the lot (e.g., a sand pit) may be expanded to the limits of the site plan upon which the mining permit was granted if ten percent or more of the natural materials had already been removed on the effective date of this Ordinance.
- F. The volume, intensity, or frequency of use of property where a nonconforming use exists may be increased and the equipment or processes used at a location where a nonconforming use exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind or use and no violation of other Section of this Article occur.
- G. Expansions to an enlargement of nonconforming structures located within a watershed protection overlay district must comply with the requirements of Section 12-1.8
- H. Nonconforming uses displaced by the acquisition of a portion of the lot upon which they are located by governmental action may be relocated or enlarged upon the remainder of the lot not so acquired as long as there is no increase in the total amount of lot area devoted to the nonconforming use, and there is no greater nonconformity with respect to dimensional restrictions.
- I. Nothing contained herein shall exempt such a nonconforming use from meeting all the applicable provisions of the Chatham County Health Department or the driveway requirements of the North Carolina Department of Transportation or the town of Pittsboro.

## 8.4 Nonconforming Structures

### 8.4.1 Continuance of Nonconforming Structure

Any nonconforming structure legally existing at the time of adoption or amendment of this Ordinance may be continued so long as it remains otherwise lawful.

### 8.4.2 Conditions for Continuance

Such nonconforming structures shall be subject to the following conditions:

- A. No nonconforming structure may be enlarged or altered in any way which increases its dimensional deficiencies, however, any nonconforming structure or portion thereof may

be altered to decrease its dimensional deficiencies. Any enlargement of the structure shall conform to the current dimensional requirements.

- B. In the event of damage by fire or other causes to the extent exceeding fifty percent of its tax value prior to such damage as established by the Building Inspector, reconstruction of a nonconforming structure shall be permitted only in compliance with the dimensional provisions of this Ordinance.
- C. In the event of damage by fire or other causes to the extent causing less than fifty percent of its tax value prior to such damage as established by the Building Inspector, reconstruction of nonconforming structure shall be permitted provided it is constructed:
  - (1) in the same manner in which it originally existed subject to compliance with the requirements of the N.C. State Building Code; or
  - (2) in compliance with the dimensional requirements
- D. No nonconforming structure shall be moved or relocated unless it is made to comply with the dimensional and use requirements of the district in which it is relocated and with the requirements of the N.C. State Building Code.

#### 8.4.3 Preservation of Safe or Lawful Conditions

Nothing in this Ordinance shall prevent the strengthening or restoration to a safe or lawful condition any part of any building declared unsafe or unlawful by the Building Inspector or other duly authorized official.

### 8.5 Miscellaneous Nonconforming Situations

#### 8.5.1 Nonconforming Situation Resulting from Governmental Acquisition

Any lot reduced in size by municipal, county or state condemnation or purchase of land shall obtain nonconforming lot or building status to the extent that said condemnation or purchase causes noncompliance with any provisions of this Ordinance

#### 8.5.2 Nonconforming Parking Created By Change of Use

Whenever a change of use that does not involve the enlargement of an existing structure is proposed for a lot on which the parking requirement of this Ordinance for the proposed new use can not be met due to insufficient lot area, the proposed change of use shall not be regarded as an impermissible extension or enlargement of a nonconforming situation. However, the permit issuing authority shall require that the parking requirements be satisfied to the extent possible utilizing the lot area that is available and may require that satellite parking space be obtained.

### 8.6 Nonconforming Projects

All nonconforming projects on which construction was begun at least 180 days before the effective date of this Ordinance as well as all nonconforming projects that are at least ten percent completed in terms of the total expected cost of the project on the effective date of this Ordinance may be completed in accordance with the terms of their permits, so long as these permits were validly issued and remain unrevoked and unexpired. If a development is designed to be completed in stages,

this Section shall apply only to the particular phase under construction. In addition, as provided in G.S. 160A-385(b), neither this Ordinance nor any amendment to it shall, without the consent of the property owner, affect any lot with respect to which a building permit has been issued pursuant to G.S. 160A-417 prior to the enactment of the Ordinance making the change so long as the building permit remains valid, unexpired, and unrevoked.

## 8.7 Abandonment and Discontinuance of Nonconforming Situations

- 8.7.1 When a nonconforming use is discontinued for a consecutive period of 180 days, or discontinued for any period of time without a present intention to reinstate the nonconforming use, the property involved may thereafter be used only for conforming purposes, except as provided in Section 8.7.2 of this section.
- 8.7.2 The Board of Adjustment may authorize a nonconforming use that has been discontinued for more than 180 consecutive days be reinstated if it finds that the nonconforming use has been discontinued for less than two years, and the discontinuance resulted from factors that, for all practical purposes, were beyond the control of the person maintaining the nonconforming use.
- 8.7.3 If the principal activity on a property where a nonconforming situation other than a nonconforming use exists is discontinued for a consecutive period of 180 days or is discontinued for any period of time without a present intention of resuming that activity, then the property may thereafter be used in conformity with all of the regulations applicable to the district in which the property is located, unless the Board of Adjustment specifically authorizes the property to be used for a conforming purpose without correcting the nonconforming situation. The Board shall authorize such use if it finds that (i) the nonconforming situation cannot be corrected without undue hardship or expense, and (ii) the nonconforming situation is of a minor nature that does not adversely affect the surrounding property or the general public to any significant extent.
- 8.7.4 For the purpose of determining whether a right to continue a nonconforming situation is lost pursuant to this section, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole; for example, the failure to rent one apartment in a nonconforming apartment building or one space in a nonconforming manufactured home park as a whole is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter. And so, if a manufactured home is used as a nonconforming use on a residential lot where a conforming residential structure also is located, removal of that manufactured home for 180 days terminates the right to replace it.
- 8.7.5 When a structure or operation made nonconforming by this ordinance is vacated or discontinued at the effective date of this ordinance, the 180 day period for purposes of this subsection begins at the effective date of the ordinance.

## 8.8 Nonconforming Signs (See Section 6.11)



## **ARTICLE IX**

### **ADMINISTRATION, ENFORCEMENT AND PENALTIES**

#### **9.1 Zoning Enforcement Officer**

The Town Manager or designee of the Town of Pittsboro is hereby appointed the Zoning Enforcement Officer with the duties of enforcing the provisions of this ordinance. If a ruling of the Town Manager is questioned, the aggrieved party or parties may appeal such ruling to the Board of Adjustment.

#### **9.2 Certificate of Zoning Compliance**

9.2.1 No occupied or vacant land shall hereafter be changed in its use in whole or in part until a certificate of zoning compliance shall have been issued by the zoning enforcement officer. A certificate of zoning compliance for a non-residential development shall be issued only after the Town has received an "As Built" survey which conforms to the approved site plan.

9.2.2 No existing building shall hereafter be changed in its use in whole or in part or new building used or sign erected until a certificate of zoning compliance shall have been issued by the zoning enforcement officer.

9.2.3 This section shall in no case be construed as requiring a certificate of zoning compliance in the event of a change in ownership or tenancy only, without a change in use or intended use, provided that no repairs, alterations, or additions are proposed for such building.

9.2.4 No building permit for the extension, erection or alteration of any building or sign shall be issued before a certification of zoning compliance is issued, and no building shall be occupied or sign erected until that certificate is approved.

#### **9.3 Application**

Except where no building is involved or the use is permitted only as a special use, information required for application for a building permit by the Town of Pittsboro shall satisfy requirements for application for a certificate of zoning compliance. Where no building is involved or where the ordinance requires plans to be submitted for special uses, such information with regard to the characteristics of the use, the lot and neighboring lots, and items as required by this ordinance shall be provided as may be necessary to determine and provide for the enforcement of this ordinance.

#### **9.4 Fees**

When making application for a certificate of zoning compliance, fees established by the Town Board shall be paid for:

- A. Changes in use only of land and/or buildings, or erection or structural alteration of signs.
- B. Extensions or alterations of existing buildings, or the erection of new buildings.
- C. Changes in land or building requiring special use permit.

## 9.5 Temporary Certificate

The Zoning Enforcement Officer, upon approval by the Town Manager, may issue a temporary certificate of Zoning Compliance for commercial rides, carnivals, religious revivals, construction offices and similar uses. Such certificate shall be issued for a fixed period of time, not to exceed ninety (90) days, shall be subject to such limitations as the Zoning Enforcement Officer may impose to protect the character of the district affected, and may be considered for reapplication.

## 9.6 Penalties for Violation

Any person violating any provision of this ordinance, or who shall violate or fail to comply with any order made there under, or who shall falsify plans or statements filed there under, or who shall continue to work upon any structure after having received written notice from the Zoning Enforcement Officer cease work, shall be guilty of misdemeanor and punishable by a fine not to exceed fifty (\$50.00). Each day that such violation continues to exist, shall constitute a separate offense. Notice of violation shall be sufficient if directed to such owner, agent of the owner or the contractor and left at his known place of residence or place of business. In addition to the foregoing, this ordinance may be enforced by any the additional remedies provided for and set forth in the appropriate North Carolina Statutes.

## 9.7 Procedures upon Discovery of Violations

- 9.7.1 If the Zoning Enforcement Officer finds that any provision of this ordinance is being violated he shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Zoning Enforcement Officer's discretion.
- 9.7.2 The final written notice (and the initial written notice may be the final written notice) shall state what action the Zoning Enforcement Officer intends to take if the violation is not corrected and shall advise that the Zoning Enforcement Officer's decision or order may be appealed to the Board of Adjustment as provided in Section 11.3.
- 9.7.3 Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this ordinance or pose a danger to the public health, safety or welfare, the Zoning Enforcement Officer may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 9.9.

## 9.8 Penalties and Remedies for Violations

- 9.8.1 Violations of the provisions of this ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or special use or conditional use permits, shall constitute a misdemeanor, punishable as provided in G.S. 14.4.

- 9.8.2 Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements, including violations of any conditions or safeguards established in connection with the grant of variances or special use or conditional use permits, shall also subject the offender to a civil penalty of \$50.00. If the offender fails to pay this penalty within ten (10) days after being cited for a violation, the penalty may be recorded by the Town in a civil action in the nature of a debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with Section 9.7.2 and did not take an appeal to the Board of Adjustment within the prescribed time.
- 9.8.3 This ordinance may also be enforced by an appropriate equitable action.
- 9.8.4 Each day that any violation continues after notification that such violation exists by the Zoning Enforcement Officer shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
- 9.8.5 Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this section.

## 9.9 Permit Revocation

- 9.9.1 A zoning, sign, special use, or conditional use permit may be revoked by the authority issuing the permit (in accordance with the provisions of this section) if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this section, or any additional requirements lawfully imposed by the permit issuing board.
- 9.9.2 Before a conditional use or special use permit may be revoked, all of the notice and hearing and other requirements of this ordinance shall be complied with. This notice shall inform the permit recipient of the alleged grounds for the revocation.
- A. The burden of presenting evidence sufficient to authorize the permit issuing authority to conclude that a permit should be revoked for any of the reasons set forth in section 9.9.1 shall be upon the party advocating that position. The burden of persuasion shall also be upon that party.
- B. A motion to revoke a permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.
- 9.9.3 Before a zoning or sign permit may be revoked, the Zoning Enforcement Officer shall give the permit recipient ten (10) days notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations. If the permit is revoked, the Zoning Enforcement Officer shall provide to the permittee a written statement of the decision and the reason therefore.
- 9.9.4 No person may continue to make use of land or building in the manner authorized by any zoning, sign, special use or condition, use permit after such permit has been revoked in accordance with this section.

## **ARTICLE X**

### **AMENDMENT PROCEDURE**

#### **10.1 Amendments in General**

- A. Amendments to the text of this Ordinance or to the zoning map may be made in accordance with the provision of this Article.
- B. Conditional Use District zoning requests shall be made in accordance with the provisions of Section 10.6.
- C. Conditional Zoning District zoning requests shall be made in accordance with the provisions of Section 10.7.
- D. As provided in NCGS 160A-385(b), amendments, modifications, supplements, repeal or other changes in zoning regulations and restrictions and zone boundaries shall not be applicable or enforceable without consent of the owner with regard to buildings and uses for which either (i) a building permit has been issued pursuant to NCGS 160A-417 prior to the enactment of the ordinance making the change or changes as long as the permit remains valid and un-expired pursuant to NCGS 160A-418 and unrevoked pursuant to NCGS 160A-422 or (ii) a vested right has been established pursuant to NCGS 160A-385.1 or (ii) a vested right has been established pursuant to NCGS 160A-385.1 and the provisions of Article XVI of this Ordinance and such vested right remains valid and unexpired.

#### **10.2 Action by the Applicant**

The following actions shall be taken by the applicant:

##### **10.2.1 Initiation of Amendments**

- A. Any person or organization may petition the Board of Commissioners to amend this Ordinance. The petition shall be filed with the Zoning Enforcement Officer and shall include:
  - (1) The name, address, and phone number of the applicant;
  - (2) A metes and bounds descriptions and a scaled map of the land affected by the amendment if a change in zoning district classification is proposed;
  - (3) A description of the proposed map change or a summary of the specific objective of any proposed change in the text of this Ordinance;
- B. Petitions for amendments shall be submitted to the Planner three weeks prior to the date of the Town Board meeting at which the petition will be reviewed.
- C. Petitions for Conditional Use District zoning shall be initiated only by the property owner or the property owner's authorized agent.

#### 10.2.2 Fee

A fee established by the Town Board shall be paid to the Town of Pittsboro, North Carolina for each application for a change to cover the costs of advertising and other administrative expenses.

### 10.3 Action by the Planning Board

The following action shall be taken by the Planning Board:

#### 10.3.1 Planning Board Consideration:

The Planning Board shall advise and comment on whether a proposed amendment is consistent with the adopted Land Use Plan. The Planning Board shall provide a written recommendation to the board of Commissioners that addresses Plan consistency and other matters as deemed appropriate by the Planning Board. In considering such matters, the Planning Board may seek the advice and counsel of such technical experts as it deems appropriate. A comment by the Planning Board that a proposed amendment is inconsistent with the Land Use Plan shall not preclude consideration or approval by the Board of Commissioners.

