

Pittsboro, NC

Unified Development Ordinance



Amended October 10, 2022

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CHAPTER 1. GENERAL PROVISIONS

Section 1.1. Title

This ordinance shall be known and officially cited as the "Unified Development Ordinance of the Town of Pittsboro, North Carolina." It is referred to in this ordinance as "the Unified Development Ordinance" or "this Ordinance" or "the UDO."

Section 1.2. Authority

- A. General. The UDO is enacted in accordance with the authority granted by the Charter of the Town of Pittsboro and the laws of the State of North Carolina—including, but not limited to:
 - 1. Chapter 14, Section 5 of the Constitution of North Carolina;
 - 2. Chapter 8 of 160A, Chapter 160D, Chapter 4 of Chapter 63, Chapter 4 of Chapter 113, Chapter 136, and Chapter 21 of Chapter 143 of the General Statutes of North Carolina;
 - 3. Session Laws 2009-216, 2009-484, 2019-111 and 2020-25 of the General Assembly of North Carolina;
 - 4. Title 15A of the North Carolina Administrative Code; and
 - 5. Any special legislation enacted by the North Carolina General Assembly for the Town of Pittsboro.
- B. References to North Carolina Laws. Whenever any provision of this Ordinance refers to or cites a Section of the North Carolina General Statutes (NCGS) or the North Carolina Administrative Code (NCAC), and that Section is later amended or superseded, this Ordinance shall be deemed to refer to the amended Section or the Section that most nearly corresponds to the superseded Section.

Section 1.3. Purpose and Intent

- A. General Purpose. The general purpose of this Ordinance is to guide and manage the development of the Town of Pittsboro in a way that takes into account present and future needs and resources and that protects the health, safety, prosperity, and general welfare of the Town's residents, landowners, visitors, and business owners. This Ordinance is also intended to implement the goals, objectives, and policies in the Comprehensive Plan and other adopted plans guiding the Town's growth and development. More specifically, this Ordinance is intended to:
 - 1. Promote the orderly and efficient growth and development of the Town;
 - 2. Maintain and enhance the character and quality of residential neighborhoods while providing increased housing choices;
 - 3. Maintain and enhance the unique character and quality of the downtown;
 - 4. Help establish Town gateways that provide a sense of place and a good impression for visitors;
 - 5. Encourage the accommodation and enhancement of Pittsboro's cultural resources;
 - 6. Preserve and protect significant natural resource areas and the ecological connections between them;
 - 7. Reduce the vulnerability of development and residents to flooding and other natural hazards;
 - 8. Protect the integrity of watersheds and preserve the health and quality of water resources;
 - 9. Promote a healthy, diversified, and sustainable economy that meets the needs of Town residents and businesses;
 - 10. Ensure the provision of adequate open space for light, air, and fire safety;
 - 11. Prevent the overcrowding of land and avoid undue concentration of population;
 - 12. Improve transportation mobility by integrating land uses with transportation infrastructure, encouraging multimodal transportation opportunities, promoting safe and efficient vehicle, bicycle, and pedestrian traffic circulation, and lessening congestion in the streets;
 - 13. Facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other community services and public infrastructure as needed to maintain and enhance the quality of life for Town citizens of today, the elderly who have enriched our past, and future generations;
 - 14. Secure safety from fire, panic, and dangers;

- 15. Conserve the value of buildings and land; and
 - 16. Encourage the most appropriate use of land.
- B. Subdivisions. The purpose of subdivisions is to provide a uniform mechanism for the review and approval of divisions of land and to ensure, in conjunction with Article 6: Development Standards, that subdivisions promote the health, safety, convenience, order, prosperity, and welfare of the present and future residents of the Town by:
1. Providing for the orderly growth and development of the Town;
 2. Coordinating streets within proposed subdivisions with the existing street system, transportation plans, and other public facilities;
 3. Providing rights-of-way for streets and utility easements;
 4. Avoiding congestion and overcrowding, and encouraging the proper arrangement of streets in relation to existing or planned streets;
 5. Ensuring there is adequate open space and recreation facilities to serve development; and
 6. Ensuring there is proper recordation of land ownership or property owner association records, where applicable.
- C. Subdivisions Applicability. Before the division of land (whether improved or unimproved) into two or more lots is recorded or otherwise made effective, the landowner shall comply with the requirements of this Ordinance, unless exempted in accordance with Section 10.4.23.

Section 1.4. Applicability

1.4.1. Effective Date

This Ordinance shall be effective on May 24, 2021.

1.4.2. Territorial Jurisdiction

This Ordinance shall apply to all development within the corporate limits and extraterritorial jurisdiction (ETJ) of the Town of Pittsboro unless expressly provided otherwise by this Ordinance.

1.4.3. Development Subject to Ordinance

Except as otherwise provided in Section 1.4.4 below, the following activities shall be considered development subject to this Ordinance:

1. Any construction, reconstruction, erection, installation, placement, relocation, demolition, or alteration in the size or external appearance of a building or other structure on land;
2. The establishment of a new use of land or a structure, or any change in such use;
3. Any change in the intensity of the use of land or a structure, such as an increase in:
4. The number of businesses, establishments, offices, dwelling units, or lodging units comprising the use;
5. An increase in the volume or characteristics of vehicular traffic generated by the use;
6. Noise levels, thermal conditions, or emissions of waste materials associated with the use; or
7. The duration of a temporary or seasonal use;
8. Any land-disturbing activity that increases or changes the amount of impervious or partially impervious cover (i.e., built-upon area) or that otherwise decreases the infiltration of precipitation into the soil;
9. An alteration of the natural topography of land, such as mining, grading, ditching, extracting earth materials, dredging, excavation, filling, or deposition of soil;
10. A removal of vegetative cover, such as site clearing or the removal of specimen trees or tree canopies;
11. Any alteration of the channel, bank, shore, floodway, or floodplain of a watercourse, body of water, or wetland;
12. The deposition of refuse or solid or liquid waste on land; and
13. A division of a parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future), and any division of land involving dedication of a new street or a change in existing streets.

1.4.4. Activities Not Subject to Ordinance

This Unless part of a more extensive activity identified as development in Section 1.4.3 above, the following activities do not constitute development subject to this Ordinance:

1. The inspection, maintenance or repair of an existing transportation facility (roadway, walkway, railroad tracks, bus shelter, traffic control device, etc.) or an existing utility, stormwater management, or public service facility (pipe, cable, valve, catch basin, outlet, ditch, basin, bulk refuse container pad, etc.), if no substantial engineering redesign is involved;
2. The ordinary maintenance and repair of existing structures, where no activities identified as development in Section 1.4.3 above are involved;
3. The ordinary planting or maintenance of vegetative landscaping or gardens;
4. A change in the ownership or form of ownership of any parcel or structure;
5. The creation or termination of easements, covenants, condominium titles, or other rights in land or development, where no street right-of-way dedication is involved;
6. Any division of land proposed as one of the activities specially listed as excluded from the definition of "subdivision" in Section 12.12, Terms and Uses Defined.

1.4.5. Application to Governmental Agencies

To the extent allowed by law, this Ordinance shall apply to development by the Town, and any county, State, or federal government agencies—as well as development on land owned or otherwise controlled by such agencies. Where this Ordinance does not legally control such development, such agencies are encouraged to meet the provisions of this Ordinance.

1.4.6. Emergency Exemption

This Ordinance shall apply to all development within the corporate limits and extraterritorial jurisdiction (ETJ) of The Town Manager may, after consultation with the Planning Director and without any otherwise required prior notice or public hearing, authorize Town agencies to deviate from the provisions of this Ordinance during and after an emergency (such as a hurricane or other storm, flooding, chemical spill or leak) when the need to act quickly to secure the public health, safety, or welfare makes it impossible to submit to the normal procedures and requirements of this Ordinance.

Section 1.5. Relationship to Comprehensive Plan

Ordinance is intended to ensure that all development within the Town's jurisdiction is generally consistent with goals, objectives, and policies of those plans and policies adopted by the Board of Commissioners to address the Town's growth and development. Such plans and policies comprise the Town's Comprehensive Plan. Consistency with the Comprehensive Plan shall be a primary guiding principle for interpretation and amendment of this Ordinance. To the extent this Ordinance is or becomes inconsistent with the Comprehensive Plan, this Ordinance or the Comprehensive Plan should be amended so the plan and this Ordinance remain generally consistent with each other. Additionally, all amendments to this Ordinance's text or Official Zoning Map should maintain and enhance consistency between this Ordinance and the Comprehensive Plan.

Section 1.6. Relationship to Other Laws

1.6.1. Conflicts with other Governmental Laws

If provisions of this Ordinance are inconsistent with one another, or with provisions of other adopted ordinances of the Town, or with provisions of applicable county, State, and federal laws, the more restrictive provision shall govern to the extent permitted by law, unless the terms of the more restrictive provision specify otherwise. The

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

1.6.2. Relationships to Private Agreements

Nothing in this Ordinance is intended to supersede, annul, or interfere with any easement, covenant, deed restriction, or other agreement between private parties, but such private agreements shall not excuse any failure to comply with this Ordinance. The Town shall not be responsible for monitoring or enforcing private agreements. Prior Development Approvals

Section 1.7. Official Zoning Map

1.7.1. Establishment and Maintenance

Land subject to this Ordinance is divided into the various zoning districts established in Chapter 2, "Zoning Districts", with the locations and boundaries of the districts shown on the Official Zoning Map. The Official Zoning Map and all notations thereon is hereby incorporated by reference and made part of this Ordinance. The original and all revised versions of the Official Zoning Map shall be certified as such by the Town Clerk and shall be kept on file, in either hardcopy or digital form, in the Planning Department. Copies of the Official Zoning Map shall be made available for public inspection during normal business hours in the Planning Department.

1.7.2. Changes

Changes made in zoning district boundaries or other matters portrayed on the Official Zoning Map shall be made in accordance with Section 10.4.12, "General Use Rezoning Review Procedures" and Section 10.4.13 "Conditional Rezoning Review Procedures." The Planning Director, or his/her designee shall enter changes on the Official Zoning Map promptly after a rezoning is approved by the Town Board of Commissioners. Where the ordinance enacting a rezoning contains wording explaining or clarifying the location of zoning district boundaries, the Planning Director, or his/her designee may enter on the Official Zoning Map notations reflecting the ordinance wording. The Planning Director, or his/her designee shall maintain copies of superseded versions of the Official Zoning Map for historical reference.