#### 10.3.2 Time Limits of Reconsideration

No new petition for the same change in zoning of the same property or any part thereof shall not be accepted within six (6) months from the date of the filing of the last petition. However, the Town Board shall reserve the right to waive the requirement, providing that the Town Board determines that unusual circumstances or unnecessary hardships warrant a waiver.

### 10.4 Action by the Town Board

The following actions shall be taken by the Town Board:

#### 10.4.1 Review Procedures

The Town Board shall consider changes to this Ordinance after holding a public hearing on the proposed change and after receiving a recommendation from the Planning Board.

#### 10.4.2 Notice of Public Hearing

- A. No amendment shall be adopted by the Town Board until after public notice and hearing.
- B. Notice of public hearing shall be published in a newspaper of general circulation in the Town of Pittsboro at least once each week for two (2) successive weeks prior to hearing. The notice shall be published for the first time not less than ten days nor more than twenty-five days before the date fixed for the public hearing. In computing this period, the date of publication shall not be counted but the date of the public hearing shall be. Notice may also be made by posting the property concerned.
- C. With respect to any amendments, the Zoning Enforcement Officer shall provide first class mail notice of the public hearing to the record owners for tax purposes of all properties whose zoning classification is changed by the proposed amendment as well as the owners of all properties abutting the property rezoned by the amendment. The Zoning Enforcement Officer shall cause the property to be posted with a sign sufficient

to inform the Public that an application for request for an amendment to the map has been filed and that a Public Hearing will be held on the request. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual site is not required, but the town shall post sufficient notices to provide reasonable notice to interested persons.

- D. The notice required in subsection C shall not be required in the following situations:
- (1) The total rezoning of all property within corporate boundaries of Pittsboro unless the rezoning involves zoning of parcels of land to less intense or more restrictive uses. If the rezoning involves zoning of parcels of land to less intense or more restrictive uses, notification to owners of these parcels shall be made by mail in accordance with subsection c. of this section;
  - (2) The zoning is an initial zoning of the entire zoning jurisdiction area;
  - (3) The zoning reclassification action directly affects more than 50 properties, owned by a total of at least 50 different property owners;
  - (4) The reclassification is an amendment to the zoning text; or
  - (5) The town is adopting a Water Supply Watershed protection program as required by G.S. 143-214.5.

In any case where this subsection eliminates the notice required by subsection C., the town shall publish once a week for two successive calendar weeks in a newspaper having general circulation in the area maps showing the boundaries of the area affected by the proposed ordinance or amendment. The map shall not be less than one-half of a newspaper page in size. The notice shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside the town's jurisdiction or outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by mail pursuant to subsection C. The person or persons mailing the notice shall certify to the Town Board that fact, and the certificates shall be deemed conclusive in the absence of fraud. In addition to the published notice, a Town shall post one or more prominent signs immediately adjacent to the subject area reasonably calculated to give public notice of the proposed rezoning.

- E. The notice required or authorized by subsection 10.4.2 shall:
- (1) State the date, time, and place of the public hearing;
  - (2) Summarize the nature and character of the proposed change;
  - (3) If the proposed amendment involves a change in zoning district classification, reasonable identify the property whose classification would be affected by the amendment;
  - (4) State that the full text of the amendment can be obtained from the Town Clerk or Planner; and
  - (5) State that substantial changes in the proposed amendment may be made following the public hearing.

- F. The person or persons mailing notices to adjoining property owners, as defined in NCGS 160A-384(a), shall certify to the Board of Commissioners that fact.

#### 10.4.3 Town Board Action

- A. Before taking such lawful action as it may deem advisable, the Town Board shall consider the Planning Board's recommendations on each proposed zoning amendment. This recommendation will contain all reasons considered in the deliberations of the Planning Board. The Town Board may, before rejecting a recommendation of the Planning Board regarding a request for amendment to this ordinance, discuss the recommendation at a joint meeting with the Planning Board. Such joint meetings between the Town Board and the Planning Board will be held at the beginning of the first regular meeting of the Planning Board following the meeting of the Town Board at which the recommendation was first considered.
- B. However, the Board of Commissioners need not await the recommendations of the Planning Board before taking action on a proposed amendment nor is the Board of Commissioners bound by any recommendations of the Planning Board that are before it at the time it takes action on a proposed amendment. When adopting or rejecting any zoning amendment, the Board of Commissioners shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable, and briefly explaining why the Board of Commissioners considers the action taken to be reasonable and in the public interest.
- C. The Board of Commissioners is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.
- D. Voting on amendments to this Ordinance shall proceed in the same manner as other ordinances. A Commissioner shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

#### 10.4.4 Ultimate Issue Before Board of Commissioners on Amendments

In deciding whether to adopt a proposed amendment to this Ordinance, the central issue before the Board of Commissioners is whether the proposed amendment advances the public health, safety or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the Mayor and excluded. When considering proposed map amendments.

- A. Except for rezoning requests submitted in accordance with Section 10.6, the Board of Commissioners shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Board of Commissioners shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.

- B. The Board of Commissioners shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.

#### 10.4.5 Protests

A protest may be filed against a proposed change to a zoning designation. In order to qualify as a protest under this section, a petition must be signed by the owners of either (1) twenty percent (20%) or more of the area included in the proposed change or (2) five percent (5%) of a 100 foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right of way shall not be considered in computing the 100 foot buffer area as long as that street right of way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100 foot buffer shall be measured from the property line of that parcel. In the evidence to the contrary the town may rely on the county tax listing to determine the "owner" of potentially qualifying areas. No protest against any change in or amendment to a zoning ordinance or zoning map shall be valid or effective for the purposes of G.S. 106A-385 unless it be in the form of a written petition actually bearing the signatures of the requisite number of property owners stating that the signers do protest the proposed change or amendment, and unless it shall be received by the Town Clerk in sufficient time to allow at least two normal work days, excluding Saturdays, Sundays and legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition. A person who has signed a protest petition may withdraw his or her name from the petition at any time prior to the vote on the proposed zoning amendment. Only those protest petitions that meet the qualifying standards set forth in G. S. 160A-385 at the time of the vote on the zoning amendment shall trigger the supermajority voting requirement. In the case of a qualified protest against a zoning map amendment the amendment shall not become effective except by favorable vote of three-fourths of all members of the Board of Commissioners. For the purposes of this subsection, vacant positions on the Board and Commissioners excused from voting shall not be considered "members" for calculation of the requisite supermajority. The forgoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of this ordinance as a result of annexation or otherwise, or to an amendment to an adopted Conditional Use District if the amendment does not change the types of uses that are permitted within the district or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening approved for the conditional use district.

#### 10.5 Amendments to Watershed Protection Provisions

The Zoning Enforcement Officer shall keep a record of all text amendments to provisions of this Ordinance which involve regulations, standards, or procedures regarding the public Water Supply Watershed as defined in Article V, Section 5.5. Copies of all such amendments shall, upon adoption, be provided to the Supervisor of the Classification and Standards Group, Water Quality Section, N.C. Division of Environmental Management. Under no circumstances shall an amendment be adopted which would cause this Ordinance to violate the public Water Supply Watershed rules as adopted by the N.C. Environmental Commission.



## 10.6 Conditional Use District Zoning

- 10.6.1 There are circumstances in which a general zoning district designation allowing a use by right 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 the adopted Land Development Plan. The review process established in this Section provides for the accommodation of uses by a reclassification of property into a conditional use district, subject to specific conditions, which ensure compatibility of the use with the use and enjoyment of neighboring properties.
- 10.6.2 The Conditional Use District approval process is established to address those situations when a particular use may be acceptable but the general zoning district which would allow that use would not be acceptable. It allows the Board of Commissioners to approve a proposal for a specific use with reasonable conditions to assure the compatibility of the use with surrounding properties. Any use permitted under this process must also conform to the development regulations for the corresponding general zoning district. This is a voluntary procedure which is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative proposals which may not be undertaken for some time. Uses which may be proposed and considered for a conditional use district shall be restricted to those uses permitted in the underlying general zoning district. Approval of a petition for Conditional Use District designation and (ii) the issuance of a special use permit.
- 10.6.3 No Conditional Use District shall be established until after the person proposing the district has submitted a petition for the reclassification of property and the Board of Commissioners has approved such petition in accordance with the procedures delineated in Sections 10.2 through 10.4. Every petition for the reclassification of property to a Conditional Use District shall be accompanied by a site plan containing the requisite information specified in Article XV and by an application for a special use permit. In the course of evaluating the proposed use, the Board of Commissioners may request additional information deemed appropriate to provide a complete analysis of the proposal.
- 10.6.4 The Board of Commissioners may approve the reclassification of property to a Conditional Use District only upon determining that the proposed use will meet all standards and requirements in those regulations that are applicable to the proposed use. In approving a petition for the reclassification of property to a conditional use district, the Planning Board may recommend and the Board of Commissioners may attach reasonable and appropriate conditions to approve of the petition. Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, road and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space and other matters that the Board of Commissioners may find appropriate or that the petitioner may propose. Such conditions to approval of the petition may include dedication of any rights-of-way or easements for roads, water, sewer, or other public utility necessary to serve the proposed development. Such conditions shall not include architectural review or controls. The petitioner shall be provided a

reasonable opportunity to consider and respond to any such conditions prior to final action by the Board of Commissioners.

- 10.6.5 If a petition is approved under this Section, the district that is established, the approved petition, the approved special use permit, and all conditions which may have been attached to the approval are binding on the property as an amendment to this Ordinance and to the zoning map. All subsequent development and use of the property shall be in accordance with the standards for the approved Conditional District, the approved petition, and all conditions attached to the approval. Only those uses and structures indicated in the approved petition and site plan shall be allowed on the subject property. Any development in the district shall comply with all provisions of and conditions to the approved petition and site plan. Any uses and structures on the subject property shall also comply with all standards and requirements for development in the underlying general zoning district.
- 10.6.6 Following the approval of the petition for a conditional use district, the subject property shall be identified on the zoning map by the appropriate district designation. A Conditional Use District shall be identified by the same designation as the underlying general zoning district followed by the letters 'CU' (for example, R-10CU). An accompanying special use permit shall be issued to the applicant upon approval of the petition.
- 10.6.7 Except as provided in subsection 10.6.8, changes to the approved petition or to the conditions attached to the approval shall be treated the same as amendments to this Ordinance or to the zoning map and shall be processed in accordance with the procedures established in this Article.
- 10.6.8 Minor changes in the detail of the site plan which will not alter the basic relationship of the proposed development to surrounding properties or the standards and requirements of these regulations or to any condition attached to the approval may be approved by the Zoning Enforcement Officer without going through the amendment process or a public hearing. The Zoning Enforcement Officer, at his discretion, may forward any application for changes in detail to the Board of Commissioners for its consideration as an amendment to this Ordinance or the zoning map. The applicant may appeal the decision of the Zoning Enforcement Officer to the Board of Adjustment for review and decision as to whether an amendment to the approved district shall be required. The Zoning Enforcement Officer shall report all approved minor changes to the Town Board at its next regularly scheduled meeting following approval of the minor changes.

All other modifications and changes to the approved site plan or the special use permit shall be reviewed in accordance with the procedures established for the initial review of a conditional use-zoning petition.

- 10.6.9 It is intended that property shall be reclassified to a Conditional Use District only in light of firm plans to develop the property. Therefore, from the date of approval of the petition, the Zoning Enforcement Officer shall periodically examine the progress made toward developing the property in accordance with the approved petition and any conditions attached to the approval. If the Zoning Enforcement Officer determines that construction has not commenced

or is not in accordance with the approved petition, site plan, and conditions, the Zoning Enforcement Officer shall either initiate a reclassification of the property in accordance with the procedures established in this Article or shall forward a report to the Board of Commissioners recommending that the property be reclassified to the original zoning district or another district.

- 10.6.10 After a certificate of occupancy has been issued for the development approved as Conditional Use District, the Zoning Enforcement Office shall periodically inspect the use and maintenance of the subject property to ensure continued compliance with this Ordinance, the approved petition and site plan, and any conditions attached by the Board of Commissioners to approval of the petition.

## 10.7 Conditional Zoning Districts

Conditional Zoning Districts (bearing the designation CZ) correspond to the general use zoning districts as authorized in this ordinance.

### 10.7.1 Purpose

Conditional Zoning Districts are primarily intended to allow for the zoning and development of property in accordance with general use zoning district standards and additional conditions that enable the use and development to fit better with the site and neighboring properties.

The review process established in this Ordinance provides for accommodation of such development by a reclassification of property into a conditional zoning district, subject to specific conditions, which promote compatibility of the use with neighboring properties.

Zoning petitions to establish a conditional zoning district will be processed in accordance with the provisions of Article 10.1 through Article 10.4 for zoning amendments as well as this section. A conditional zoning district classification will be considered only if the application is made by the owner of the property or his/her authorized agent.

### 10.7.2 Uses within District

Within a conditional zoning district, only those uses listed (or determined to be equivalent uses) as permitted uses or special uses in the corresponding general zoning district shall be permitted. For special uses the applicant shall propose development standards to mitigate, if necessary, the impacts of each use, especially with regard to property adjacent to the conditional zoning district.

### 10.7.3 Conditions

- A. In a conditional zoning district, conditions may specify the uses proposed for the district; the location on the property of the proposed use; the number of dwelling units; the location and extent of supporting facilities such as parking lots, driveways, and access streets; design elements of the proposed use; the location and extent of buffer areas and other special purpose areas; the timing of development; the location and extent of right-of-way and other areas to be dedicated for public purposes; the alteration

of streets to mitigate traffic and environmental impacts; use limitations; and other matters the applicant proposes as conditions upon the request.

- B. In approving a reclassification of property to a conditional zoning district, the Town Board of Commissioners may request that reasonable and appropriate conditions be attached to approval of the rezoning. Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater, the provision of open space, and other matters that the Town Board of Commissioners may find appropriate or the applicant may propose.
- C. Such conditions to approval of the rezoning may include dedication to the Town or State, as appropriate, of any rights-of-way or easements for roads, water, sewer or other public utilities necessary to serve the proposed development. The applicant shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the Town Board of Commissioners.
- D. Before filing an application for a conditional zoning district, the application(s) is encouraged to meet with the Planning Department staff to discuss the nature of the proposed reclassification, the standards for development under the existing and proposed classifications, and concerns that persons residing in the vicinity of the property may have regarding the proposed reclassification, if known.
- E. All applications must include an exhibit map/schematic plan drawn to scale and supporting text which will become a part of the ordinance amendment. The applicant should include at least the items listed below:
  - (1) A boundary survey showing the total acreage, present zoning classifications and uses for the subject property and adjacent properties, date, and north arrow.
  - (2) The owners' names, addresses, and the tax parcel numbers of all adjoining properties.
  - (3) All existing easements, reservations, and rights-of way, and all yards required for the conditional zoning district requested.
  - (4) Delineation of areas within the regulatory floodplain as shown on official Flood Hazard Boundary Maps for the Town of Pittsboro including delineation of streams and associated stream buffers.
  - (5) Proposed uses of land and structures. For residential uses this should include the number of units and an outline of area where the structure will be located. For nonresidential uses, this should include the approximate square footage of all structures and an outline of the area where the structures will be located.
  - (6) A transportation plan with provisions for internal vehicular, transit, bicycle, and pedestrian circulation and parking.

- (7) Conditions proposed to be incorporated in the conditional zoning district.
- F. Additional requirements. When dealing with the conditional zoning district process, it may be desirable to request additional information in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, the Planning Board and/or Board of Commissioners may request additional information as they deem necessary. This information may include but is not limited to the items listed below:
  - (1) Proposed screening, including walls, fences, or planting areas as well as treatment of any existing natural features.
  - (2) Existing and proposed topography at two foot contour intervals or less.
  - (3) Generalized information on the number, height, and size or, in especially critical situations, the location of structures.
  - (4) Proposed number and location of detached signs
  - (5) Approximate completion time of the project and proposed phasing, if any.
- G. In approving a conditional zoning district, the Town Board of Commissioners may, with agreement of the applicant, impose more restrictive requirements than would otherwise be required by this ordinance and those in the application, as deemed necessary to ensure that the purposes and intent of this ordinance are met.
- H. A new public hearing is required for consideration of a substantial change in conditions, as determined by the Planning Director.
- I. No condition on a conditional zoning district application may have the effect of removing or amending any requirement of this ordinance.
- J. Other than use conditions, no proposed condition can be a mere repetition of an already applicable requirement of this ordinance. The Planning Director may order the removal of any such condition.
- K. Prior to the issuance of any permits, the applicant must submit detailed plans to the Town Planning Director for final review and approval.
- L. At the request of the applicant, an exhibit map/schematic plan may also serve as a site plan or preliminary plat. Such plan shall comply with both exhibit map/schematic plan and site plan or preliminary play requirements, as applicable, and shall undergo one review process. Where an exhibit map/schematic plan also serves as a site plan or preliminary plat, any associated special use permit requirement shall be waived.

#### 10.7.4 Community Meeting

The applicant is required to hold a community meeting prior to the application deadline for a conditional zoning district rezoning. The applicant shall provide proof of mailed notice of the meeting. Notice of the meeting shall be provided to owners of abutting property, as listed with the Chatham County Tax Department, and include properties directly across a street, easement

or public or private right of way. Notice may be sent to additional properties by the applicant. At a minimum, the notice shall be sent by standard mail and be postmarked at least fourteen (14) days prior to the date of the community meeting. Additional types of notice may be provided by the applicant.

- A. A written report of the community meeting shall be included as part of the application packet. The written report of the meeting shall include a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the time, date, and location of the meeting, and a description of any changes to the rezoning application made by the applicant a result of the meeting.
- B. Revisions to existing Conditional Zoning Districts and existing Conditional Use Permits shall not require a community meeting if the physical boundaries of the district or permit are not proposed to be an expanded.

#### 10.7.5 Scope of Approval

- A. Any conditions approved in association with a Conditional Zoning District and so authorized shall be perpetually binding unless subsequently changed or amended as provided for in this Article. The applicant shall obtain certification of the approval of the Conditional Zoning District from the Town Clerk, and shall record the certification and accompanying map exhibit/site plan in the office of the Register of Deeds of Chatham County. The applicant shall return a certified copy of the recorded documents to the Town Clerk.
- B. If for any reason any condition established pursuant to these regulations is found to be illegal or invalid, or if the applicant should fail to accept any condition, the approval of the Conditional Zoning District may be deemed null and void and the governing body may initiate proceedings to rezone the property to its previous zoning classification. Continued or repeated violations of the conditions in an approved Conditional Zoning District shall constitute an applicant's failure to accept said conditions.
- C. Any violations of a condition in an approved Conditional Zoning 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.
- D. The approval of a zoning map or text amendment does not authorize any development activity. Application for a Certificate of Zoning Compliance and any other administrative permits required by this ordinance shall be required.
- E. If an application for conditional zoning is approved, the development and use of the property shall be governed by the existing ordinance requirements applicable to the district's classification, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for approved district and are binding on the property as an amendment to these regulations and the zoning maps.

- F. If an application is approved, only those uses and structure indicated in the approved application and exhibit map/schematic plan shall be allowed on the subject property. A change of location of any structures may be authorized pursuant to applicable provisions of the ordinance.
- G. Following the approval of a rezoning application for a conditional zoning district, the subject property shall be identified on the Zoning Map by the appropriate district designation.
- H. Any Approval conditional zoning district shall have vested rights.

#### 10.7.6 Alterations to Approval

- A. Except as provided herein, changes to an approved conditional zoning district or to the conditions attached to the approval shall be treated the same as a new application for a conditional zoning district and shall be processed in accordance with the original procedures.
- B. The Planning Director shall have the authority to approve an administrative change to an approved conditional zoning district application. The standard for approving or denying such a requested change shall be that the change does not significantly alter the approved plan or its conditions and that the change does not have a significant impact upon abutting properties. Changes that increase the intensity of nonresidential development up to 10% of the approved building square footage, but not more than 5,000 square feet, may be considered. For residential development, increases in density are not allowed as an administrative change.
- C. The Planning Director shall always have the discretion to decline to exercise this delegated authority if he believes a requested change should be deemed a rezoning application with a public hearing and Town Board of Commissioners under the circumstances. If the Planning Director declines to exercise this authority, then the applicant can only file a rezoning application with a public hearing and Commissioner decision.

## **ARTICLE XI**

### **BOARD OF ADJUSTMENT**

#### **11.1 Creation and Jurisdiction of the Board of Adjustments**

- A. There shall be a Board of Adjustment consisting of five (5) members. Two (2) members appointed by the Board shall reside within the town. Three (3) members appointed by the Board of Commissioners of Chatham County shall reside within the Town's extraterritorial planning area. If the County Board of Commissioners fails to make these appointments within thirty (30) days after receiving a resolution from the Town Board of Commissioners requesting that they be made, the Town may make them.
- B. Board of Adjustment members shall be appointed for three (3) year staggered terms, but they may continue to serve until their successors have been appointed. Initially, one (1) in-town member and one (1) extraterritorial area member shall be appointed for two year terms, and one(1) extraterritorial area member shall be appointed for a one (1) year term. Vacancies may be filled for the unexpired terms only.
- C. Members may be re-appointed to successive terms without limitation.
- D. Board of Adjustment members may be removed by the Board of Commissioners at any time for failure to attend three (3) consecutive meetings or for failure to attend thirty percent (30%) or more of the meetings within any twelve (12) month period or for any other good cause related to performance of duties. Upon request of the member proposed for removal, the Board of Commissioners shall hold a hearing on the removal before it becomes effective.
- E. If an in town member moves outside the town or if an extraterritorial member moves outside the planning jurisdiction, that shall constitute a resignation from the Board effective upon the date a replacement is appointed.
- F. Extraterritorial planning area members may vote on all matters coming before the Board.

#### **11.2 Rules for Proceedings of the Board**

- A. The Board of Adjustment shall establish a regular meeting schedule and shall meet frequently enough so that it can take action on matters that come before it.
- B. A quorum for the Board of Adjustment shall consist of the number of members equal to 4/5 of the regular Board membership (excluding vacant seats). For the purposes of this section, vacant seats and members who are disqualified from voting on a quasi-judicial



matter shall not be considered "members" of the board for calculation of the requisite supermajority necessary to reverse any order, requirement, decision or determination of the Zoning Enforcement Officer or to decide in favor of the applicant any matter upon which is required to pass under any ordinance or to grant any variance. All other actions of the Board shall be taken by a majority vote, a quorum being present.

- C. A member of the Board of Adjustments shall not participate in or vote on any quasi-judicial matter in a manner that would violate the affected persons' constitutional right to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

### 11.3 Powers and Duties of the Board of Adjustment

- A. The Board of Adjustment shall hear and decide:
  - (1) Appeals from any order, decision, requirements or interpretation made by the Zoning Enforcement Officer.
  - (2) Applications for variances.
  - (3) Questions involving interpretations of the zoning map, including disputed district boundary lines and lot lines.
  - (4) Any other matter the Board is required to act upon by any other city or town ordinance.
  - (5) When practical differences or unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the Board of Adjustment shall have the power to vary or modify any of the regulations or provisions of the ordinance so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. No change in permitted uses may be authorized by variance. Appropriate conditions, which must be reasonably related to the condition or circumstance that rise to the need for a variance, may be imposed on any approval issued by the board.
- B. The Board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this chapter.
- C. Applications for matters to be heard by the Board of Adjustment shall be filed with the Zoning Enforcement Officer not less than three (3) weeks prior to the meeting of the Board of Adjustment at which the same is to be considered.
- D. The Board of Adjustment shall hear the matter after giving public notice thereof, published in a newspaper of general circulation of the town at least once each week for two (2) successive weeks prior to the meeting.

- 11.3.1 Appeals from the enforcement and interpretation of this ordinance and requests for exceptions or variances shall be filed with the Zoning Enforcement Officer specifying the ground thereof. The Zoning Enforcement Office shall transmit to the Board of Adjustment applications pertaining to such appeals, variances, or exceptions. Such applications shall be filed with the Zoning Enforcement Officer no later than 3 weeks prior to the meeting of the Board of Adjustment at which the application is to be considered.
- 11.3.2 The Board of Adjustment shall hear the appeal after giving public notice thereof, published in a newspaper of general circulation in the Town at least once each week for two (2) successive weeks prior to the hearing. The Zoning Enforcement Officer, in the event that a variance or appeal involving a land use, shall cause the property to be posted with a sign sufficient to inform the Public that the Board will hear the request or question.
- 11.3.3 An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Enforcement Officer certifies to the Board of Adjustment that a stay would, in his opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by an order from the Chatham County Superior Court.

#### 11.4. Fee for Appeals

A fee established by the Town Board shall be paid to the Town of Pittsboro, North Carolina for each application for a variance, exception or appeal, to cover the necessary administrative costs and advertising.

#### 11.5 Powers of the Board

The Board of Adjustment shall have the following powers:

##### 11.5.1 Administrative Review

To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Enforcement Official in the enforcement of this Ordinance.

##### 11.5.2 Special Exceptions

To hear and decide only such exceptions as the Board of Adjustment is specifically authorized to pass by this Ordinance.

##### 11.5.3 Variance

To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until it shall make a finding:

- A. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district; and
- B. The literal interpretation of the provisions of this ordinance would deprive the applicant of a right commonly enjoyed by other properties in the same district under the terms of this ordinance; and
- C. That the special conditions and circumstances do not result from the actions of the applicant; and
- D. That granting the variance required will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.  
Variances from any of the watershed protection provisions set forth in Article V, Section 5.5 may be granted by the Board of Adjustment only in accordance with the provisions of Article V, Section 5.5.9

#### 11.5.4 Construction

Upon granting of any favorable decision, special exception, conditional use, or variance resulting in the issuance of a building permit, the permit must be obtained and construction begun within 180 days of the date of the Board of Adjustment hearing. After which the decision of the Board shall be null and void.

#### 11.6 Appeals from Decision of the Board

Appeals from the decisions of the Board of Adjustment shall be to the Chatham County Superior Court.

## **ARTICLE XII**

### **LEGAL PROVISIONS**

#### **12.1 Definitions**

Except where specifically defined herein, all words used in this ordinance shall carry their customary dictionary meanings. Words used in the present tense include the future tense; the singular number includes the plural; the word "building" includes the word "structure", the word "lot" includes the words "plot and parcel", the term "shall" is always mandatory, the words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied; the words "Map" or "Zoning Map" shall mean the "official Zoning Map of the Town of Pittsboro, North Carolina".

*Accessory Building:* A detached subordinate structure operated and maintained under the same ownership and located on the same lot as the main building. No such building may be inhabited or used by other than the owners, lessee, or tenant of the premises, or their employees.

*Accessory Dwelling Unit:* A dwelling unit that exists either as part of a principal dwelling or as an accessory building, and is secondary and incidental to the use of the property as single-family residential.

*Accessory Use:* A use incidental to and customarily associated with the use by right, and located on the same zone lot with the use by right, and operated and maintained under the same ownership with the operation of the use by right.

*Adult Bookstore:* A bookstore: 1) which receives a majority of its gross income during any calendar year from the sale of publications (including books, magazines, and other periodicals) which are distinguished or characterized by their emphasis on matters depicting, describing or relating to sexual activities or anatomical areas, or 2) having as a preponderance of its publications, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matters depicting or relating to sexual activities or anatomical areas.

*Adult Theater:* An enclosed building or premises used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matters depicting, describing or relating to sexual activities or anatomical areas.

*Alley:* A public or private roadway, which affords only a secondary means of access to abutting property.

*Alter:* To make any structural changes in the supporting or load-bearing members of a building, such as bearing walls, columns, beams, girders, floor joists.

*Apartment House:* See Residence, Multiple Family.

*Assembly:* A joining together of completely fabricated parts to create a finished product.

*Bed and Breakfast:* A dwelling unit which consists of one or more rooms, that are rented or intended to be rented to no more than nine (9) individual on a daily or weekly basis for compensation and where the provision of meals are limited to persons occupying rooms and are provided by person who permanently reside in the dwelling unit, with the assistance of not more than the equivalent of one full-time employee.