1.7.3. Interpretation

The Planning Director shall be responsible for interpretations of the Official Zoning Map in accordance with procedures in Section 10.4.22, "Written Determinations," and standards in Section 12.2, "Interpretation of Zoning Map Boundaries."

1.7.4. Prior Violations

To the extent a development or activity in violation of the prior development regulations fully complies with this Ordinance, it shall no longer be deemed a violation. Otherwise, it shall continue to be deemed a violation under this Ordinance and subject to penalties and enforcement in accordance with this Ordinance.

1.7.5. Prior Nonconformities

To the extent a legal nonconformity under the prior development regulations becomes conforming under this Ordinance, it shall no longer be deemed nonconforming. Otherwise, it shall continue to be deemed a nonconformity and subject to the provisions of Chapter 8, "Nonconformities."

1.7.6. Prior Development Approvals

Any development approved under the prior development regulations may be established or carried out under the terms and conditions of the approval and the development standards in effect at the time of approval, provided the approval has not expired and otherwise remains valid, and the approved development complies with applicable standards of this Ordinance pertaining to ongoing operations and maintenance activities (such as standards regulating illicit discharges into stormwater conveyances, the use of parking spaces, or the maintenance of required landscape vegetation). If the prior approval expires, is revoked, or otherwise becomes invalid (e.g., for failure to comply with time limits or the terms and conditions of approval), any subsequent development of the site shall be subject to the procedures and standards of this Ordinance. To the extent a prior approval authorizes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of this Ordinance.

1.7.7. Pending Complete Applications

A development application accepted as complete under the prior development regulations, but still pending a final decision as of the effective date of this Ordinance shall be reviewed and decided, at the applicant's option, wholly in accordance with the development regulations in effect when the application was accepted, or wholly in accordance with this Ordinance (but not in accordance with a mix of provisions from both sets of regulations). If the applicant elects to have the pending development application reviewed in accordance with the prior development regulations, the Town shall review and decide the application in good faith and in accordance with any time frames established by the prior regulations. To the extent approval of a pending application in accordance with the prior development regulations authorizes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of this Ordinance.

1.7.8. Nonconformities

If a use, structure, lot, sign, or site feature legally existed on the effective date of this Ordinance but does not fully comply with the standards of this Ordinance, it shall be considered nonconforming under this Ordinance.

Section 1.8. Severability

1.8.1. Establishment and Maintenance

The Town Board of Commissioners declares that it would have adopted this Ordinance and any provision in it regardless of whether one or more other portions of the Ordinance is declared invalid by a court of competent jurisdiction. If a court of competent jurisdiction invalidates any provision of this Ordinance, such judgment shall not affect the validity of the remaining provisions of this Ordinance. If a court of competent jurisdiction invalidates the application of any provision of this Ordinance to a development, such judgment shall not affect the application of that provision to any other development not specifically included in the judgment. If a court of competent jurisdiction invalidates any condition attached to a development approval granted under this Ordinance, such judgment shall not affect the validity of any other condition attached to the approval that is not specifically included in the judgment.

CHAPTER 2. ZONING DISTRICTS

Section 2.1. General Provisions

2.1.1. Establishment and Maintenance

This Ordinance establishes the base, planned development, and overlay zoning district, as well as conditional zoning districts paralleling each of the base zoning districts.

2.1.2. Types of Zoning Districts

A. Base Zoning Districts.

1. Base zoning districts are established initially by the Town's adoption of the Official Zoning Map and subsequently by approval of a rezoning.
2. Development in a base zoning district is subject to the standards set out or referenced for the district.
3. For each base zoning district, the regulations set out the district's purpose, the intensity and dimensional standards applicable in the district, and reference other Ordinance standards generally applicable to development in the district. Each base zoning district also includes photos depicting a building form typical in the district and an illustration depicting how the district's dimensional standards apply to lots and typical building forms. Graphics following the intensity and dimensional standards tables are included for illustrative purposes only and show the application of the dimensional and intensity standards to some of the uses allowed in the district. If the standards in the illustration are inconsistent with the table of intensity and dimensional standards, the standards in the table govern.

- B. Conditional Zoning Districts. Conditional zoning districts (e.g., OI-CZ) parallel each of the base zoning districts and are established through approval of a Conditional Rezoning, which incorporates district-specific plans and conditions proposed and agreed to by the owner(s) of the rezoned land. Development in a conditional zoning district is subject to the same standards applicable to the parallel base zoning district, as modified by the approved district-specific terms and conditions.

- C. Planned Development Districts. Two planned development zoning districts are established: Planned Development District (PDD) and Mixed Use Planned Development District (MUPD).

ZONING DISTRICTS	
Rural Base Districts	
Rural Agricultural	RA-5
Residential Agricultural-2	RA-2
Residential Agricultural	RA
Residential Base Districts	
Low Density Residential	R-15
Medium Density Residential & Mobile Home Park	R-12M
Medium Residential	R-12
High Density Residential	R-10
Residential	R-5
Multifamily Residential	MR
Mixed-Use & Nonresidential Base Districts	
Office & Institutional	O-I
Neighborhood Business	C-1
Highway Commercial	C-2
Central Business	C-4
Neighborhood Mixed-Use Center	NMUC
Community Mixed-Use Center	CMUC
Manufacturing District (Light Industrial)	M-1
Manufacturing District (Heavy Industrial)	M-2
Conditional Districts	
One parallel to each Base District above (RA-CZ)	
Planned Development Districts	
Planned Development District	PPD
Mixed Use Planned Development	MUPD
Overlay Districts	
Watershed Critical Area Overlay	WCAO
Watershed Protected Area Overlay	WPAO
Downtown Overlay	DO

1. Planned Development District (PDD). The Planned Development District (PDD) is described in Section 2.5, Planned Development Districts, which references procedures, plans and standards for the PDD. A PDD is established through a rezoning, consistent with Section 10.4.12, "General Use Rezoning Review Procedures," or Section 10.4.13, "Conditional Rezoning Review Procedures." Development in a PDD is subject to approval of a PDD Master Plan, as required in 2.5, Planned Development District.
2. Mixed Use Planned Development District (MUPD). The MUPD District is described in Section 2.5.4, "Mixed Use Planned Development District (MUPD)," which includes a separate purpose statement and standards. Development in an MUPD is subject to approval of an MUPD Plan, a MUPD Agreement may be included as a component of a MUPD Plan.
- D. Overlay Zoning Districts. Overlay zoning districts are established initially by the Town's adoption of the Official Zoning Map and subsequently by approval of a Zoning Map Amendment (refer to Section 10.4.12, "General Use Rezoning Review Procedures"). They are superimposed over one or more underlying base, conditional, or planned development zoning districts. Development in an overlay zoning district is subject to predetermined standards set out in the district. These standards supplement, modify, or supersede standards applicable by the underlying base or planned development district. Regulations for each overlay zoning district set out the district's purpose and the supplemental, modified, or superseding standards applicable in the district.

Section 2.2. Rural Base Districts

2.2.1. General Purposes of Rural Base Districts

The rural base districts established in this Section are intended to provide lands for working agricultural and forestry uses, and agricultural and forestry support uses, maintain rural character; and allow low density residential development that is compatible with environmentally sensitive lands and does not require public water and sewer service.

2.2.2. Rural Base Districts Established

The following districts are established as rural base districts:

Rural Agricultural District (RA-5);
Residential-Agricultural (RA-2); and
Residential-Agricultural (RA).

2.2.3. Rural Agricultural District (RA-5)

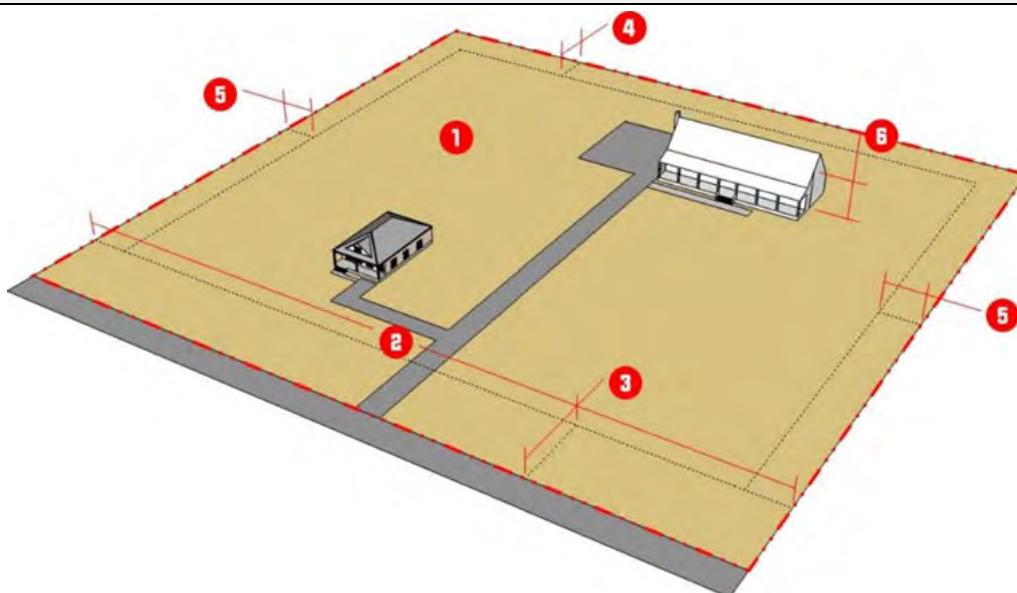
- A. Purpose. This district is defined as one to provide land primarily for very low density residential development in environmentally sensitive or transitional areas while permitting continued agricultural use.
- B. Use Standards. See use tables, use-specific standards, and any modified use standards for any overlay districts.