*Bed and Breakfast with Open Dining:* A dwelling unit which consists of one or more rooms, that are rented or intended to be rented to no more than nine (9) individuals on a daily or weekly basis for compensation operated or owned by persons who permanently reside in the dwelling unit. Bed and Breakfast with Open Dining differs from a simple, Bed and Breakfast in that the dining area will be open to the general public.

*Best Management Practices (BMP):* A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.

*Board of Adjustment:* A semi-judicial body, appointed by the Town Board and County Commissioners that is given certain powers under this ordinance.

*Buffer:* An area of natural or planted vegetation 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 and rivers. The width of buffer areas are established pursuant to the requirements of Article V, Section 5.5.6.

*Buffer Strip:* A buffer strip shall consist of an approved wall, fence, or planted strip at least five (5) feet in width, composed of deciduous or evergreen trees or a mixture of each, spaced to meet screening requirements.

*Building:* Any structure enclosed and isolated by exterior walls, constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, freestanding signs, and similar structures whether stationary or movable.

*Building, Height Of:* The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck line of mansard roof; or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.

*Building Inspector:* The Building Inspector of the Town of Pittsboro or Chatham County or any authorized agent of the Inspector.

*Building Line:* A line establishing the minimum allowable distance between the nearest portion of any building, excluding the outermost three (3) feet of any uncovered porches, steps, gutters, and similar fixtures, and the right of way line of any street when measured perpendicular thereto.

*Built - upon Area:* Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.) Built- Section 5.5.2(b) and 5.5.3(b).

*Certificate of Zoning Compliance:* A statement, signed by the Zoning Enforcement Officer, setting forth that the building, structure or use complies with the Zoning Ordinance and that the same may be used for the purpose stated therein.

*Cluster Development:* The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project. Requirements are outlined in Article V, Section 5.5.5. 180.9(d).

*Condominium Development:* A development of one or more structures containing two or more units intended for owner occupancy, where the land beneath each unit and all common area (as defined in the North Carolina Unit Ownership Act) are owned proportionately by each unit owner in the development. Units and the land on which they are built do not meet conventional lot requirements for street frontage and yard sizes, and walls between units are constructed in accordance with North Carolina State Building Code requirements. All such project shall conform to the density requirements to of the district in which the development is located and shall be approved in accordance with the provisions of Article V, Section 5.3.

*Critical Area:* The area adjacent to a water supply intake where risk associated with pollution is greater than for the remaining portions of the watershed. The critical area is defined as either (i) extending ½ mile from the normal pool elevation of the Jordan Lake reservoir or to the ridge line of the watershed (whichever comes first) or (ii) extending ½ mile upstream from and draining to the public water supply intakes located in the Haw River or to the ridge line of the watersheds (whichever comes first). The Town of Pittsboro may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one -half mile.

*Day Care Facility:* A child day-care facility as defined in NCGS 118-86(3) as well as a facility providing day care on a regular basis for more than 2 hours per day for more than 5 adults.

*Detached-Building:* A building having no part or common wall with another building except an accessory building.

*District:* Any section of the Town of Pittsboro or it extraterritorial jurisdiction in which zoning regulations are uniform.

*Electronic Gaming Operations and Establishments:* All businesses, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the distribution is determined, by games played or are predetermined. This does not include any lottery approved by the State of North Carolina or any game or process prohibited by North Carolina General Statutes Sections 14-304 through 14-309.

*Erect:* Build, construct, erect, rebuild, reconstruct, or re-erect as the same are commonly defined.

*Existing Development:* Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this ordinance based on at least one of the following criteria:

- A. substantial expenditures of resources (time, labor, money) based on good faith reliance upon having received a valid local government approval to proceed with the project, or
- B. having an outstanding valid building permit as authorized by the General Statutes (G.S. 160A-38.1), or
- C. having expended substantial resources (time, labor, money) and having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 160A-385.1).

*Fabrication:* Manufacturing, excluding the refining or other initial processing of basic raw materials such as metal ores, lumber or rubber. Fabrication relates to stamping, cutting or otherwise shaping the processed material into useful objects.

*Family Care Home:* A home defined and described in Article 3 of G.S. 168 as having support and supervisory personnel, that provides room and board, personal care and habilitation services in a family environment for not more than six resident handicapped persons.

*Fine Arts and Crafts:* Individual art pieces, not mass produced consisting of one or more of the following: paintings, drawings, etchings, sculptures, ceramics, inlays, needlework, knitting, weaving, and/or craftwork, leather, wood, metal, or glass.

*Floodlight:* Reserved

*Frontage:* All property abutting on one side of a street measured along the street line.

*Gameroom:* A use providing video games or other games for playing for amusement and recreation. Any table games such as air hockey, foosball, pinball, or the like shall be included under this definition. More than three such games shall constitute a primary use and shall be allowed only in those zoning districts permitting gamerooms by special use permit. Three or-

fewer such games shall constitute an accessory use and may be permitted in any licensed retail business.

*Garage, Private:* A building or space used as an accessory to or a part of the main building permitted in any residence district, and providing for the storage or care of motor vehicles and in which no business, occupation or service for profit is in any way conducted. *Garage, Public:* Any building or premises, except those described as a private or storage garage used for the storage or care of motor vehicles for the public or where any such vehicles are equipped for operation, repaired, or kept for remuneration .

*Garage, Storage:* Any building or premises, other than a private or public garage, used exclusively for the parking or storage of motor vehicles.

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

*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).

*Home for the Aged:* A boarding home with more than 6 beds meeting all of the requirements of the State of North Carolina for the boarding and care of persons who are not critically ill and who do not need regular professional medical attention.

*Home Occupations:* Any use conducted for gain within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof, provided further, no more than one person not a resident on the premises shall be employed specifically in connection with the activity; no mechanical equipment shall be installed or used except such as is normally used for domestic or professional purposes; and not over 25% of the total floor space of principal dwelling or 400 square feet of any accessory structure, shall be used for home occupations.

*Hotel:* A building used as an abiding place of more than 14 persons who for compensation are lodged with or without meals and in which no provision is made for cooking in any individual room or suite.

*Junk Yard:* The use of more than 600 square feet of any lot or tract for the outdoor storage and/or sale of waste paper, rags, scrap, metal, or other junk, and including storage of motor vehicles, and dismantling of such vehicles or machinery.

*Landfill:* A facility for the disposal of solid waster on land in a sanitary manner in accordance with Chapter 130, Article 9 of the N.C. General Statutes. For the purpose of this Ordinance, this term does not include composting facilities.



*Lot:* A parcel of land occupied or to be occupied by a main building or group of main buildings and accessory buildings, together with such yards, open spaces, lot width and lot area as are required by this ordinance, and having not less than the minimum required frontage upon a street, either shown on a plat of record, or considered as a unit of property and described by metes and bounds.

*Lot, Corner:* A lot which occupies the interior angle at the intersection of two street lines which make an angle or more than 45 degrees and less than 135 degrees with each other. The street line forming the least frontage shall be deemed the front of the lot except where the two street lines are equal, in which case the owner shall be required to specify which is the front when requesting a zoning permit.

*Lot, Depth of:* The average horizontal distance between front and rear lot lines.

*Lot Line, Rear:* (a) If the lot has one front line, the boundary opposite that front line shall be the rear line; (b) if the lot has two front lines the boundary opposite the shorter of the two front lines shall be the rear line, provided that if both front lines are of equal length, the rear line shall be fixed by the Building Inspector, subject to review by the Board of Adjustment, on the basis of orientation of existing structures, (c) if the lot has three or more front lines, there shall be no rear line.

*Lot of Record:* A lot which is a part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Chatham County 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.

*Lot, width of:* The average horizontal distance between side lot lines

*Manufactured Homes:* a dwelling unit that (i) is not constructed in accordance with the standards set forth in the North Carolina State Building Code; (ii) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and (iii) and exceeds forty feet in length and eight feet in width

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

- A. The manufactured home has a length not exceeding four times its width;
- B. The manufactured home has a minimum of twelve hundred (1,200) square feet of enclosed living area;
- C. The pitch of the roof of the manufactured home has a minimum vertical rise of two and two tenths feet for each twelve feet of horizontal run (2.2' and 12') and the roof is finished with a type of shingle that is commonly used in standard residential construction;

- D. The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (that does not exceed the reflectivity of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;
- E. The home is set up in accordance with the standards set by the N.C. Department of Insurance and a continuous, permanent masonry foundation or curtain wall, unpierced except for required ventilation and access, is installed under the manufactured home;
- F. Stairs, porches, entrances platforms and other means of entrance and exit to the home shall be installed or constructed in accordance with the standards set by the N.C. Department of Insurance; and
- G. The moving hitch, wheels and axle, transporting lights have been removed.

*Manufactured Home, Class B:* A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy all of the criteria necessary to qualify the house as a Class A manufactured home.

*Manufactured Home, Class C:* Class C: Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home.

*Manufactured Home Park:* Land used or intended to be used, leased or rented for occupancy by six or more mobile homes, anchored in place by a foundation or other stationary support, to be used for living purposes and accompanied by automobile parking spaces and incidental utility structures and facilities required and provided in connection therewith. This definition shall not include trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale.

*Mixed Use Planned Development:* A land area under unified control that is designed and planned as a whole with either one or a series of development phases according to a concept plan for development (Mixed Use Planned Development Plan) which integrated mixed uses in a community design.

*Modular Home:* A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two or more sections transported to the site in a manner similar to the manufactured home (except that the modular home meets the N.C. State Building Code), or a series of panels or room sections transported on a truck and erected or joined together at the site.

*Motels or Motor Lodges:* A building or group of buildings containing sleeping rooms designed for or used temporarily by automobile transients, with garage or parking space conveniently located to each unit.

*Nightclub:* An establishment primarily engaged in the retail sale of alcoholic drinks, such as beer, ale, wine, and liquor, for consumption on the premises. A nightclub is distinguishable from restaurant in that at least 51 percent of a restaurant's receipts are obtained from the retail sale of prepared food.

*Nonconforming Lot:* A lot existing at the effective date of this ordinance or any amendment to it (and not created for the purpose of evading the restriction of this ordinance) that cannot meet the minimum area or lot-width requirements of the district in which the lot is located.

*Nonconforming Project:* Any structure, development or undertaking that 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 Situation:* A situation that occurs when, on the effective date of this ordinance or any amendment to it, 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 a structure does not satisfy 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 the ordinance, or because land or buildings are used for purposes made unlawful by the ordinance.

*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 in a nonconforming use.)

*Nonconforming, Dimensional:* A nonconforming situation that occurs when the height or size 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 which the property is located.

*Open Storage:* Unroofed storage areas, whether fenced or not.

*Ordinance:* This ordinance, including any amendments. Whenever the effective date of the ordinance is referred to, the reference includes the effective date of any amendment to it.

*Parking Space:* The storage space for one (1) automobile or not less space than prescribed by this ordinance, plus the necessary access space. It shall always be located outside the dedicated street right of way.

*Planned Unit Development:* A Planned Unit Development (PUD) shall consist of a group of buildings on a single lot or tract or structures on a site where the developer may reduce the size of individual lots. A PUD must be in accordance with the provisions of Article V, Section 5.3.

*Planning Board:* A Board appointed by the Town Board and by the County Commissioners to study Pittsboro and its environs, to recommend plans and policies for the future, and to advise the Town Board and County Commissioners in matters pertaining to planning and zoning.

*Pocket Neighborhood:* a residential development arranged on at least two sides of a shared community common open space.

*Pre-School:* A facility for the care and/or education of children of pre-school age, including kindergartens and day care centers.

*Processing:* Any operation changing the nature of material or materials, such as chemical composition or physical qualities. Does not include operations described as fabrication.

*Protected Area:* The area adjoining and upstream of the watershed critical area in which protection measures are required. The boundaries of the protected area are defined as either (i) extending 10 miles upstream and draining to the Haw River public water supply intake or the ridge line of the watershed (whichever comes first) or (ii) extending 5 miles upstream of and draining to the Jordan Lake Reservoir (measured from the normal pool elevation) or to the ridge line of the watershed (whichever comes first). The Town of Pittsboro may extend the protected area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the protected area if these landmarks are immediately adjacent to the appropriate outer 5-mile or 10 mile boundary.

*Rehabilitation Home:* A home for not more than nine persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness (as defined in NCGS 35- 17(30) or antisocial or criminal conduct, together with not more than two persons providing supervision and other services to such persons, all of whom live together as a single housekeeping unit.

*Residence:* Any enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.

*Residence, Single-Family Detached* A residential use consisting of a single detached building containing one dwelling unit and located on a lot containing no other dwelling units.

*Residence, Two Family:* A residential use consisting of a single detached building containing two dwelling units and located on a lot containing no other dwellings units.

*Residence, Multi-Family:* A residential use consisting of a single detached building containing three or more dwellings units.

*Residence, Temporary Dependent Care:* A temporary residence on the same lot as a principal dwelling. Such temporary residence, which may be an apartment or manufactured home (if permitted in the district in which proposed to be located), is intended for short-term occupancy by a person or persons receiving care and or supervision by a related person or person occupying the principal dwelling (see Article V, Section 5.3, for specific standards related to temporary dependent care residences).

*Retail Trade:* Businesses which sell goods (that are not for resale) to the public and which are open on a regular basis for consumer shopping. At least 40% of the floor space of a retail business must be open to the public and devoted to the sale and display of goods on premises.

*Rooming House:* A building or portion thereof which contains guest rooms which are designed or intended to be used, let, or hired out for occupancy by, or which are occupied by, four (4) or more but not exceeding nine (9) individuals for compensation whether the compensation be paid directly or indirectly.

*Service Station:* Any building or land used for dispensing, sale or offering for sale at retail of any automobile fuels, lubricants, or tires, except that indoor car washing, minor motor adjustment, and flat tire repair are only performed incidental to the conduct of the service station.

*Shopping Center:* A group of commercial establishments planned, developed, and managed as a unit with a unified design of buildings and with coordinated parking and service areas.

*Sight Distance Triangle:* The triangular area formed by a diagonal line connecting two points located on intersecting right-of-way lines (or a right-of-way line and the curb or a driveway), each point being 35 feet from the intersection, and the two intersecting right-of-way lines (or a right-of-way line and driveway), or 50 feet back from the curb line, whichever is greater. On some occasions, the Town or State Highway Engineering Department may require additional sight zones as deemed necessary to provide adequate safety.