C. Intensity and Dimensional Standards

● Numbered items on the left correspond to labels in the graphic following the table.	All Uses
Lot Standards	
① Min. Net Lot Area (ac)	5 [1]
② Min. Lot Width (ft)	150 [1]
Max. Net Density (du/ac)	0.2 [2]
Max. Lot Coverage (%)	40
Setbacks	
③ Min. Front Yard (ft)	50 [1]
④ Min. Rear Yard (ft)	30 [1]
⑤ Min. Side Yard (ft)	25 [1]
Min. Corner Side Yard (ft)	25
Building Standards	
⑥ Max. Structure Height (ft)	35
Min. Building Separation (ft)	n/a
Conservation Subdivision Standards	
Max. Net Density (du/ac)	Refer to Section 6.2.3
Required Open Space	Refer to Section 6.2.3

Table Notes: sf = square feet; ft = feet; du = dwelling unit; ac = acre; % = percent; n/a = not applicable
 1. Minimum lot area, minimum lot width, and setbacks (except corner side yards) may be reduced to the average of adjacent structures (in the same district), in instances where structures within 100 feet on either side of the proposed structure (on the same street) do not conform to the minimum standard.



2.2.4. Rural Residential-Agricultural District (RA-2)

- A. Purpose. The purpose of the Rural Agricultural-2 (RA-2) District is to provide lands primarily for very low-density residential development in rural areas while permitting continued agricultural and forestry uses.
- B. Use Standards. See use tables, use-specific standards, and any modified use standards for any overlay districts.

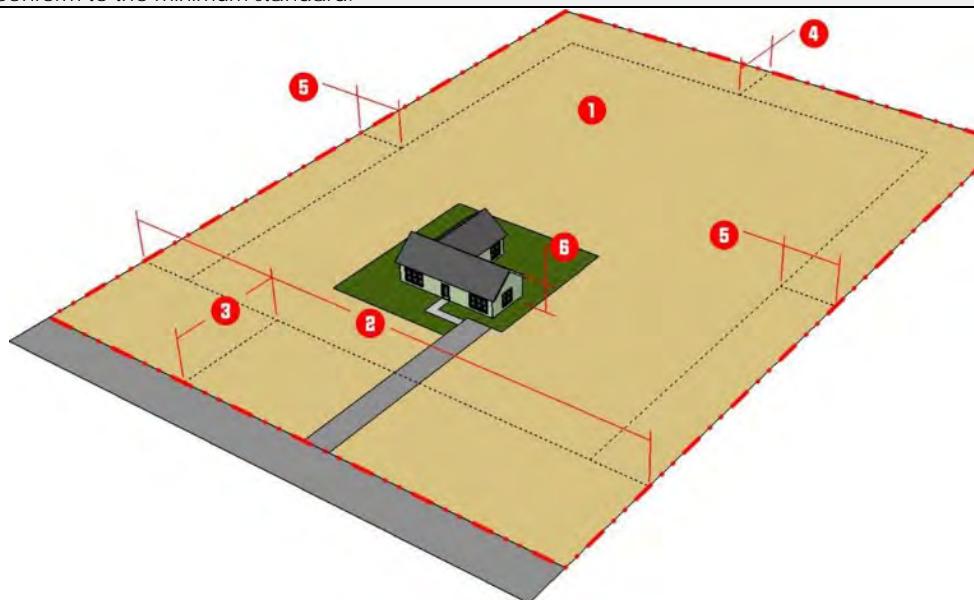


C. Intensity and Dimensional Standards

Numbered items on the left correspond to labels in the graphic following the table.	All Uses
Lot Standards	
① Min. Net Lot Area (ac)	2 [1]
② Min. Lot Width (ft)	150 [1]
Max. Net Density (du/ac)	0.5 [2]
Max. Lot Coverage (%)	50
Setbacks	
③ Min. Front Yard (ft)	50 [1]
④ Min. Rear Yard (ft)	30 [1]
⑤ Min. Side Yard (ft)	25 [1]
Min. Corner Side Yard (ft)	25
Building Standards	
⑥ Max. Structure Height (ft)	35
Min. Building Separation (ft)	n/a
Conservation Subdivision Standards	
Max. Net Density (du/ac)	Refer to Section 6.2.3
Required Open Space	Refer to Section 6.2.3

Table Notes: sf = square feet; ft = feet; du = dwelling unit; ac = acre; % = percent; n/a = not applicable

1. Minimum lot area, minimum lot width, and setbacks (except corner side yards) may be reduced to the average of adjacent structures (in the same district), in instances where structures within 100 feet on either side of the proposed structure (on the same street) do not conform to the minimum standard.



2.2.5. Residential-Agricultural District (RA)

- A. Purpose. The purpose of the Residential-Agricultural (RA) District is to provide lands primarily for low density residential development in transitional areas located on the periphery of the urbanized area of the Town.
- B. Use Standards. See use tables, use-specific standards, and any modified use standards for any overlay districts

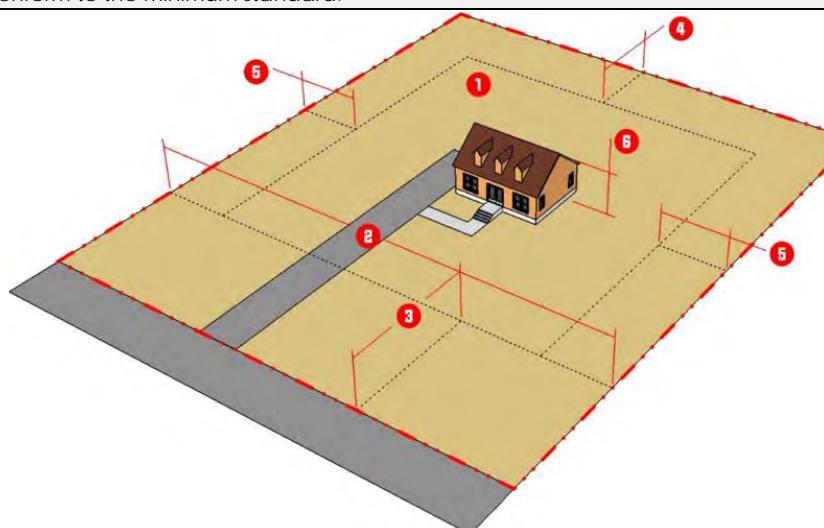


C. Intensity and Dimensional Standards

● Numbered items on the left correspond to labels in the graphic following the table.	All Uses
Lot Standards	
① Min. Net Lot Area (sf)	40,000 [1]
② Min. Lot Width (ft)	150 [1]
Max. Net Density (du/ac)	1.0 [2]
Max. Lot Coverage (%)	50
Setbacks	
③ Min. Front Yard (ft)	50 [1]
④ Min. Rear Yard (ft)	30 [1]
⑤ Min. Side Yard (ft)	25 [1]
Min. Corner Side Yard (ft)	n/a
Building Standards	
⑥ Max. Structure Height (ft)	35
Min. Building Separation (ft)	n/a
Conservation Subdivision Standards	
Max. Net Density (du/ac)	Refer to Section 6.2.3
Required Open Space	Refer to Section 6.2.3

Table Notes: sf = square feet; ft = feet; du = dwelling unit; ac = acre; % = percent; n/a = not applicable

1. Minimum lot area, minimum lot width, and setbacks (except corner side yards) may be reduced to the average of adjacent structures (in the same district), in instances where structures within 100 feet on either side of the proposed structure (on the same street) do not conform to the minimum standard.



Section 2.3. Residential Base Districts

2.3.1. General Purposes of Residential Base Districts

- A. Purpose. The residential base districts established in this Section are intended to provide a comfortable, healthy, safe, and pleasant environment in which to live and recreate. More specifically, they are intended to:
1. Provide appropriately located lands for residential development;
 2. Ensure adequate light, air, privacy, recreation areas, and open space for each dwelling, and protect residents from the negative effects of noise, incompatible population density, traffic congestion, flooding, and other significant adverse environmental impacts;
 3. Protect residential areas from fires, explosions, toxic fumes and substances, and other public safety hazards;
 4. Provide for greater choices, affordability, and diversity in residential housing, with varying densities, types, and designs, including accessory dwelling units;
 5. Provide for safe and efficient vehicular access and circulation and promote bicycle-, pedestrian-, and transit- friendly neighborhoods;
 6. Provide for public services and facilities needed to serve residential areas and accommodate public and semi- public land uses that complement residential development while protecting residential areas from incompatible nonresidential development;
 7. Preserve the unique character of the Town's traditional neighborhoods;
 8. Accommodate new infill development and redevelopment consistent with the Town's planning and development goals; and
 9. Promote sustainable development in terms of energy efficiency and conservation, food security, materials recycling, and similar sustainability goals.

2.3.2. Residential Base Districts Established

- A. The following districts are established as residential base districts:

Low-Density Residential (R-15);
Medium Density Residential and Mobile Home Parks (R-12M);
Medium Density Residential (R-12);
Residential – 10 (R-10);
Residential – 5 (R-5); and
Multifamily Residential (MR).

2.3.3. Low Medium Density Residential-15 District (R-15)

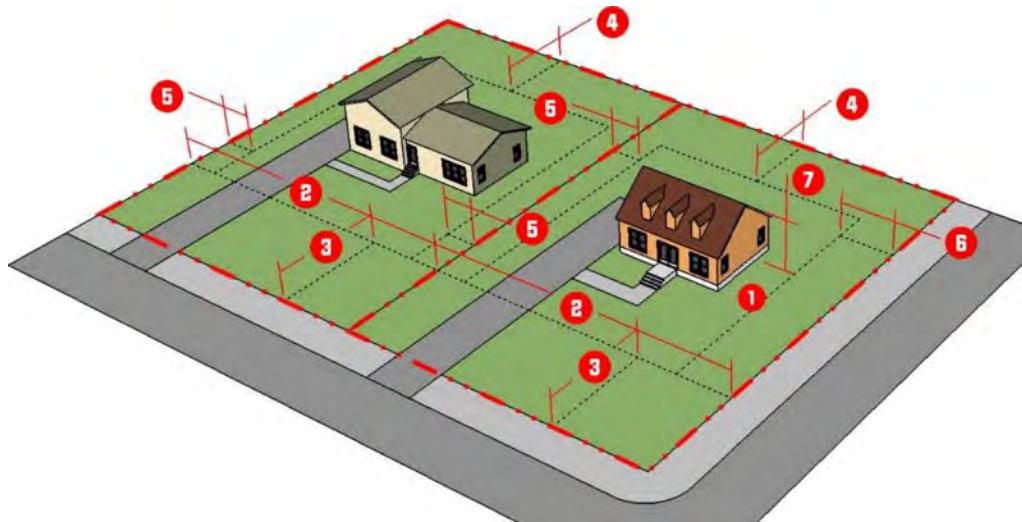
- A. Purpose. The purpose of the Residential-15 (R-15) District is to provide lands to accommodate primarily single-family residential development at low densities. Development allowed in the R-15 district includes single-family detached, duplex, single-family attached, multifamily, and live/work dwellings. In addition, uses that support residential living are also allowed like places of worship, schools, and supporting public facilities.