*Sign:* See specific sign definition in Section 6.2

*Special Use:* A use permitted in a zone district only after recommendation by the Planning Board and specific findings by the Town Board.

*Story:* That portion of a building, other than the basement, included between the surface of any floor and the surface floor next above it; or, if there be no floor above it, the space between the floor and the ceiling next above it.

*Story, Half:* A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than thirty (30) feet above the top floor level, and in which not more than two-thirds (2/3) of the floor area is finished off for use.

*Street:* A public thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, land, boulevard, highway, road, and any other thoroughfare except an alley.

*Street Line:* The dividing line between a street or road right of way and the contiguous property.

*Structure:* Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including signs.

*Tattoo Parlor/Studio Establishments* - An establishment where the practice of placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments to contact or puncture the skin.

*Town Board:* The Town Board of Commissioners of the Town of Pittsboro, North Carolina.

*Townhouse Development:* A development consisting of single-family attached residences intended for owner occupancy, where ownership of the land beneath each unit runs with that unit, where units and the individually owned lands on which they rest do not meet conventional lot requirements for street frontage and yard sizes, and where walls between units are constructed in accordance with North Carolina State Building Code requirements. All such projects shall conform to the density requirements of the district in which the development is located and shall be approved in accordance with the provisions of Article V, Section 5.3

*Toxic Substance:* Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their off-spring or other adverse health effects.

*Use:* The purpose for which land or structures thereon is designed, arranged or intended to be occupied or used, or for which it is occupied, maintained, rented or leased.

*Use, Accessory:* See Accessory Use

*Use By Right:* A use which is listed as a Use By Right in any given zone district in this ordinance.

*Use, Principal:* The primary purpose or function that a lot or structure serves or is proposed to serve.

*Use, Special:* See Special Use.

*Variance:* A modification or alteration of zoning requirements. This can be done only by the Board of Adjustment after specific findings of fact See Article XL.

*Variance, Major:* A variance from watershed overlay district requirements that results in any one or more of the following:

- A. the complete waiver of any of the management requirements outlined in Article V, Section 5.5.2, 5.5.3, 5.5.6 and 5.5.7.
- B. the relaxation, by a factor of more than ten percent, of any of the above-referenced management requirements that takes the form of a numerical standard;
- C. the relaxation of any above-referenced management requirement that applies to a development proposal intended to qualify under the high density option authorized in Article V, Section 5.5.10.

Note: This definition is applicable only to variance from requirements delineated for watershed overlay districts.

*Variance, Minor:* A variance that does not qualify as a major variance.

*Warehouse:* A building or compartment in a building used and appropriated by the occupant for the deposit and safekeeping or selling of his own goods at wholesale, and/or the purpose of storing the goods of others placed there in the regular course of commercial dealing and trade, to be again removed or reshipped.

*Warehousing:* The depositing or securing of goods, wares, and/or merchandise in a warehouse.

*Water-Dependent Structure:* Any structure for which the use requires access to or proximity to or sitting 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.

*Watershed:* The entire land areas contributing surface drainage to a specific point (e.g. the water supply intake).

*Wet Detention Pond:* A pond that has a permanent pool and which also collects stormwater runoff, filters the water, and releases it slowly over a period of days.

*Wholesale:* Sale for resale, not for direct consumption.

*Yard:* An open space on the same lot with a principal building, unoccupied and unobstructed by any structure from the surface of the ground upward except for drives, sidewalks, lamp posts, entrances steps, retaining walls, fences, landscaping, and as otherwise provided herein.

*Yard, Front:* An open space on the same lot with a building, between the front line of the building (exclusive of steps) and the front property line or street right of way line and extending the full width of the lot.

*Yard, Rear:* An open space between the rear line of the principal building (exclusive of steps) and the rear line of the lot and extending the full width of the lot; may be used for accessory building.

*Yard, Side:* An open, unoccupied space on the same lot with a building between the side line of the building (exclusive of steps) and the side line of the lot and extending from the front yard line to the rear yard line.

*Zoning Enforcement Officer:* The official charged with the enforcement of the zoning ordinance and who is the Building Inspector for the Town of Pittsboro.

## 12.2 Effect on Rights and Liabilities under Existing Zoning Ordinance

This ordinance, in part comes forward by reenactment of some of the provisions of the Zoning Ordinance of the Town of Pittsboro enacted April 14, 1980, as amended, and it is not the intention to repeal but rather to reenact and continue in force without interruption such existing provisions, so that all rights and liabilities that have accrued there under are preserved and may be enforced. The enactment of this ordinance shall not affect any action, suit, or proceeding instituted or pending. All provisions of the Zoning Ordinance of the Town of Pittsboro enacted on, as amended, which are not reenacted herein are repealed.

## 12.3 Effect upon Outstanding Building Permits

Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted by the Building Inspector before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of sixty (60) days subsequent to passage of this ordinance, or where it has not been prosecuted to completion within eighteen (18) months subsequent to passage of this ordinance, any further construction or use shall be in conformity with the provisions of this ordinance.

## 12.4 Interpretation, Purpose, and Conflict

In interpreting and applying the provisions of this ordinance they shall be held to be the minimum requirements for the promotion of the public health, safety and community accepted standards of morals and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this ordinance shall govern.





## **ARTICLE XIII**

### **PLANNING BOARD**

#### **13.1 Establishment of Planning and Zoning Board (Amended 03/08/04)**

A Planning and Zoning Board for the Town of Pittsboro and its surrounding extraterritorial jurisdiction, is hereby established under the authority of G.S. 160A-361.363. The Board shall be officially known as the Pittsboro Planning Board.

#### **13.2 Powers and Duties**

- A. It shall be the function and duty of the Planning Board to make comprehensive studies of the area within its jurisdiction, to prepare and recommend plans, policies and ordinances that will promote orderly development and the public health, safety and general welfare of the community.
- B. The Planning Board shall hear, review and make recommendations to the Board of Commissioners on petitions to amend the Zoning and Subdivision Ordinances, requests for rezoning, and applications for special use permits, site plan review or subdivision of land within its jurisdiction.

#### **13.3 Composition**

The Pittsboro Planning Board shall consist of six (6) members. The composition of the Board shall reflect proportional representation between the Town's corporate limits and the extraterritorial jurisdiction. Proportional representation shall be determined by estimating the population in the ETJ as a percentage of the total population in the jurisdiction and multiplying this percentage by six (the membership of the Board), rounding down to the whole number. The Board of commissioners may appoint and provide compensation for two (2) alternate members to serve on the Planning Board in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. One alternate shall reside in the town and the second alternate shall reside in the town's extraterritorial jurisdiction. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board and serving on behalf of any regular member, shall have and may exercise all the powers and duties of a regular member.

#### **13.4 Qualification**

Members of the Pittsboro Planning Board appointed by the Board of Commissioners of the Town of Pittsboro shall be residents of the Town at the time of their appointment and for the duration of their term. Members representing the ETJ shall be appointed by the appointed by the Board of County Commissioners upon the recommendation of the Pittsboro the Pittsboro Board of Commissioners. If the County Commissioners do not act on that recommendation with thirty days, the appointments shall be made by the Board of Commissioners of the Town of Pittsboro. Those members must reside outside the corporate limits of Pittsboro but within the zoning jurisdiction at the time of their appointment and for the duration of their term. No official elected to office in the Town of Pittsboro nor any person employed by the Town shall serve on the Planning Board.

### 13.5 Term of Office

Member's terms will begin as of January 1 following their appointments. Members shall be appointed for overlapping terms of three years. Any member of the Planning Board may be removed for cause (including, but not limited to, neglect of duty, malfeasance, misconduct or failure to faithfully attend meetings) by the Board of Commissioners upon written cause. Positions on the Planning Board shall be filled after soliciting applications in the local newspaper. All members shall accept an oath of office to be administered by a Notary Public.

### 13.6 Vacancies

Any vacancy occurring for reasons other than the expiration of terms shall be filled for the unexpired term in the same manner as the original appointment. Members whose terms have expired shall continue to serve until their successors have accepted an oath of office.

### 13.7 Organization

Within thirty (30) days after appointment of the full Planning Board, its members shall elect its own chairperson.

- A. At the first meeting of the calendar year the Planning Board shall elect a chairperson and a co-chairperson who shall hold that position for one year. A past chair and co-chair may be re-elected. If the chair becomes vacant, the co-chair shall succeed to the chair and a new co-chair shall be elected by the members.
- B. The chair shall decide all points of order and shall take such action as deemed necessary to preserve the order and integrity of proceedings before the Board. In the absence of the chair, the co-chair shall act as chair and shall have all the powers of that office. In the absence of both the chair and co-chair, an acting chair shall be elected for that meeting.
- C. No meeting of the Planning Board shall be called to order nor shall any business be conducted unless there shall be a quorum of four members present.
- D. Any member who has an interest in a matter under consideration by the Planning Board shall declare such interest prior to a vote and abstain from voting on the question. The member declaring the interest may participate in the discussions on the matter prior to the vote.
- E. The Town Planner shall be the professional staff to the Planning Board.
- F. The Planning Board shall, by a majority vote of its entire membership, adopt rules and regulations governing its procedure as it may consider necessary.
- G. Meeting of the Planning Board shall be held on the first Monday of each month. Additional meetings may be called by the chair or by a majority of the Board. All meetings shall be held in the Town in a place open and accessible to the public.
- H. Members shall be compensated for their service at a rate determined by the Board of Commissioners.

## **ARTICLE XIV**

### **REGULATION OF DEVELOPMENT WITHIN MAJOR TRANSPORTATION CORRIDORS**

#### **14.1 Purpose and Intent**

Certain arterial streets, parkways and expressways are of critical importance to the well being and livelihood of the Town of Pittsboro and its environs. These public facilities carry major volumes of traffic in and out of the Town of Pittsboro and are image-markers of the Town. These thoroughfares commonly serve as entryways to Pittsboro from outside the area and establish for both visitors and residents alike an indicator of the quality of life in the Town. The character of development along these transportation corridors enhances the efficiency and safety of traffic movement when visual clutter and inappropriate site layout are avoided. Likewise, the ability of different areas of the town to attract and accommodate various types of development is affected by the character and quality of development along the major transportation corridors connecting and transgressing those areas.

The Major Transportation Corridor District is intended to enhance the economic and aesthetic appeal and orderly development of lands adjacent to major transportation corridors or proposed corridors in the Town of Pittsboro zoning jurisdiction. The Major Transportation Corridor District is an overlay zone: Major Transportation Corridor District regulations establish development and planning standards for the district and do not affect the allowable land uses as determined by the basis underlying district. MTC districts are adopted for the following purposes: 1) protecting the public investment in and lengthening the time during which highways can continue to serve their functions without expansion or relocation by expediting the free flow of traffic and reducing the hazards arising from unnecessary points of ingress and egress and cluttered roadside development; and 2) reserving adequate roadside space through which neighborhood traffic may be admitted to and from the highway system in a manner that avoids undue traffic concentrations, sudden turning, an stopping another hazards; and 3) providing adequate facilities for all types of traffic including motorists, pedestrians, bicyclists and transit users, and including all levels of ability such as those in wheelchairs, the elderly and the young.

#### **14.2 Establishment of District**

The Major Transportation Corridor District may be established for land along any major thoroughfare designated as such by the Town of Pittsboro Board of Commissioners or any expressway or freeway which extends through the Town or its planning jurisdiction. It should be generally located in rural areas. The maximum length of any such district shall be a continuous distance along the thoroughfare between two intersecting arterials or between the Town limits and the boundaries of the extraterritorial jurisdiction of the Town. Consideration of the establishment of or amendment to a Major Transportation Corridor District may be initiated in any of the ways outlined in the section of the zoning ordinances that refer to rezoning and text amendment procedures.

### 14.3 Width of District

The Major Transportation Corridor District extends 1,250 feet from the right-of-way boundary on both sides of the roadways. The district shall follow identifiable boundaries whenever possible. The standards of the MTC overlay district and the underlying zoning district shall both apply, and to the extent there shall be any difference therein, the more restrictive standard shall apply.

- A. U.S. Highway 15-501 from its intersection with Log Barn Road southwardly to the intersection with SR 1969 (Charlie Brooks Road), the southern limit of the Town's extraterritorial area.
- B. NC 87 from its intersection with SR 1516 northwestwardly to SR 1515 (Mitchell Chapel Church), the northern limit of the Town's extraterritorial area.
- C. U.S. Highway 64-Business from its intersection with SR 1943 eastwardly to SR 1944 (Dee Farrell Road).
- D. U.S. Highway 64-Business from its intersection with West Salisbury Street westwardly to its intersection with U.S. Highway 64-Bypass.
- E. U.S. Highway 64-Bypass from its intersection with U.S. 64-Business west of Pittsboro eastwardly to its intersection with U.S. Business east of Pittsboro.
- F. U.S. Highway 64-Bypass from its intersection with U.S. 64-Business east of Pittsboro eastwardly to Haw River.
- G. U.S. Highway 64 from its intersection with U.S. 64-Bypass west of Pittsboro westwardly to its intersection with the common boundary between Center and Hickory Mountain Townships, the western limit of the Town's extraterritorial area.
- H. U.S. Highway 15-501 from its intersection with U.S. 64 Bypass northwardly to the center of the Haw River Bridge.

### 14.4 Planning Requirements

No development or site improvement activity shall occur within the district and no building permit shall be issued for construction or other activity within the district prior to the approval of a site plan or a MUPD plan for the subject property. The MUPD plan must conform to the standards for MTC set forth in Section 5.6.6 H. Site Plan must conform to the standards outlined in Article XV of the Zoning Ordinance. Site plans must be reviewed by the Planning Board before it can be submitted to the Town Board of Commission for approval. The Planning Board may approve minor amendments to the approved site plan for development in the district. All development activities shall comply with specifications of the approved site plan for the subject property. The standards of both the MTC overlay district and the underlying zoning district shall apply. Where the standards of the overlay district and the underlying district differ, the more restrictive standard shall apply:

A. Required Minimum Lot Area

- (1) Single-family detached or attached dwellings, and multifamily dwellings: the required minimum lot area of the underlying district shall apply.
- (2) All nonresidential uses shall be located on a site of at least two (2) acres in size with a minimum road frontage of 300 feet.