- B. Use Standards. See use tables, use-specific standards, and any modified use standards for any overlay districts.



C. Intensity and Dimensional Standards

Numbered items on the left correspond to labels in the graphic following the table.	All Uses			
Lot Standards				
① Min. Net Lot Area (sf)	15,000 [1]			
② Min. Lot Wldth (ft)	100 [1]			
Max. Net Density (du/ac)	2.5 [2]			
Max. Lot Coverage (%)	60			
Setbacks				
③ Min. Front Yard (ft)	35 [1]			
④ Min. Rear Yard (ft)	20 [1]			
⑤ Min. Side Yard (ft) [3]	10 [1]			
⑥ Min. Corner Side Yard (ft)	Primary Structure	17.5		
	Accessory Structure	35		
Building Standards				
⑦ Max. Structure Height (ft)	35			
Table Notes: sf = square feet; ft = feet; du = dwelling unit; ac = acre; % = percent; n/a = not applicable				
1. Minimum lot area, minimum lot width, and setbacks (except corner side yards) may be reduced to the average of adjacent structures (in the same district), in instances where structures within 100 feet on either side of the proposed structure (on the same street) do not conform to the minimum standard.				
2. Accessory structures (excluding those needed for utilities) shall be located in side or rear yards.				
3. Minimum Side Yard setbacks do not apply to Townhouse lots that are adjoining other Townhouse lots.				



2.3.4. Medium Density Residential and Mobile Home Park District (R-12M)

- A. Purpose. 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.
- B. Use Standards. See use tables, use-specific standards, and any modified use standards for any overlay districts.



C. Intensity and Dimensional Standards

Numbered items on the left correspond to labels in the graphic following the table.		All Uses
Lot Standards		
① Min. Net Lot Area (sf)		12,000 [1]
② Min. Lot Width (ft)		100 [1]
Setbacks		
③ Min. Front Yard (ft)		35 [1]
④ Min. Rear Yard (ft)		30 [1]
⑤ Min. Side Yard (ft)		20 [1]
⑥ Min. Corner Side Yard (ft)	Primary Structure	17.5
	Accessory Structure	35
Building Standards		
⑦ Max. Structure Height (ft)		35
Table Notes: sf = square feet; ft = feet; du = dwelling unit; ac = acre; % = percent; n/a = not applicable		
1. Minimum lot area, minimum lot width, and setbacks (except corner side yards) may be reduced to the average of adjacent structures (in the same district), in instances where structures within 100 feet on either side of the proposed structure (on the same street) do not conform to the minimum standard.		
2. Accessory structures (excluding those needed for utilities) shall be located inside or rear yards.		

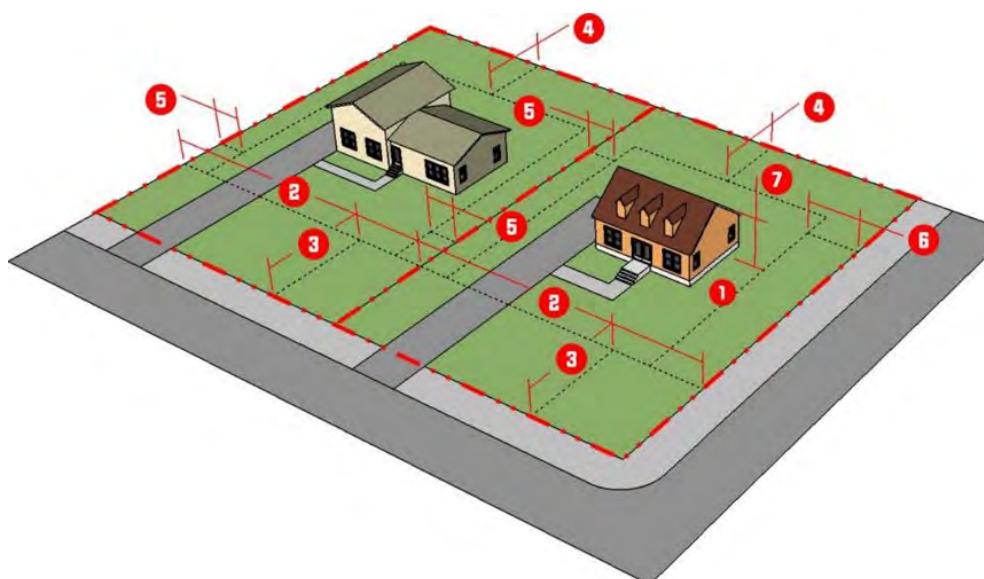
2.3.5. Medium Density Residential-12 District (R-12)

- A. Purpose. 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.
- B. Use Standards. See use tables, use-specific standards, and any modified use standards for any overlay districts.



C. Intensity and Dimensional Standards

Numbered items on the left correspond to labels in the graphic following the table.		All Uses
Lot Standards		
① Min. Net Lot Area (sf)		12,000 [1]
② Min. Lot Width (ft)		75 [1]
Max. Lot Coverage (%)		60
Setbacks		
③ Min. Front Yard (ft)		30 [1]
④ Min. Rear Yard (ft)		20 [1]
⑤ Min. Side Yard (ft) [3]		10 [1]
⑥ Min. Corner Side Yard (ft)	Primary Structure	15
	Accessory Structure	35
Building Standards		
⑦ Max. Structure Height (ft)		35
Table Notes: sf = square feet; ft = feet; du = dwelling unit; ac = acre; % = percent; n/a = not applicable		
1. Minimum lot area, minimum lot width, and setbacks (except corner side yards) may be reduced to the average of adjacent structures (in the same district), in instances where structures within 100 feet on either side of the proposed structure (on the same street) do not conform to the minimum standard.		
2. Accessory structures (excluding those needed for utilities) shall be located in side or rear yards.		
3. Minimum Side Yard setbacks do not apply to Townhouse lots that are adjoining other Townhouse lots.		



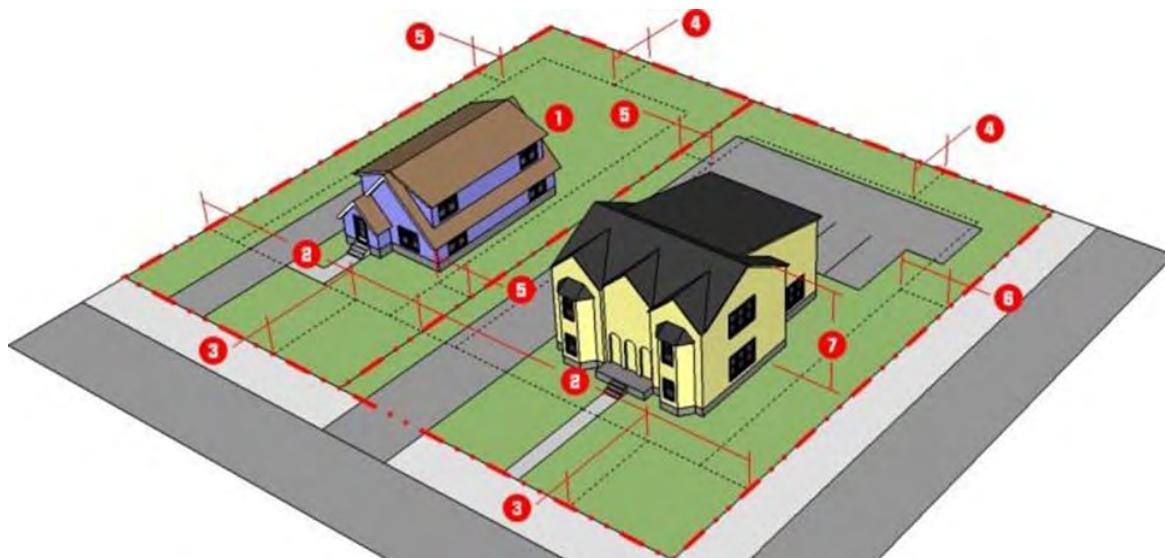
2.3.6. High Density Residential-10 District (R-10)

- A. Purpose. The purpose of the High Density Residential -10 (R-10) District is to provide lands to accommodate a mix of residential uses at moderate-densities. Development allowed in the R-10 district includes single-family detached, duplex, single-family attached, multifamily, and live/work dwellings. Some community and government service uses are allowed, such as libraries, post offices, and places of worship. Limited group living is allowed that is developed consistent with the general character of the district, along with uses that support residential living like places of worship, schools, and supporting public facilities.
- B. Use Standards. See use tables, use-specific standards, and any modified use standards for any overlay districts.



C. Intensity and Dimensional Standards

Numbered items on the left correspond to labels in the graphic following the table.	All Uses
Lot Standards	
① Min. Net Lot Area (sf)	10,000 [1]
② Min. Lot Width (ft)	75 [1]
Max. Net Density (du/ac)	4.0 [2]
Setbacks	
③ Min. Front Yard (ft)	25 [1]
④ Min. Rear Yard (ft)	15 [1]
⑤ Min. Side Yard (ft) [3]	10 [1]
⑥ Min. Corner Side Yard (ft)	Primary Structure Accessory Structure
	12.5 25
Building Standards	
⑦ Max. Structure Height (ft)	35
Table Notes: sf = square feet; ft = feet; du = dwelling unit; ac = acre; % = percent; n/a = not applicable	
1. Minimum lot area, minimum lot width, and setbacks (except corner side yards) may be reduced to the average of adjacent structures (in the same district), in instances where structures within 100 feet on either side of the proposed structure (on the same street) do not conform to the minimum standard.	
2. Accessory structures (excluding those needed for utilities) shall be located in side or rear yards.	
3. Minimum Side Yard setbacks do not apply to Townhouse lots that are adjoining other Townhouse lots.	



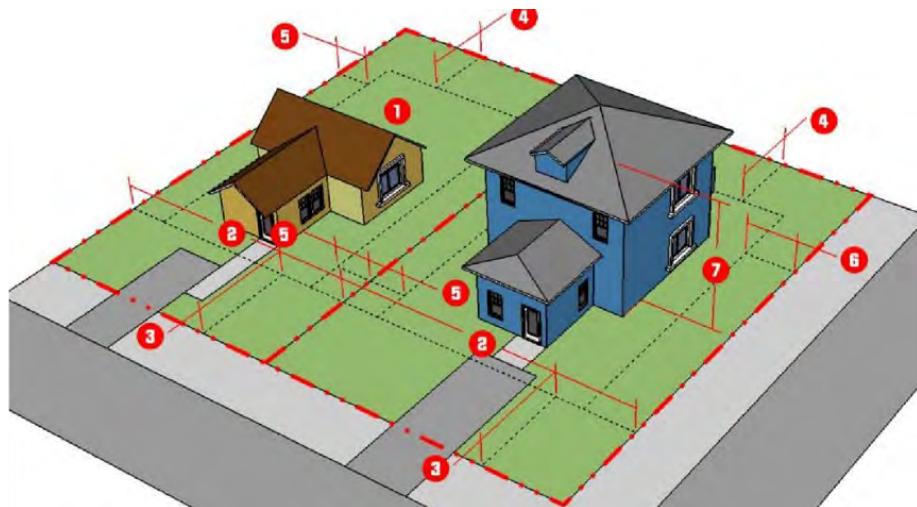
2.3.7. Residential-5 District (R-5)

- A. Purpose. The purpose of the Residential-5 (R-5) District is to provide lands to accommodate a mix of residential development at moderate densities, in a form that supports residential living and walkability. Development allowed in the R-5 district includes single family detached dwellings on small lots, duplex and single-family attached dwellings, and multifamily and live/work dwellings. Limited group living is allowed that is developed consistent with the general character of the district, along with uses that support residential living like places of worship, schools, and supporting public facilities.
- B. Use Standards. See use tables, use-specific standards, and any modified use standards for any overlay districts.



c. Intensity and Dimensional Standards

Numbered items on the left correspond to labels in the graphic following the table.		All Uses
Lot Standards		
① Min. Net Lot Area (sf)		5,000 [1]
② Min. Lot Width (ft)		50 [1]
Max. Net Density (du/ac)		8.0 [2]
Setbacks		
③ Min. Front Yard (ft)		20 [1]
④ Min. Rear Yard (ft)		20 [1]
⑤ Min. Side Yard (ft) [3]		7.5 [1]
⑥ Min. Corner Side Yard (ft)	Primary Structure	10
	Accessory Structure	20
Building Standards		
⑦ Max. Structure Height (ft)		35
Table Notes: sf = square feet; ft = feet; du = dwelling unit; ac = acre; % = percent; n/a = not applicable		
1. Minimum lot area, minimum lot width, and setbacks (except corner side yards) may be reduced to the average of adjacent structures (in the same district), in instances where structures within 100 feet on either side of the proposed structure (on the same street) do not conform to the minimum standard. Minimum lot width for single-family attached and multi-family dwellings applies to the entire development lot, not to the width of a lot created within the development for a single dwelling unit.		
2. Accessory structures (excluding those needed for utilities) must be located in side or rear yards.		
3. Minimum Side Yard setbacks do not apply to Townhouse lots that are adjoining other Townhouse lots.		



2.3.8. Multi-Family Residential District (MR)

- A. Purpose. The purpose of the Multifamily Residential (MR) District is to accommodate moderate and higher-density residential development. Allowed residential uses include single family development on smaller lots, and duplexes. Multifamily dwellings are also allowed, including townhouse development, as well as various group living uses and limited nonresidential uses such as farmer's markets, parks and recreation facilities, schools, places of worship, and other public facilities. The district is most appropriate for established moderate-density multifamily developments, and in areas near existing mixed-use and commercial centers.
- B. Use Standards. See use tables, use-specific standards, and any modified use standards for any overlay districts.



C. Intensity and Dimensional Standards

	Single Family Dwellings	Townhomes (3.2.5.C.1.e)*	Multifamily, Non-Residential and Mixed-use structures
Min. Net Lot Area (sf)	5,000 [1]	5,000	n/a
Min. Lot Width (ft)	50 [1]	16	n/a
Max. Net Density (du/ac)[4]	8	12	20
Setbacks			
Min. Front Yard (ft)	15 [1]	*	20 [1]
Min. Rear Yard (ft)	5 [1]	*	20 [1]
Min. Side Yard (ft) [3]	5 [1]	*	7.5 [1]
Min. Corner Side Yard (ft)	Primary Structure	10	*
	Accessory Structure	20 [2]	*
Building Standards			
Principal max. Structure Height (ft)/stories	35	40/3 25	65
Accessory max Structure Height (ft)/stories			
Building Separation (ft)	NC Building Code	5 & NC Building Code	NC Building Code

Table Notes: sf = square feet; ft = feet; du = dwelling unit; ac = acre; % = percent; n/a = not applicable; * = specific references and must refer to the section listed under the type

1. Minimum lot area, minimum lot width, and setbacks (except corner side yards) may be reduced to the average of adjacent structures (in the same district), in instances where structures within 100 feet on either side of the proposed structure (on the same street) do not conform to the minimum standard. Minimum lot width for single-family attached dwellings, duplexes, and individual townhouses applies to the entire development, not to the width of a lot within the development for a single dwelling unit.
2. Accessory structures (excluding those needed for utilities) shall be located in side or rear yards.
3. Minimum Side Yard setbacks do not apply to Townhouse lots that are adjoining other Townhouse lots.
4. Density is automatically considered high-density and may develop up to 70% impervious surface within the WPAO district. All additional requirements for open space and recreation space must be met.

Section 2.4. Mixed-Use and Non-Residential Base Districts

2.4.1. General Purposes of Mixed-Use and Non-Residential Base Districts

- A. The General Purpose of Mixed-Use and Non-Residential Base Districts. The Office and Institutional (OI) District, the Mixed-Use Districts (NMUC and CMUC) and Downtown (D) District established in this Section are intended to recognize and foster compact, mixed-use development patterns that provide people with the opportunity to live, work, recreate, and shop in a pedestrian-friendly environment. More specifically, they are intended to:
 - 1. Provide strong connections between diverse uses to create a busier, safer, and more exciting environment for residents, employees, and visitors throughout the day, in evenings, and during weekends;
 - 2. Encourage a complementary mix of residential, retail, office, employment-generating, and recreation uses in close proximity to each other;
 - 3. Accommodate development intensities appropriate to the scale of the area served by the district (e.g., neighborhood, community, region);
 - 4. Provide integrated pedestrian and bicycle access to afford safe and accessible foot and bike travel between the land uses;
 - 5. Encourage multi-modal transportation options and transit; and
 - 6. Facilitate efficient vehicular traffic flow by allowing only land uses developed with comprehensively planned access, egress, and internal circulation systems.
- B. General Purpose of Industrial Base Districts: The Industrial districts (M1 and M2) established in this Section are intended to provide a wide range of industrial and related uses, specifically to:
 - 1. Provide appropriately located lands for the full range of industrial uses, consistent with the goals, objectives, and policies of the Land Use Plan;
 - 2. Strengthen the Town's economic base, and provide employment opportunities close to home for residents of the Town and surrounding communities;
 - 3. Create suitable environments for various types of industrial uses, and protect them from the adverse effects of incompatible uses;
 - 4. Minimize the impact of industrial development on adjacent residential and lower intensity uses; and
 - 5. Promote sustainable development in terms of energy efficiency and conservation, greenhouse gas reductions, food security, materials recycling, and similar sustainability goals.

2.4.2. Mixed-Use and Non-Residential Base Districts Established

The following districts are established as mixed-use and nonresidential base districts:

- Office and Institutional (OI)
- Neighborhood Mixed-Use Center (NMUC)
- Community Mixed-Use Center (CMUC)
- Central Business (C-4)
- Highway Commercial (C-2)
- Manufacturing District (Restricted) (M-1)
- Manufacturing District (Heavy Industrial) (M-2)

2.4.3. Office and Institutional Base District (O-I)

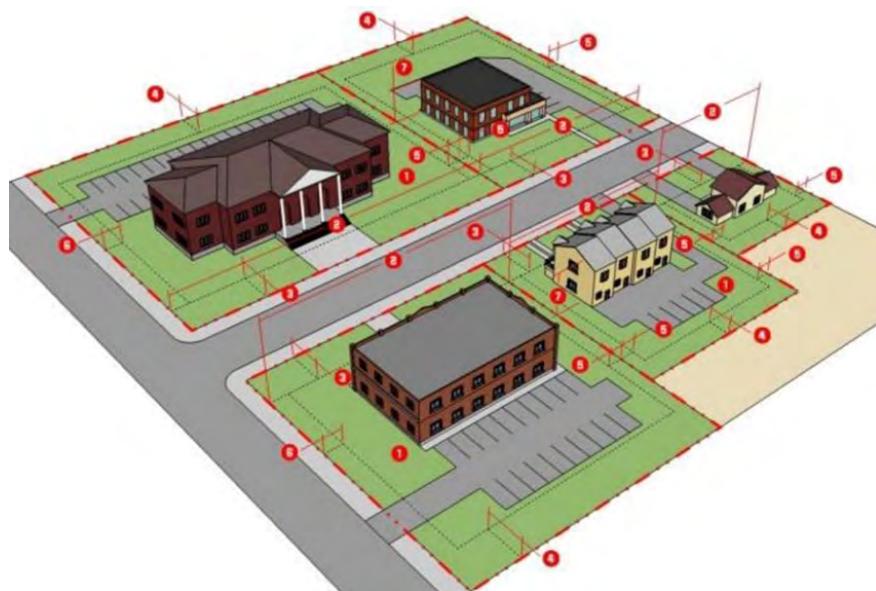
A. Purpose. The purpose of the Office and Institutional (OI) District is to provide lands to accommodate a mix of office, institutional, small-scale retail, services, and multifamily development that serves as a transition between higher-density mixed-use/industrial districts and residential districts. Development allowed includes business offices, medical and dental offices and related facilities, government administrative services, service establishments, small-scale retail, restaurants, congregate living facilities, and multifamily dwellings.