## 14.5 Buffer

In each designated Major Transportation Corridor District adopted and shown on the zoning map, a vegetative buffer area may or may not be required for all residential and nonresidential use. The buffer area if required for Major Transportation Corridor Districts may not be less than five (5) feet and not greater than one hundred (100) feet. Buffer areas are included within the Major Transportation Corridor District overlay zone and are measured in width beginning at the right-of-way boundary. Existing vegetation in nonresidential development shall remain in a natural undisturbed state and no landscaping, development, additional planting, or site alteration shall be allowed unless such land distributing activity or alteration is indicated on a site plan for the subject property and is approved by the Town Board and Planning Board. Alterations to the buffer, other than by additional planting may be allowed only when necessary for ingress, egress, utility service or for the establishment of a single linear walking/jogging trail. The walking jogging trail may intrude laterally no more than fifty (50) feet into the buffer. The trail may weave to avoid natural areas and have a maximum width of (10) feet. Selective thinning is allowed within one (1) foot of either side of the trail. However, no tree over 12 inches in diameter shall be removed in order to provide the trail. The trail can be either paved or unpaved and should follow the standards set forth in the Pittsboro Pedestrian Transportation Plan. The trail shall be shown in detail on the site plan. In a case where an individual property has been rendered unusable due to the establishment of the buffer area, which use must have been in compliance with existing zoning ordinances, there shall be grounds for a variance, provided that the conditions set forth in Article XI Section 11.5.3 of the Zoning Ordinance are met. In granting any such variance, the Board of Adjustment shall, where practical, insure that the applicant compensates in equivalent landscaping improvements any vegetative-matter that is lost through an encroachment into the buffer area.

## 14.6 Setbacks

- A. Single-family detached or attached dwellings, and multifamily dwellings: The required minimum building setbacks and maximum building heights of the underlying district shall apply.
- B. Nonresidential uses: A minimum front building setback of 50' shall be established from the edge of the existing or proposed right-of-way for all lots in the MTC. All side yard must be a minimum of 25' with rear yards a minimum of thirty (30) feet. The maximum height of any building in the MTC overlay zone is fifty (50) feet.

## 14.7 Sign Control

Signs permitted within the MTC district shall conform to the requirements specified in Article VI of the zoning ordinance, in addition the following requirements shall apply to signs associated with nonresidential uses:

- A. Sign Permitted According to Purpose. Among the permitted types of signs provided for generally in Article VI. Classification and definition of signs according to purpose of the Zoning Ordinance, the types of signs permitted in the MTC district shall be limited to:
  - (1) Identification Signs
  - (2) Incidental Signs
- B. Signs Permitted According to Structural Type. Among the permitted types of signs provided for in Article VI, Section 6.2 Classification and definition of sign according to structural type of the Zoning Ordinance the structural types of signs permitted in the MTC district shall be limited to:
  - (1) Detached Signs
  - (2) Canopy Signs
  - (3) Projecting Signs
  - (4) Wall Signs
  - (5) Awning Signs
  - (6) Window Signs
  - (7) Memorial Signs
- C. Limitation on the Number of Signs. Business or parcel of property may have one exterior identification sign of any structural type plus one detached sign. There shall be no limitation on the number of incidental signs. There shall be no more than one ground identification sign per property when the property fronts on a single street. When the property fronts on more than one street, there may be one ground identification sign per parcel for each street frontage.
- D. Limitation on Maximum Area of Sign Face. In the MTC district the maximum permitted area of any sign face shall not exceed twenty-four square feet for properties having less than three hundred feet of road frontage or thirty- two (32) square feet for properties having three hundred (300) or more of road frontage.
- E. Limitation of Maximum Height of Sign. In the MTC district, the maximum permitted height of any portion of a ground signs or detached sign shall not exceed eight (8) feet.
- F. Proposed signs are to be indicated on site plan. All signs to be located on property within a MTC district shall be indicated on the proposed site plan. The site plan shall show the proposed location, typed and size of each sign to be placed on site.

## 14.8 Turn Lane Requirements/Driveways

All major residential subdivisions containing new streets and all non-residential properties generating 500 vehicle trips or more per day must construct turn lanes off of the major thoroughfare. Right turn lanes should generally be constructed entirely within the frontage of the property being served. Design and construction of these turn lanes must be approved by the Town's engineer and North Carolina Department of Transportation. The number of street and driveway connections permitted serving a single property frontage or commercial development along a state maintained roadway shall be the minimum deemed necessary for reasonable service to the property without undue impairment of safety, convenience and utility of the highway or the bicycle facilities within the highway corridor. Normally, not more than two combined driveway entrances and exists shall be permitted for single property frontage or commercial site. Driveway width shall not exceed thirty-six (36) feet, measured parallel to the center line of the adjacent highway.

The arrangement of driveways should be related to adjacent driveways and nearby street intersections. At the intersection of two highways, driveways connecting a corner property with each highway may be permitted where it is essential to conduct business on the corner tract. Driveways must be a minimum distance of 40 feet from near by intersections. At shopping center locations or other establishments where traffic volume is high, driveways should be located as far from street intersections as practical. In all instances, driveways serving a high volume of traffic should be a minimum of 100 feet from the intersection of public roads.

Where two driveways are requested along a single property frontage, the distance measured along the right-of-way line between the tangent projection of the inside edges of adjacent driveways shall be at least 100 feet. The minimum distance between the center lines of driveways into shopping centers and similar developments that generate high traffic volumes should be at least 600 feet. Where the standard of this section defers from the standards of North Carolina DOT as outlined in "Policy on Street and Driveway Access to North Carolina Highways" the more restrictive standards will apply

## 14.9 Pedestrian Facilities

All new development within the MTC District shall include the pedestrian facility indicated on the Recommended Facilities Maps in Chapter 3 of the Pittsboro Pedestrian Transportation Plan.



**ARTICLE XV**  
**SITE PLAN**  
**(Approved January 13, 1992)**

**15.1 Site Plan Review**

Site Plan review procedures shall be established to promote development of land in accordance with standards, which protect the health, safety, and welfare of the community.

- A. It shall be unlawful for any person to construct, erect, or alter a building or structure, or to develop, change or improve land for which a site plan is required, except in accordance with the approved site plan.
- B. No building permit shall be issued to construct, erect, or alter any building or structure or to develop or improve any land and no work on site improvement shall be performed in any district subject to the provisions of this section until a site plan has been submitted and approved.

**15.2 Plan Required**

A site plan is required and shall be submitted for approval for the following:

- A. Any development within a P.U.D.
- B. Any nonresidential development over 3,000 square feet.
- C. Any developer wanting to establish vested rights
- D. Any residential development, non-residential development, rezoning, Special Use Permit, or variance within a Major Transportation Corridor District.
- E. Any multi-family residential development.
- F. Any manufactured home park.
- G. Any conditional use zoning.
- H. Any special use permit
- I. Any development of a phase within a MUPD.

### 15.3 Preparation of Plans

Site plan requirements for single family residential development may be satisfied by the sketch drawing that is currently required on all building permits, which do not have to be drawn by a professional. Site plans for multi-family development consisting of more than ten units and non-residential developments that contain more than 3,000 sq. ft. of floor area must be submitted at a scale of one inch equals fifty feet or larger and drawn by a professional engineer, architect or land surveyor who is registered by the State of North Carolina.

A. Site Plan: Site plans submitted in accordance with this section shall show:

(1) General Development

- (a) The boundary of the property by courses and distances, area, and present zoning of the tract.
- (b) The angle of departure of adjoining property, street and alley lines.
- (c) The names of abutting recorded subdivision, and owner and present use of all abutting property.
- (d) Widths and names of abutting streets and alleys.
- (e) All dimensions, both linear and angular, for locating boundaries of the tract, lots, street, alley, public easements, and private easements.
- (f) Date, north point, and scale, and number of sheets: the scale shall be designated by a numerical ratio statement; for example, 1" = \_\_\_ feet.
- (g) Name and address of the owner or owners of record of the tract and name of the applicant.
- (h) All building restriction lines, highway setback lines, easements, covenants, reservations, and right-of-way.
- (i) Existing topography with a maximum of two-foot contour intervals within one hundred (100) feet of all buildings and a maximum of five-foot contour intervals on the remainder of the tract.
- (j) The boundaries of flood zones and base flood elevation and the boundary of public water supply watersheds.
- (k) Name, address, signature and registration number of the professionals preparing the plan.

(2) Existing Improvements

- (a) Sidewalks, streets, alleys and easements.
- (b) Buildings and structures.
- (c) Driveways, entrances, exits, parking areas and loading spaces.
- (d) Sanitary sewer systems
- (e) Water mains and fire hydrants.
- (f) Gas, power, and telephone lines

- (g) Recreation and open space areas.
- (h) Storm drainage systems to include natural and artificial water courses.

(3) Proposed Improvements

- (a) All proposed streets and alleys and the boundaries of all other portions intended to be dedicated for public use.
- (b) Buildings and structures to include:
  - (1) Distance between buildings (to scale).
  - (2) Number of stories.
  - (3) Number of units
  - (4) Structures above the building height limit.
  - (5) For all residential uses (other than single-family) and nonresidential uses located within a public water supply watershed, the total amount of existing and proposed built-upon area (in square feet) and the percentage of the site that is covered with an impervious surface.
- (c) Driveways, entrances, exists, private streets, parking areas and loading spaces to include:
  - (1) Number of parking spaces.
  - (2) Number of loading spaces.
  - (3) Typical section and pavement structure.
- (d) Sanitary sewer systems, both public and private in accordance with requirements of the town.
- (e) Water mains and fire hydrants, both public and private in accordance with requirements of the town.
- (f) Gas, power and telephones lines.
- (g) All proposed utility, grading and clearing plans shall be coordinated with proposed landscape plans.
- (h) Recreation areas, open spaces, and buffer areas.
- (i) Plans for collecting and depositing storm water in accordance with the requirements of the town.
- (j) Finish grades with a maximum of two-foot contour intervals within one-hundred feet of all buildings, and along driveways, entrances, exits private streets, parking areas and loading spaces, and maximum of five-foot contour intervals on the remainder of the property.

B. Required Improvements

- (1) In order to assure public safety, general welfare, and convenience, the town agencies and officials charged with the responsibility for review and recommendation of approval of site plans shall require such of the following improvements as fall within their respective assignments.

- (a) Designation of pedestrian walkways. Such walkways shall provide safe and convenient access between major buildings, housing clusters, parking areas, recreation areas, and other pedestrian destination points shown on the site plan. Walkways shall also be provided along the exterior boundaries of the proposed development where such walkways are deemed necessary to provide access to, or between, adjoining properties or nearby development. Any walkways provided along the exterior boundaries of the proposed development shall also be connected with the interior walkways shown on the site plan in order to create an overall pedestrian access network. Walkways may include sidewalks, asphalt pathways, or gravel trails as appropriate to the location and degree of use.
- (b) Connection wherever possible of all walkways, travel lanes and driveways with similar facilities in adjacent developments.
- (c) Screening, fences, walls, curb and gutter as required by the town or by the regulations of the N.C. Department of Transportation, Division of Highways.
- (d) Easements of rights-of-way for all facilities to be publicly maintained. Each easement shall be clearly designated and labeled for the purpose intended.
- (e) Extension or construction of service road and access thereto on sites bordering on a state primary highway.
- (f) Landscape Plan, which demonstrates compliance with all planting, screening and buffer requirements of this ordinance. This plan shall:
  - (1) show new plantings
  - (2) show any existing vegetation to be retained, defined by a clearing limit line
  - (3) show any disturbance of existing vegetation that will occur as a result of installation of utility lines
- (2) No street shall be accepted and maintained by the town, nor shall any public utility such as water, sewer and street lighting be extended to or connected with any tract of land, nor shall any permit be issued for the construction of any building or other improvement requiring a permit upon any land for which a site plan is required by this section, unless and until all requirements have been complied with and the site plan approved by the Town Board of Commissioners.

C. Inspections

Inspections during the installation of site improvements shall be made by the agency responsible for such improvements as required to certify compliance with the site plan approved.

- (1) The owner or developer shall notify the Zoning Enforcement Officer three days prior to the beginning of all street, storm sewer, and water or sanitary sewer work shown to be constructed on the site plan.
- (2) The owner or developer shall provide adequate supervision and inspection on the site during the installation of all required improvements.
- (3) Upon satisfactory completion of the installation of required improvements, and after furnishing as built drawings of the required improvements, the owner or developer shall, upon application, receive a certificate of approval from agencies responsible for reviewing such improvements. Said certification that all improvements have been installed in accordance with the approved site plan shall in no way obligate or require the town to assume any responsibility whatsoever for any work which does not comply with the approved site plan or for any defects or repairs which may be discovered or become necessary at any future date.

#### 15.4 Approval and Review

A review of each site plan for general completeness and compliance with adopted plans shall be carried out by the Zoning Enforcement Officer. This review shall be coordinated by the Zoning Enforcement Officer. After completion of such review, the Zoning Enforcement Office shall forward a report of this staff review to the Planning Board. The Planning Board shall recommend site plan approval or disapproval to the Town Board of Commissioners. After action by the Town Board of Commissioners, a copy of each site plan shall be returned to the applicant by the Zoning Enforcement Officer with notations thereon outlining any changes that will be required.

The original tracing and eight copies of the site plan shall be filed by the applicant with the Zoning Enforcement Officer for final check and correction, and the eight copies shall be filed with the Planning Board where required, for its review consideration.

#### 15.5 Period of Validity

An approved site plan shall become null and void if no significant work is done or no significant development is made on the site within 12 months after site plan approval, unless, vested right is applied for and granted. Construction of development may begin upon approval of the plan by the Town Board and acquisition of permits. The Town Board may grant a single one-year extension upon written request of the applicant made at least 30 days before the expiration of the approved site plan.

#### 15.6 Adjustments of Approved Site Plans

- A. After a site plan has been approved, minor changes in the site plan, which comply with the spirit of this section, may be approved by the Planning Board. However, no such changes shall be made until approval has been received.