B. Use Standards. See use tables, use-specific standards, and any modified use standards for any overlay districts.



C. Intensity and Dimensional Standards

● Numbered items on the left correspond to labels in the graphic following the table.		All Uses
Lot Standards		
① Min. Net Lot Area (sf)		10,000 [1]
② Min. Lot Width (ft)		60 [1]
Max. Net Density (du/ac)		12 [2]
Setbacks		
③ Min. Front Yard (ft)		25 [1]
④ Min. Rear Yard (ft)		15 [1]
⑤ Min. Side Yard (ft) [3]		10 [1]
⑥ Min. Corner Side Yard (ft)	Primary structure	12.5
	Accessory Structure	25
Building Standards		
⑦ Max. Structure Height (ft)		65
Table Notes: sf = square feet; ft = feet; du = dwelling unit; ac = acre; % = percent; n/a = not applicable 1. Minimum lot area, minimum lot width, and setbacks (except corner side yards) may be reduced to the average of adjacent structures (in the same district), in instances where structures within 100 feet on either side of the proposed structure (on the same street) do not conform to the minimum standard. 2. Accessory structures (excluding those needed for utilities) shall be located in side or rear yards. 3. Minimum Side Yard setbacks do not apply to Townhouse lots that are adjoining other Townhouse lots.		



2.4.4. Neighborhood Mixed-Use Center District (NMUC)

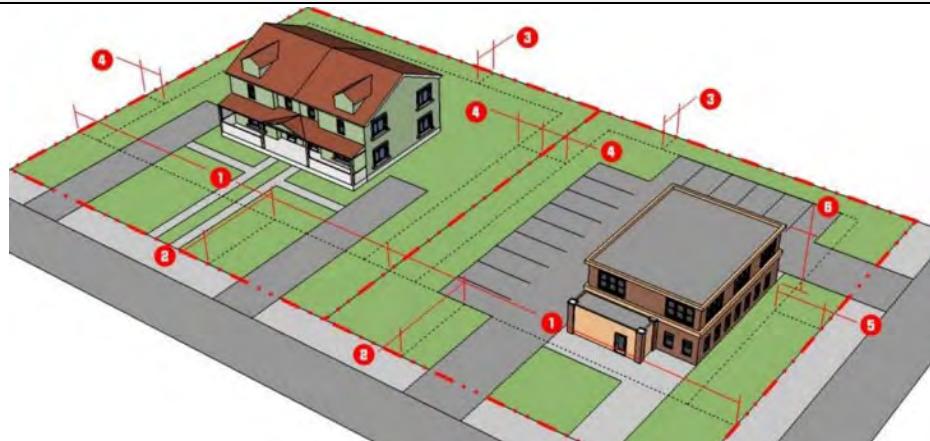
A. Purpose. The purpose of the Neighborhood Mixed-Use Center (NMUC) District is to provide lands for low and moderate density, small-scale development that is well connected, and supports places to live, work, and recreate. The district is envisioned as a walkable and bikeable place. Development allowed includes a mix of retail and office (both business, medical and other professional) uses, limited group living, along with supporting retail, eating, and entertainment uses that serve local neighborhood needs. The district also allows a mix of residential uses (duplex, single-family attached, multifamily, and live/work dwellings). The vertical mixing of residential uses with nonresidential uses within a neighborhood-scale single project or building, with residential development on upper floors, is encouraged. The horizontal mixing of stand-alone neighborhood-scale residential developments and adjacent stand-alone nonresidential or mixed-use developments in the district is also encouraged, provided the developments are well-integrated in terms of complementary uses, access and circulation, and compatible design.

B. Use Standards. See use tables, use-specific standards, and any modified use standards for any overlay districts.



C. Intensity and Dimensional Standards

● Numbered items on the left correspond to labels in the graphic following the table.	All Uses
Lot Standards	
Min. Net Lot Area (sf)	n/a
① Min. Lot Width (ft)	n/a
Max. Net Density (du/ac)	
Setbacks [3]	
② Min. Front Yard (ft)	10 [1]
③ Min. Rear Yard (ft)	15 [1]
④ Min. Side Yard (ft)	7.5 [1] [4]
⑤ Min. Corner Side Yard (ft)	10
Building Standards	
⑥ Max. Structure Height (ft)	60
Table Notes: sf = square feet; ft = feet; du = dwelling unit; ac = acre; % = percent; n/a = not applicable	
1. Minimum lot area, minimum lot width, and setbacks (except corner side yards) may be reduced to the average of adjacent structures (in the same district), in instances where structures within 100 feet on either side of the proposed structure (on the same street) do not conform to the minimum standard.	
2. Accessory structures (excluding those needed for utilities) must be located inside or rear yards.	
3. Setback is 10 feet for nonresidential uses adjacent to lots containing residential uses.	



2.4.5. Community Mixed-Use Center District (CMUC)

A. Purpose. The purpose of the Community Mixed-Use Center (CMUC) District is to provide lands to accommodate moderate and higher -intensity, auto-accessible, development that is appropriate for highway commercial areas, and that serve the Town and region. Development allowed includes a mix of retail, office, eating, entertainment, medical, and vehicle sales and services uses that serve community-wide needs. The district also allows a mix of residential uses (duplex, single-family attached, multifamily, and live/work dwellings). The vertical mixing of residential development with office and retail is encouraged. The horizontal mixing of stand-alone moderate-scale residential developments and adjacent stand-alone nonresidential developments in the district is also encouraged, provided the developments are well-integrated in terms of complementary uses, access and circulation, and compatible design.

B. Use Standards. See use tables, use-specific standards, and any modified use standards for any overlay districts.



C. Intensity and Dimensional Standards

● Numbered items on the left correspond to labels in the graphic following the table.	All Uses
Lot Standards	
① Min. Net Lot Area (sf)	n/a
② Min. Lot Width (ft)	n/a
Max. Net Density (du/ac)	20 [2]
Setbacks [3]	
③ Min. Front Yard (ft)	20 [1]
④ Min. Rear Yard (ft)	15 [1]
⑤ Min. Side Yard (ft)	7.5 [1] [4]
⑥ Min. Corner Side Yard (ft)	10
Building Standards	
○ Max. Structure Height (ft)	65

Table Notes: sf = square feet; ft = feet; du = dwelling unit; ac = acre; % = percent; n/a = not applicable

1. Minimum lot area, minimum lot width, and setbacks (except corner side yards) may be reduced to the average of adjacent structures (in the same district), in instances where structures within 100 feet on either side of the proposed structure (on the same street) do not conform to the minimum standard.
2. Accessory structures (excluding those needed for utilities) must be located inside or rear yards.
3. Setback is 10 feet for nonresidential uses adjacent to lots containing residential uses.



2.4.6. Central Commercial District (C-4)

- A. Purpose. The purpose of the Central Commercial (C-4) District is to support the small-town urban form and character found in traditional downtown Pittsboro, as well as promote redevelopment that will make the downtown a more diverse and vibrant mixed-use place. The C-4 district is intended to accommodate a well-balanced mix of uses (e.g., office, retail, service, moderate and higher-density residential) that promotes a strong pedestrian-oriented environment (with a reduced need for parking), and preserves and protects the downtown's historical scale and character. The district is subject to standards intended to support a mixed-use, small-town character.
- B. Use Standards. See use tables, use-specific standards, and any modified use standards for any overlay districts.



C. Intensity and Dimensional Standards

● Numbered items on the left correspond to labels in the graphic following the table.	All Uses
Lot Standards	
Min. Net Lot Area (sf)	n/a
Min. Lot Width (ft)	n/a
Max. Net Density (du/ac)	n/a
Setbacks	
Min. Front Yard (ft)	0
Min. Side Yard (ft)	0
Min. Corner Side Yard (ft)	0
Min. Rear Yard (ft)	0
Building Standards	
① Max. Structure Height (ft)	65

Table Notes: sf = square feet; ft = feet; du = dwelling unit; ac = acre; % = percent; n/a = not applicable



2.4.7. Highway Commercial District (C-2)

A. Purpose. The purpose of the Highway Commercial (C2) District is to provide lands to accommodate retail, office, and service areas that serve the Town and region. Development allowed includes a mix of retail, office, eating, entertainment, medical, and vehicle sale, and services uses that serve community-wide needs. This district accommodates intensive commercial uses such as shopping centers, as well as free-standing business establishments. Included also are certain functions, such as warehousing, that are compatible with the primary uses.

B. Use Standards. See use tables, use-specific standards, and any modified use standards for any overlay districts.



c. Intensity and Dimensional Standards

● Numbered items on the left correspond to labels in the graphic following the table.	All Uses
Lot Standards	
Min. Net Lot Area (sf)	n/a
① Min. Lot Width (ft)	50 [1]
Max. Net Density (du/ac)	20 [2]
Setbacks [1]	
② Min. Front Yard (ft)	25 [1]
③ Min. Rear Yard (ft)	25 [1]
④ Min. Side Yard (ft)	10 [1] [3]
⑤ Min. Corner Side Yard (ft)	10
Building Standards	
⑥ Max. Structure Height (ft)	65
Table Notes: sf = square feet; ft = feet; du = dwelling unit; ac = acre; % = percent; n/a = not applicable	
1. Minimum lot area, minimum lot width, and setbacks (except corner side yards) may be reduced to the average of adjacent structures (in the same district), in instances where structures within 100 feet on either side of the proposed structure (on the same street) do not conform to the minimum standard.	
2. Accessory structures (excluding those needed for utilities) must be located inside or rear yards.	
3. Setback is 15 feet for nonresidential uses adjacent to lots containing residential uses.	



2.4.8. Light Industrial District (M-1)

- A. Purpose. The purpose of the Light Industrial (M-1) District is to provide lands to accommodate a mix of employment, research and development, and light industrial development, with an expectation of high-quality design. Development allowed includes office, light industrial, research and development, warehousing and distribution, light assembly and support activities, small-scale outdoor uses that can be operated with minimal adverse impacts on the environment and surrounding uses, limited small-scale commercial uses (e.g., flex buildings and ancillary commercial uses serving district businesses and their employees), and storage uses serving other light industrial uses. Intensive forms of industrial development are prohibited, as well as outdoor manufacturing, processing, and storage. Residential uses are not allowed in order to avoid incompatible uses, and to preserve the intent of M1 as an employment and light industrial-oriented district.
- B. Use Standards. See use tables, use-specific standards, and any modified use standards for any overlay districts.