- B. Any major revision of an approved site plan shall be submitted, reviewed, and approved in the same manner as the originally approved site plan. Any requirements of this subsection may be waived by the Town Board in specific cases where such requirement would be adverse to the purpose of this section.
- C. Any revision of an approved site plan shall be submitted by the applicant for review and approval by the submission of complete, revised drawings encompassing all of the area included in the approved site plan, prepared in accordance with the provisions of this section, along with a statement of those features of the site plan which are proposed to be changed. A partial drawing showing only the proposed revisions will not be acceptable.

## **ARTICLE XVI**

### **VESTED RIGHTS**

#### **16.1 Purpose**

The purpose of this chapter is to implement the provision of G.S. 160A-385.1 pursuant to which a statutory zoning vested right is established upon the approval of site specific development plan.

#### **16.2 Definitions**

A used in this chapter, the following terms shall have the meaning indicated:

**Approval Authority:** The Pittsboro Town Board designated by this chapter as being authorized to grant the specific approval that constitutes a site specific development plan.

**Site Specific Development Plan:** A plan of land development submitted to the Town of purposes of obtaining a Special Use Permit in accordance with Section 5.3 of the Pittsboro Zoning Ordinance, or for non-single family land development not requiring a Special Use Permit a site plan drawn to scale which clearly shows building location and height, parking and circulation, signage, required screening, site location and zoning, or for single-family development, a preliminary plat prepared in accordance with the Pittsboro Subdivision Regulations. Notwithstanding the foregoing, neither a variance, a sketch plan nor any other document that fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property shall constitute a site specific development plan.

**Zoning Vested Right:** A right pursuant to G.S. 160A-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan.

#### **16.3 Establishment of a Zoning Vested Right**

- A. A zoning vested right shall be deemed established upon the valid approval, or conditional approval, by the Pittsboro Town Board, of a site specific development plan, following notice and public hearing.
- B. The approving authority may approve a site specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare.
- C. Notwithstanding subsections (a) and (b), approval of a site specific development plan with the condition that a variance be obtained shall not confer a zoning vested right unless and until the necessary variance is obtained.
- D. A site specific development plan shall be deemed approved upon the effective date of the approval authority's action or ordinance relating thereto.

- E. The establishment of a zoning vested right shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land use regulation by the Town, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new or amended regulations shall become effective with respect to property that is subject to a site specific development plan upon the expiration or termination of the vested right in accordance with this chapter.
- F. A zoning vested right is not a personal, right, but shall attach to and run with the applicable property. After approval of a site specific development plan, all successors to the original landowner shall be entitled to exercise such right while applicable.

#### 16.4 Approval Procedures and Approval Authority

- A. Except as otherwise provided in this section, an application for site specific development plan approval shall be processed in accordance with the procedures established by ordinance and shall be considered by the designated approval authority for the specific type of zoning or land use permit or approval for which application is made.
- B. In order for a zoning vested right to be established upon approval of a site specific development plan, the applicant must indicate at the time of application, on a form to be provided by the Town, that a zoning vested right is being sought.
- C. Notwithstanding the provision of subsection (a), the application for a zoning vested right shall be considered and acted on by the Pittsboro Town Board following notice and a public hearing in accordance with G.S. 160A-364.
- D. Each map, plat, site plan, or other document evidencing a sight specific development plan shall contain the following notation: "Approval of this plan establishes a zoning vested right under G.S. 160A-385.1. Unless terminated at an earlier date, the zoning vested right shall be valid until \_\_\_\_\_."
- E. Following approval or conditional approval of a site specific development plan, nothing in this chapter shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approval are not inconsistent with the original approval.
- F. Nothing in this chapter shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or the zoning ordinance.



## 16.5 Duration

- A. A zoning right that has been vested as provided in this chapter shall remain vested for a period of two years unless specifically and unambiguously provided otherwise pursuant to subsection (b). This vesting shall not be extended by any amendment or modifications to a site specific development plan unless expressly provided by the approval authority at the time the amendment or modification is approved.
- B. Upon issuance of a building permit, the expiration provisions of G.S. 160A-418 and the revocation provisions of G.S. 160A-422 shall apply, except that a building permit shall not expire or be revoked because of the running of time while a zoning vested right under this section is outstanding.

## 16.6 Termination

A zoning right has been vested as provided in this chapter shall terminate:

- A. at the end of the applicable vested period with respect to buildings and uses for which no valid building permit applications have been filed;
- B. with the written consent of the affected landowner;
- C. upon findings by the Pittsboro Town Board, by ordinance after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan;
- D. upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal and other consultant's fees incurred after approval by the Town, together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property, which is caused by such action;
- E. upon findings by the Pittsboro Town Board, by ordinance after notice and a hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the approval authority of the site specific development plan; or
- F. upon the enactment or promulgation of a State or Federal law or regulation that precludes development as contemplated in the site specific development plan, in which case the approval authority may modify the affected provisions, upon a finding that the change in State or Federal law has a fundamental effect on the plan, by ordinance after notice and a hearing.

## 16.7 Voluntary Annexation

A petition for annexation filed with the Town of Pittsboro under G.S.160A-31 or G.S. 160A-58.1 shall contain a signed statement declaring whether or not any zoning vested right with respect to the properties subject to the petition has been established under G.S. 160A-385.1 or G.S. 153A-344.1. A statement that declares that no zoning vested right has been established under G.S. 160A-385.1 or G.S. 153A-344.1, or the failure to sign a statement declaring whether or not a zoning vested right has been established, shall be binding on the landowner and any such zoning vested right shall be terminated.

## 16.8 Limitations

Nothing in this chapter is intended or shall be deemed to create any vested right other than those established pursuant to G.S. 160A-385.1.

## 16.9 Repealed

In the event that G.S. 160A-385.1 is repealed, this ordinance shall be deemed repealed and the provisions hereof no longer effective.

## 16.10 Effective Date

This chapter shall be effective October 1, 1991 and shall only apply to site specific development plans approved on or after October 1, 1991.

**TOWN OF PITTSBORO**

**CERTIFICATION THAT A STATUTORY ZONING VESTED RIGHT IS BEING SOUGHT  
PURSUANT TO G.S. 160A-385.1**

As applicant for a (identify land use approval or permit that is being sought), I hereby certify that I am also seeking to acquire a vested right pursuant to G.S. 160A- 385.1 and Chapter \_\_\_\_ of the Pittsboro Town Code.

If the Pittsboro Town Code provides that the approval authority for the type of land use approval or permit for which I am applying is a board, committee, or administrative official other than the Pittsboro Board of Commissioners, I understand and agree that my application will be considered and acted on by the Pittsboro Town Board, following notice and a public hearing.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date

## **Article XVII**

### **GENERAL ENVIRONMENTAL PERFORMANCE STANDARDS**

#### **17.1 In General**

All uses in any district shall comply with all the applicable performance requirements of the State of North Carolina regarding noise, glare, resource pollution, air pollution, and or other regulatory standards applicable to the environs and/or their protection. All uses shall be so constructed, maintained and operated as not to be injurious to the use and occupation or enjoyment of adjacent premises by reason of the omission or creation of noise, vibrations, light, smoke, dust or other particulate matter, toxic or noxious waste materials, odors, radiation, fire, explosion, hazard or glare, storm water discharge, or other such matters or events.

#### **17.2 Specific Requirements**

In addition to the above and not in conflict therewith, the following specific standards shall apply to all uses unless otherwise indicated.

#### **17.3 Light**

All lighting shall be beamed down and away from adjoining property. To the extent practicable, all light produced on-site shall be contained within the perimeter of the site by design, orientation or shielding of the light source. The following lighting shall be prohibited:

- A. No fixture shall be erected which is an imitation of an official highway or traffic control light or sign.
- B. No fixture shall be in a direct line of vision with any traffic control sign or light.
- C. No fixture shall have a flashing or intermittent pattern of illumination.
- D. No fixture shall be located within a public right-of-way.
- E. No fixture shall be erected which because of the design of the light source, orientation or intensity causes direct glare onto adjacent property or streets, creating a nuisance or a hazard or causing confusion to drivers.
- F. Search lights are prohibited except when used by Federal, State or local authority.
- G. No fixture shall violate any law of the State of North Carolina relative to outdoor.

## **Article XVIII**

### **LANDSCAPING**

#### **18.1 Landscaping**

The intent of these landscaping requirements shall be to enhance the visual quality of non-residential Development, to soften the appearance of expansive paved areas and building mass, to create and maintain a pleasing appearance in the community, to reduce the effects of glare and heat caused by parking areas and to reduce visual clutter along commercialized streets.

Landscaping required by this Section shall be installed in the following situations:

- A. All new construction, development or any expansion in developed site area land uses; or
- B. For all existing commercial development when more than fifty (50) percent of the existing developed land area at the time of application for a Zoning Compliance Certificate is distributed, redesigned, altered or reconstructed.

Where buffering requirements identified in Article 7.4 of this ordinance overlap in area, duplicate or otherwise conflict with any requirements of this Section, the more stringent requirements need to be met; provided no wall, fence or berm may be substituted for any requirements in this Section. All plants, shrubs and trees shall be native non-invasive species as defined in Appendix 1 of the Zoning Ordinance.

#### **18.2 Street Landscaping**

Street landscaping out of the right of way and behind the sight triangle defined in Article 12 shall be required in the C-1, C-2, O & I, and MUPD districts. Said landscaping shall be Provided in a designated landscaping area which shall include at least the first ten (10) feet of front yard and side yard (if the site is a corner lot) as measured from the street right of way line. For each one hundred (100) linear feet of landscaping there shall be at a minimum four small trees and twelve shrubs, or four large trees. The remaining portion of the landscape area shall be improved with ground covers or natural mulching materials.

No part of the landscape area shall be left as bare soil.

It shall be the responsibility of the owner of the property and/or any tenant to maintain the Landscape area in a healthy condition, to keep plant growth off roadways or otherwise interfering with traffic visibility or safety, and to keep the landscape area free of litter,

Debris and uncontrolled weed growth. Failure to do so will result in a violation of this ordinance and be subject to enforcement proceedings described in Article 9.

Within the designated landscape area decorative fences and masonry walls not exceeding three feet in height may be constructed no closer than six (6) feet to the street right of way line and

behind the sight triangle, however, construction of said fences or masonry walls shall not relieve the developer from planting requirements except as provided in the succeeding paragraphs.

In the event that the size of the parcel to be developed or its location would make it physically impossible to install and/or maintain the required landscaping, the Town Planner may ask the Board of Commissioners to alter the landscaping requirements of this Section provided, however the spirit and intent of this Section are maintained. Such an alteration may occur only if the developer submits a plan to the Planner that shows any existing and proposed landscaping and, upon referral, the Commissioners consent. No street landscaping materials, wall or fence device shall be constructed or maintained in a manner which blocks sight distance at vehicular ingress and egress points on the property or obstructs sight distance at street intersections as set forth in Article 12 of this ordinance. All plantings exceeding two and one half (2 ½) feet in height shall be located behind the sight triangle.

### 18.3 Parking Lot Landscaping

Non-residential parking lots shall be landscaped in accordance with this subsection. The provisions of this Section do not apply to rear parking lots. (As used in this Section the rear parking lots include only the parking areas located between the rear building setback line and the rear lot line). The requirements of the Phase Two Stormwater requirements of the State of North Carolina Departments of Environment and Natural Resources Low Impact Design Manual shall apply in the design of parking areas.

The amount of plant materials required for parking lot landscaping is in addition to any plant materials required by the buffer requirements of this ordinance specified in Article 7.4. The following minimum number of plants shall be required for each parking space if calculations result in a fraction, the fraction shall be increased to the next whole number):

Large trees -- 0.10  
Small trees – 0.125

Large and small trees shall be defined by the Native Plant list in Appendix 1. The following rules shall apply to the arrangement and installation of required parking lot Landscaping:

- A. Large trees shall be planted so that no point of the tree's main trunk is closer than four (4) feet from parking lot or driveway surfaces. Large trees shall be defined as those that are four inches in diameter at chest height.
- B. If larger trees required by this Section are planted in an island peninsula or median, there shall be sufficient pervious planting area and infusion area that drain into the plating area for viable growth. To be counted for parking lot landscaping a large tree must be planted within ten (10) feet of a parking lot or parking space.
- C. To be counted for required parking lot landscaping, a large tree must be planted within ten feet of the parking lot.

- D. Small trees shall be planted so that no point of the tree's main trunk is closer than four (4) feet from the parking lot or driveway surfaces. To be counted for required parking lot landscaping a small tree must be planted within ten (10) feet of the parking lot.
- E. No shrubs shall be located within any vehicle overhang area. (This area is defined as two (2) feet beyond the curb stop at the head of a parking space).
- F. Required parking lot landscaping shall be distributed throughout the parking entranceways and on interior features such as islands, peninsulas and medians. Points of infiltration shall be required to ensure that planting materials receive adequate storm water infiltration and that Phase Two requirements are satisfied.

<b>Number of Spaces</b>	<b>Minimum Percent of Plant Materials to be Planted on Interior Features</b>
40 or fewer spaces	No Minimum
40 to 100 spaces	30%
More than 100 spaces	40%

- A. Each parking space shall be no further than seventy-five (75) feet from a large or small tree.
- B. Trees should be located so as to maximize shading of parking spaces during summer months.
- C. All parking lot landscaped areas shall be covered with ground covers or natural mulching materials, however, areas subject to vehicle overhang may be covered with brick, stone, mulch or other non-living materials.

#### 18.4 Area Deficient in Landscaping

Where an existing commercial development lacks sufficient trees to meet the requirements of a new development as set forth in this Section, no tree inside or within twenty-five (25) feet of a parking area or within twelve (12) feet of the street right of way shall be removed without a permit issued by the Town Planner. The Town Planner shall issue such a permit only having first determined:

- A. That the tree is either:
  - (1) Diseased and dying; or
  - (2) Otherwise a threat to public safety or potential property damage; or
- B. That the removal of the tree would not make the property more non-conforming to the standards of this article.

## 18.5 Landscaping Installations and Maintenance

The plantings that constitute required landscaping shall be properly installed and maintained in order to fulfill the purpose for which it was established. Plant species shall be selected from the Native Species List found in Appendix 1. Plant materials shall be planted in accordance with generally recommended and accepted planting and growing practices. The owner of the property and any tenant on the property where landscaping is required shall be jointly and severally responsible for its maintenance. Such maintenance shall include all actions necessary to keep the landscaped areas free of litter and debris: to keep plantings healthy; to keep growth from interfering with safe vehicular or pedestrian travel or use of parking areas, or from creating any nuisance to adjoining properties. Any vegetation that constitutes required landscaping shall be replaced in the event that it dies or is damaged. All landscaping materials shall be protected from damage by erosion, motor vehicles or pedestrians.

## 18.6 Screening and Landscaping Required Prior to Issuance of a Certificate of Occupancy

After the effective date of this Section, a Certificate of Occupancy shall not be issued for any use located on a lot(s) upon which screening and/or landscaping is required unless such screening and landscaping is provided as herein specified. This provision may be temporarily waived by the Town Planner in cases where it is not possible for the developer to install certain species of plant material prior to occupancy due to the recommended planting season for the species.

Extending the deadline may only occur if the developer posts a bond or letter of credit in the amount of one hundred and twenty five (125) percent of the cost of the plant materials and the labor to safely install them. The required landscaping installation shall be certified by a licensed landscape architect and this certification shall be supplied to the Town Planner prior to a request for a certificate of occupancy



## **APPENDIX**

## **APPENDIX 1**

### **GUIDE FOR LANDSCAPING**

#### **A1.1 Screen Types**

- A. TYPE A - Opaque screen. A screen that is opaque from the ground to a height of at least six feet, with intermittent visual obstructions from the opaque portion to a height of at least twenty feet.

Solid hedge of Type A of shrubs with trees in front or behind the hedge.

Solid fence at least six feet height with small or large trees in front or behind.

Solid hedge of tall evergreens at least twenty feet tall.

Triangular spacing of shrubs provides a denser coverage in less time. Fit trees into the triangular spacing to meet the height requirement for intermittent visual obstruction.

An earth mound with evergreens shrubs from the Type A or Type B suggested plant list totaling six feet high with trees.

A creative approach to provide a Type A opaque screen may use elements of berming, fencing, shrubs, retaining walls, and trees.

- B. TYPE B - Semi- opaque screen. A screen that is opaque from the ground to a height of three feet, with intermittent visual obstructions from above the opaque portion to a height of at least twenty feet.

Solid hedge of Type A or Type B shrubs with trees in front or behind

Solid fence at least three feet high with trees in front or behind the fence

- C. Type C - Broken screen. A screen composed of intermittent visual obstructions from the ground to a height of at least twenty feet. Evergreen or deciduous trees with no more than ten feet of space between them at a mature size.

- D. Refer to the recommended plant list in Section A-12 on following pages for plant names which are hardy in the Pittsboro area and if planted properly and maintained, will fulfill the intent of this ordinance. The plant list includes suggestions for installation sizes and spacing for shrubs.

- E. Buffer Specifications: The opaque screen may be composed of wall, fence, landscaped earth berm, planted vegetation or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year within three years of planting. At maturity, the portion of intermittent visual obstructions should not

contain any completely unobstructed openings more than ten feet wide. The portion of intermittent visual obstructions may contain deciduous plants.

## A1.2 Recommended Plant List for Minimum Landscape Buffer Requirements

This list does not include all plants which can meet the buffer requirements of the Zoning Ordinance. Installation sizes and spacing are suggestions. Tighter spacing and larger sizes will give a more finish impact sooner, or a fuller landscape.

### A. TYPE-A SHRUB - OVER SIX FEET HEIGHT

SCIENTIFIC NAME/ COMMON NAME	MATURE HEIGHT INSTALLATION SPACING RECOMMENDED SIZE	COMMENTS
Aucuba japonica Japanese Aucuba	6 -10' 4-5'	shade to part shade, variegated variety 36" height
Cleyera japonica Cleyera	8 -10' 4 -5'	part shade to side, attractive texture 24 - 36" spread
Elaeagnus pungens Thorny Elaeagnus	10 -15' 6' 36" height	sun, fast grower, coarse texture
Eriobotrya japonica Loquat	15 -20' 10' 48" height	sun to part shade, coarse texture
Ilex cornuta 'Burford" Burford Holly	10 - 20' 5 - ' 36" height	sun, may be pruned as a hedge
Ilex glabra Inkberry Holly	6 - 8 ' 4' 36" height	sun to part shade
Ilex x Nellie R Stevens Nellie R. Stevens Holly	15-25' 5' 36" height	sun to part shade, may be pruned
Illicium parviflorum Anise Tree	6-8' 3-4' 30" height	sun to part shade

Leucothoe populifolia	8-12'	part shade to shade
Florida Leucothoe	4'	
	30" spread	
Ligustrum lucidum	15 - 20'	Davidson Hardy
Waxleaf Ligustrum	5'	variety is cold
	24-36" height	tolerant

**A. TYPE-A SHRUB - OVER SIX FEET HEIGHT (continued)**

SCIENTIFIC NAME/ COMMON NAME	MATURE HEIGHT INSTALLATION SPACING RECOMMENDED SIZE	COMMENTS
Michelia figo	6 - 10'	sun to part shade
Banana Shrub	5-6'	
	48" height	
Myrica cerifera	15 - 25'	sun to part shade
Wax Myrtle	5'	
	36" height	
Osmanthus fortunei	15 - 20"	
Fortune's Osmanthus	5 - 6"	
	36" height	
Photinia fraseri	15 - 25'	sun to part shade,
Fraser Photinia	5 - 6'	commonly called Red
	30 - 36' height	Tip, hardy and fast
Photinia glabra	10 - 12'	sun to part shade
Japanese Photinia	5'	
	36" height	
Prunus caroliniana	20 - 30'	sun to part shade, may
Carolina Cherry	5 - 6'	be pruned as hedge
Laurel	30 - 36" height	
Prunus laurocerasus	10-15'	sun to part shade,
English laurel	4 - 5'	upright habit
	30" height	

## B. TYPE - B SHRUB - THREE TO SIX FEET HEIGHT

SCIENTIFIC NAME/ COMMON NAME	MATURE HEIGHT INSTALLATION SPACING RECOMMENDED SIZE	COMMENTS
Abelia grandiflora Glossy Abelia	3 - 6' 3 - 4' 18 - 24" spread	full sun, summer flower
Berberis verruculosa Warty Barberry	3 - 6' 3' 18 - 24 " spread	sun spined foliage
Cryptomeria Japonica "Elegans Nana" or other dwarf varieties	3' 3' 18-24" spread	conifer with wide variety of color
Ilex crenata Japanese Holly	5 - 7" 3' 18 - 24" spread	Halleri, Compacta, Stokes are hardy varieties
Ilex cornuta ' Rotunda' Dwarf Horned Holly	3 - 4 3' 18-24" spread	sun, shiny leaves with spines
Ilex vomitoria 'nana' Dwarf Yaupon Holly	3-5' 30" 18 - 24" spread	native, dwarf
Juniperus chinensis 'pfitzeriana' Pfitzer Juniper	5' 4' 18 - 24" spread	sun, spreading conifer
Nandiana domestica Nandiana	6 - 8 " 30" 18 - 24" spread	sun to shade
Pieris japonica Japanese Pieris	4 - 6' 3" 18 - 24" spread	part shade

**B. TYPE - B SHRUB - THREE TO SIX FEET HEIGHT – continued**

<b>SCIENTIFIC NAME/ COMMON NAME</b>	<b>MATURE HEIGHT INSTALLATION SPACING RECOMMENDED SIZE</b>	<b>COMMENTS</b>
Prunus laurocerasus Otto Luyken Laurel	3' 30" 18 - 24" spread	sun to part shade; dense, deep green
Prunus laurocerasus Schipkaensis Schip Laurel	5 - 6' 3' 18 - 24" spread	sun to part shade, upright
Prunus laurocerasus Zabeliana Zabel Laurel	3' 3' 18 - 24" spread	sun to part shade; spread, tough
Rhododendron obtusum Kurume Azalea	4 - 6' 2 - 4 '	size, color, texture varies with variety 18 - 24" spread

**C. SMALL TREES FOR INTERMITTENT VISUAL OBSTRUCTION**

<b>BOTANICAL NAME/ COMMON NAME</b>	<b>MATURE HEIGHT INSTALLATION SPACING</b>	<b>COMMENTS</b>
Acer buergerianum Trident Maple	20 - 30' 25 - 30'	seasonal color
Betula nigra River Birch	40 - 60' 40'	hardy native tree, multi-stemmed available
Carpinus betulaus 'Fastigata' European Hornbeam	40 - 60' 30 - 40'	popular upright variety
Cercis canadensis Eastern Redbud	20 - 30 20 - 30'	part shade
Ilex x attenuata 'Fosteri' Foster Number 2 Holly	20 - 30' 20'	compact pyramidal evergreen

Koelreuteria Paniculata	30 -40'	recommend U.S.
Crepe Myrtle	20 - 30'	Arboretum
		Introductions:
		"Natchez" - white
		flower; Muskogee"
		lavender flowers;
		"Tuscarora"
		coral flower
Magnolia x soulanginna	20 - 30'	large purple flowers
Saucer Magnolia	25 - 30'	in early spring
Myrica cerifera	15 - 20'	may be pruned to
Wax Myrtle	20 - 25'	tree form

#### C. SMALL TREES FOR INTERMITTENT VISUAL OBSTRUCTION – continued

BOTANICAL NAME/ COMMON NAME	MATURE HEIGHT INSTALLATION SPACING	COMMENTS
Photenia fraseri	15-20'	available in tree
Frazer Photenia	20 - 25'	or may be pruned To tree form
Prunus Caroliniana	20 - 30'	adapts to tree form
Carolina Cherry Laurel	20 - 25'	
Prunus serrulata 'Kwanzan'	40'	pink double flower
Kwanzan Japanese Cherry	30'	in early spring
Pinus virginiana	15 -40	
Virginia Scrub Pine	15-20'	
Pyrus calleryana	30 - 50'	regular form,
Bradford'	30'	excellent flower,
Bradford Pear		color, texture

#### D. LARGE TREES FOR INTERMITTENT VISUAL OBSTRUCTION

BOTANICAL NAME/ COMMON NAME	MATURE HEIGHT INSTALLATION SPACING	COMMENTS
Acer platanoides	40 - 50'	
Norway Maple	40'	
Acer rubrum	40 - 60'	
Red Maple		

Acer saccharinum	50 - 70'	
Silver Maple	40 - 60'	
Cedrus deodara	40 - 60'	graceful evergreen
Deodar Cedar		
Cupressocyparis x	40 - 60	evergreen
Leylandii	20 - 30'	
Leyland Cypress		
Cryptomeria japonica	40 - 60'	graceful conifer
'Yoshino'	20 - 30'	
Yoshino Cryptomeria		
Gleditsia triacanthos	30 - 70'	
'inermis'	30 - 40'	
Thornless Honeylocust		
Ilex opaca	40 - 50'	evergreen native
American Holly	30'	
Juniperus virginiana	40 - 50'	native evergreen
Eastern Red Cedar	20 - 25'	
Liriodendron tulipifera	70 - 90'	
Tulip Poplar	30 - 40'	
Magnolia grandiflora	60 - 80'	fragrant flowers,
Southern magnolia	30 - 40'	breadleaf evergreen
Metasequoia glyptostroboides	70 - 100'	
Dawn Redwood	30'	

#### **D. LARGE TREES FOR INTERMITTENT VISUAL OBSTRUCTION - continued**

<b>BOTANICAL NAME/ COMMON NAME</b>	<b>MATURE HEIGHT INSTALLATION SPACING</b>	<b>COMMENTS</b>
Paulownia tomentosa	30 - 40'	
Royal Paulownia, Empress Tree	30'	
Pinus strobus	50 - 80	
White Pine	30'	



Pinus taeda	60 - 90'	
Loblolly Pine	30'	
Platanus occidentalis	70 - 100'	
Sycamore/American Plane Tree	40 - 50'	
Populus nigra 'Italica'	70 - 90'	
Lombardy Poplar	20'	
Quercus alba	100'	
White Oak	40 - 50'	
Quercus rubra	70 - 80'	
Red Oak	40 - 50'	
Quercus phellos	70 - 80'	
Willow Oak	40 - 50'	
Quercus virginiana	40'	smaller, semi- evergreen oak
'Darlington'	30'	
Darlington Oak		
Taxodium distichum	50 - 70'	
Bald Cypress	30'	
Zelkova serrata	50 - 80'	Village green is recommended variety
Japanese Zelkova	30 - 40'	

# Amendments

<b>ZTA-2010-01</b>	<b>Transportation Overlay</b> <b>March 22, 2010</b> <b>Article XIV</b>
<b>ZTA-2010-02</b>	<b>Multi-Family Parking Requirements</b> <b>Article VII, 7.2.1</b> <b>August 9, 2010</b>
<b>ZTA-2010-03</b>	<b>Off-Premise Signs</b> <b>Article VI, 6.2.22 &amp; 6.6</b> <b>August 23, 2010</b>
<b>ZTA-2010-04</b>	<b>Planning Board Term Limits</b> <b>Article XIII, 13.5 &amp; 13.7</b> <b>December 13, 2010</b>
<b>ZTA-2012-01</b>	<b>Electronic Gaming Regulation</b> <b>Article 5.2.1, 5.3.3 &amp; 12.1</b> <b>March 26, 2012</b> <b>Definition – Tattoo Parlor</b>
<b>ZTA-2012-02</b>	<b>Pocket Neighborhoods</b> <b>Article 5.2.1, 5.7 &amp; 12.1</b> <b>June 25, 2012</b>
<b>ZTA-2012-03</b>	<b>Fracking (Special Use)</b> <b>Article 5.2.1, 5.7 &amp; 12.1</b> <b>March 11, 2013</b>
<b>ZTA – 2012-04</b>	<b>Conditional Zoning District</b> <b>Article IV, 4.1, 5.1, 10.7</b> <b>March 11, 2013</b>
<b>ZTA – 2013-01</b>	<b>Planned Development District</b> <b>Article IV, 4.1, Article V, 5.1, 5.2.2, 5.4.1, 5.8</b> <b>April 8, 2013</b>