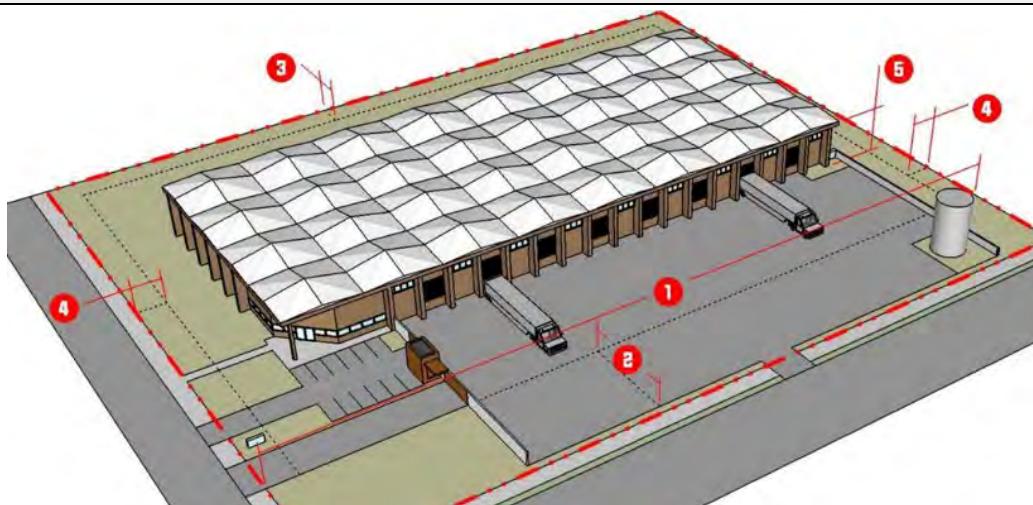


C. Intensity and Dimensional Standards

● Numbered items on the left correspond to labels in the graphic following the table.	All Uses
Lot Standards	
Min. Net Lot Area (sf)	n/a
① Min. Lot Width (ft)	n/a
Max. Net Density (du/ac)	n/a
Setbacks [1]	
② Min. Front Yard (ft)	35 [2]
③ Min. Rear Yard (ft)	20 [2]
④ Min. Side Yard (ft)	20 [2]
Min. Corner Side Yard (ft)	n/a
Building Standards	
⑤ Max. Structure Height (ft)	60

Table Notes: sf = square feet; ft = feet; du = dwelling unit; ac = acre; % = percent; n/a = not applicable

1. Accessory structures (excluding those needed for utilities) shall be located inside or rear yards.
2. Minimum lot area, minimum lot width, and setbacks (except corner side yards) may be reduced to the average of adjacent structures (in the same district), in instances where structures within 100 feet on either side of the proposed structure (on the same street) do not conform to the minimum standard.



2.4.9. Heavy Industrial District (M-2)

A. Purpose. The purpose of the Heavy Industrial (M-2) District is to provide lands to accommodate more industrial development that generally requires large sites, as well as industrial uses that are important for the Town's economic growth but may impact adjoining lands. The uses generally involve greater potential for adverse off-site impacts on the environment and surrounding development (e.g., from dust, fumes, smoke, odors, noise, or vibration, or due to exterior movement of vehicle, materials, and goods). Development allowed in the HI district includes assembly, fabrication, processing, storage, research and development, and other large-scale industrial uses that require the significant movement of vehicles, materials, and goods, and supporting uses and public facilities. The district may also include vehicle service uses and other commercial uses that require outdoor storage areas and that may be incompatible in other districts, as well as ancillary commercial uses serving district businesses and their employees. District development is intended to include buffers and the use of other mitigation techniques to ensure the heavy industry development mitigates potential impacts to surrounding development.

B. Use Standards. See use tables, use-specific standards, and any modified use standards for any overlay districts.

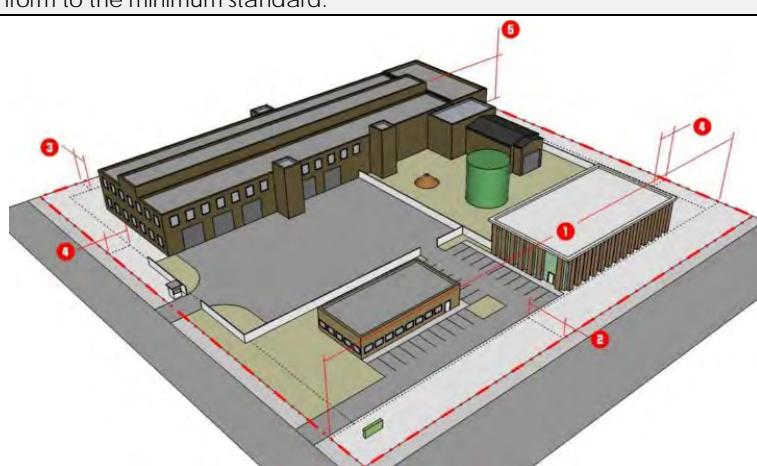


C. Intensity and Dimensional Standards

● Numbered items on the left correspond to labels in the graphic following the table.	All Uses
Lot Standards	
Min. Net Lot Area (sf)	n/a
① Min. Lot Width (ft)	n/a
Max. Net Density (du/ac)	n/a
Setbacks [1]	
② Min. Front Yard (ft)	35 [2]
③ Min. Rear Yard (ft)	20 [2]
④ Min. Side Yard (ft)	20 [2]
Min. Corner Side Yard (ft)	n/a
Building Standards	
⑤ Max. Structure Height (ft)	60

Table Notes: sf = square feet; ft = feet; du = dwelling unit; ac = acre; % = percent; n/a = not applicable

1. Accessory structures (excluding those needed for utilities) shall be located inside or rear yards.
2. Minimum lot area, minimum lot width, and setbacks (except corner side yards) may be reduced to the average of adjacent structures (in the same district), in instances where structures within 100 feet on either side of the proposed structure (on the same street) do not conform to the minimum standard.



Section 2.5. Planned Development Districts

2.5.1. General Purposes of Planned Development Districts

The Purpose of Planned Development Districts. Planned development districts are intended to encourage innovative land planning and site design concepts that support a high quality of life and high quality of development and are compatible with natural features and community character.

2.5.2. Planned Development Districts Established

The following two planned development zoning districts are established:

- Planned Development District (PDD)
- Mixed Use Planned Development District (MUPD)

2.5.3. Planned Development District (PDD)

A. Purpose. The Planned Development District (PPD) 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 regulations. The Planned Development 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 are 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 projects 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 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 developments, variations from otherwise applicable regulations and standards may be granted with the adoption of the required Planned Development District Master Plan (PDD Master Plan).

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 in accordance with the procedures for Zoning Map Amendments, as contained in Section 10.4.12, General Use Rezoning Review Procedures.

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.

- B. Size of a PDD. A PDD shall be one hundred (100) acres or more in size.
- C. PDD Master Plan Required. Submittal of an application to rezone property to 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 percent; and
 8. A utility plan that includes the type and general location of the following existing and proposed public utilities:
 - a. Water;
 - b. Wastewater; and
 - c. Reclaimed 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; and
 - c. Schools.
 11. A multi-modal transportation plan for the PDD that includes:
 - a. Location of existing and proposed major roads in and adjacent to the PDD; and
 - 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.
 - a. A Planned Development District may contain any use listed as Allowed in Table 3.2.4: Principal Use Table, and specified in an approved PDD Master Plan. 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.
 - b. 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 both 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.
- D. Area, Yard, and Height Requirements.
1. Development standards established by the approved PDD Master Plan shall be the applicable development standards within the PDD. Such standards may include, but are not limited to, building

- height, building separations, building setbacks, lot size, yard, buffer and landscape requirements or other development standards.
2. 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.
 3. 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.
 4. The development standards within the PDD may be varied for and within different areas or phases of the PDD. Such variations in standards shall be identified in the PDD Master Plan.
 5. 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.
- E. Land Use Mix.
1. A mix of land uses is expected in the PDD. The PDD Master Plan shall identify how uses will be mixed within the PDD. Uses may vary for and within areas or phase of the PDD and it is acknowledged that the mix of uses may need to change over time.
 2. Planned developments containing both 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.
- F. 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.
- G. Multi-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 practical, 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.
- H. Greenways, Recreation Space, and Open Space.
1. 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 common open space areas (as provided in Section 5.2, Open Space and Recreation Areas), 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 may propose revisions, alternatives, and/or clarifications to this plan.

2. Conservation 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.
 3. 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 as 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.
- I. Landscaping, Transitions, and Buffers.
1. Compliance with General Landscaping Requirements. Landscaping shall comply with the standards in Section 5.4, Landscaping, 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 surrounding properties, create attractive streetscapes and parking areas, and be consistent with the urban design objectives and/or character of the PDD.
 2. Perimeter Boundary Transition. 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.
 3. Internal Transitions. No buffers or transitions are required between land uses within the PDD.
- J. Interpretation of 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.
- K. 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 procedures set forth in Section 10.4.12 General Use Rezoning Review Procedures, except as modified by specific procedures set forth herein.
- L. Amendments Requiring Rezoning.
1. Add 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 nonresidential uses;
 5. Reductions in the width of or standards of the treatment in boundary buffers, other than those allowed by 2.5.3.J, Interpreting the PDD Master Plan;
 6. Reductions in the amount of recreation or open space; and
 7. Changes to the development standards in the PDD Master Plan.
- M. 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 2.5.1, Purpose.

2.5.4. Mixed-Use Planned Development District (MUPD)

- A. Purpose. The 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.
- B. 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.

- C. 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.
- D. Procedures. 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. The procedures for initiation of the application contents, fees, submission and review by Town staff, notice of legislative public hearing review by the Planning Board and recommendations, approval with conditions or disapproval by the Town Board shall comply with the requirements of amendment procedures.
- E. Development Parameters. 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. 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. 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. The development proposed in the MUPD Plan is compatible with the character of surrounding land uses and maintains the values of surrounding properties.
- F. Public Facilities. The procedures for initiation of the application contents, fees, submission and review by Town staff, notice of legislative public hearing review by the Planning Board and recommendations, approval with conditions or disapproval by the Town Board shall comply with the requirements of amendment procedures.
- G. Use Standards. A mix of uses is expected in MUPD District, as identified in the table of uses. The specific principal, accessory, and temporary uses allowed in an individual MUPD district shall be established in the MUPD Plan / MUPD Agreement. Uses shall be consistent with the Comprehensive Plan, other Town-adopted plans, and the purpose of the MUPD district. An MUPD Plan / MUPD Agreement shall be approved as part of the MUPD zone district designation and shall provide for a range of uses including commercial, residential, civic, recreation, and employment uses.



H. Intensity and Dimensional Standards	
Standard	Requirement
Min. District Gross Area (ac)	25
Max. Gross Density (du/ac)	
Min. Net Lot Area (sf)	
Min. Lot Width (ft)	
Max. Lot Coverage (% of district area)	To be established in MUPD Plan / MUPD Agreement (refer to Section 2.5.4, Mixed Use Planned Development)
Max. Structure Height	
Max. Individual Building Size	
Min. Setbacks	
Min. Setbacks from Abutting Residential Development or Zoning (ft)	

I. Environmental, Open Space, and Site Development Standards	
Standard	Requirement
Common recreation space	5% of gross land area
Adequate public facilities	Required
Adequate transportation	Required via multi-modal transportation plan
Compatible land use transitions and buffers	Required
Other environmental, open space, and site development standards as shown in Section 2.5.4.	Applicable. Any modifications to standards referenced in Section 2.5.4, References to Environmental, Open Space, and Other Development Standards, must be consistent with the intended purpose of the PD district. MUPD Plan / MUPD Agreement, with a clear basis for why the change is needed and how it supports high-quality development goals.

Section 2.6. Overlay Districts

2.6.1. General Purposes of Overlay Districts

The Overlay zoning districts are superimposed over portions of one or more underlying base, conditional, or planned development zoning districts with the intent of supplementing generally applicable development regulations with additional development regulations that address special area-specific conditions, features, or plans while maintaining the character and purposes of the underlying districts. Some overlay districts include standards that modify or supersede standards applied by the underlying district. Land shall be classified or reclassified into an overlay zoning district only in accordance with the procedures and requirements set forth in Section 10.4.12 General Use Rezoning Review Procedures.

2.6.2. Watershed Critical Overlay District (WCAO)

- A. Purpose. The Watershed Critical Area Overlay (WCAO) is one of two overlay districts intended to protect the Jordan Lake and Haw River water supply by limiting development activities that could potentially have an adverse impact on water quality. The second overlay district is the Watershed Protected Area Overlay District (WPAO). Strategies for protecting critical water resources include minimizing land disturbance, reducing stormwater runoff, and using a combination of natural and engineered stormwater management techniques. Uses and structures that pose a threat to water quality are discouraged, the use of hazardous materials should be minimized, and the proper functioning of on-site sewage systems, stormwater facilities, and erosion control devices is emphasized. These practices help minimize the amount of nutrients, sediment, and other chemicals from entering surface and groundwater, and ensure the safety of the Town's public water supply.

- B. Applicability. This Section applies to development proposals in the WCAO district that require an erosion and sedimentation control plan, as required by the North Carolina Sedimentation Control Commission.
- C. Density and Lots Size. Maximum density for single-family residential dwellings is two (2) dwelling units per acre of gross land area. Minimum lot area for single-family residential dwellings is 20,000 square feet, unless that lot is located within a conservation subdivision consistent with Section 6.2.3, Conservation Subdivision. Minimum lot area may increase for lands not served by public water or sewer, consistent with Chatham County Health Department requirements.
- D. Lot Coverage. Maximum lot coverage for nonresidential and multifamily development is 24 percent.
- E. Permitted Uses. Uses allowed in the underlying base zoning district or another applicable overlay district are permitted within the WCAO district except for the new sludge application sites, new landfills, and the storage or treatment of hazardous material unless a spill containment plan is implemented.
- F. Standards Common to WCAO and WPAO Overlay Districts. Development in both the WCAO and WPAO districts shall comply with standards below. If a provision only applies only to the WCAO district or WPAO district individually, it is expressly stated.
- G. Best Management Practices.
 - 1. Agricultural uses, if allowed in the underlying base zoning district, shall be 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.
 - 2. Forestry operations, if allowed in the underlying base zoning district, shall comply with the provisions of the Forest Practice Guidelines Related to Water Quality (15 ANCAC 1I.0101.0209).
 - 3. The construction of new roads and bridges and nonresidential 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 practical, the construction of new roads in the WCAO district should be avoided. The NCDOT shall use best management practices as outlined in their document entitled, "Best Management Practices for the Protection of Surface Waters."
- H. Conservation Subdivisions. Conservation Subdivisions, consistent with Section 6.2.3, Conservation Subdivision, are allowed in all WCAO and WPAO districts, provided they comply with the following:
 - 1. Minimum lot area may be reduced for single-family lots if the total number of lots does not exceed the number of lots allowed under the base district standards. Built-upon area requirements shall not exceed that allowed in Section 4.4, Stormwater Management;
 - 2. All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow;
 - 3. 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 owner's 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; and
 - 4. The proposed conservation subdivision shall be served by public water and sewer facilities.
 - 5. A minimum 100-foot vegetative buffer is required for all new development activities. that utilize the high-density development option.
 - 6. High Density Development Option; otherwise, a minimum 30-foot vegetative buffer for development activities is required along all perennial waters indicated on the most recent versions of USGS 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.
 - 7. Agricultural activities in a WCAO 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 USGS 1:24,000 (7.5 minute) scale topographic maps.
 - 8. No new development is allowed in the buffer except for water-dependent structures and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built upon surface area, direct runoff away from the surface waters, and maximize the utilization of stormwater best management practices.
- I. Existing Development.

1. Existing development is not subject to the provisions of the WCAO or WPAO district requirements. Redevelopment of, and expansion to, existing development is allowed as provided in this Section.
 2. 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 existing development. However, existing single-family dwellings may be redeveloped without these restrictions.
 3. Expansions to uses and structures classified as existing development shall comply with the requirements of this Section; however, the built-upon area of the existing development is not required to be included in the density calculation. Existing single-family dwellings may be expanded without restrictions.
- J. Exceptions. A pre-existing, deeded lot owned by an individual prior to May 24th, 2021 regardless of whether or not a vested right has been established, may be developed as a single-family dwelling without being subject to the restrictions of this Section. This exemption is not applicable to multiple contiguous lots under single ownership. The recombination of existing nonconforming lots in single ownership shall be required in accordance with Section 8.4, Nonconforming Lots.
- K. High Density Development Option. Upon approval by the Board of Commissioners, a high-density option may be authorized provided it complies with the following:
1. Within the WPAO district, new development may exceed allowances provided in Section 2.6.3.C, Density and Lot Size, provided that engineered stormwater controls are used to control runoff from the first inch of rainfall and the built-upon area does not exceed 70 percent.
 2. Development must conform with the other provisions in Section 2.6.3.F, Standards Common to WCAO and WPAO Overlay Districts, unless explicitly stated otherwise.
 3. 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.
 4. All site plans for development proposing to utilize the high-density option shall be reviewed and approved by the Board of Commissioners.
 5. The high-density option shall not be applicable to properties located within a WCAO district.
- L. Stormwater Control Structures.
1. All stormwater control structures shall be designed by either a North Carolina registered professional engineer or landscape architect, to the extent that the NCGS, 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 or landscape architects, to the extent that the NCGS, Chapter 89A allow, and land surveyors, to the extent that the design represents incidental drainage within a subdivision, as provided in NCGS 89(C).
 2. 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 standards:
 - a. Wet detention ponds shall be designed to remove 85 percent of total suspended solids in the permanent pool and storage runoff from a one-inch rainfall from the site above the permanent pool;
 - b. The design runoff storage volume shall be above the permanent pool;
 - c. The discharge rate from these systems following a 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;
 - d. The mean permanent pool depth shall be a minimum of three feet;
 - e. The inlet structure shall be designed to minimize turbulence using baffles or other appropriate design features;
 - f. And vegetative filters shall be constructed for the overflow and discharge of all stormwater wet detention ponds and shall be at least 30 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.

3. All land areas outside of the pond shall be provided with a ground cover sufficient to restrain erosion within 30 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 4.4, Stormwater Management.
4. A description of the area containing the stormwater control structure shall be prepared and filed 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.
5. 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.

M. Financial Security for Stormwater Control Structures.

1. All new stormwater control structures 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.
2. Financial assurance shall be in the following form:
 - a. 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 Planning Director 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.
 - b. Cash or Equivalent Security Deposited After the Release of the Performance Bond. 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 15 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. The amount shall be computed by estimating the maintenance cost for 25 years and multiplying this amount by two-fifths or 0.4.
3. The permit applicant shall enter into a binding operation and maintenance agreement between the Town of Pittsboro and all interests in the development. The 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 Planning Director.
4. 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.
5. 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.

N. Maintenance and Inspection of Stormwater Control Structures.

1. An operation and maintenance plan or manual shall be provided by the developer for each stormwater control structure, indicating what operation and maintenance actions are needed, what specific quantitative standards 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.
2. 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.
3. Except for general landscaping and grounds management, the owning entity shall notify the Planning Director 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 Planning Director 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 Planning Director may consult with an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A allow) designated by the Board of Commissioners.
4. 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 NCGS Chapter 89A allows) and submitted to and reviewed by the Planning Director prior to consideration by the Board of Commissioners.
 - a. 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 Planning Director.
 - b. 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.
 - c. 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 Planning Director and the owning entity.
 - d. 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.
 - e. A permit and inspection fee schedule, as approved by the Board of Commissioners shall be posted in the Planning Department.
 - f. 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.
 - g. The stormwater control structure shall be inspected by the Planning Director, after the owning entity notifies the Planning Director that all work has been completed. At this inspection, the owning entity shall provide:
 - i. The signed deed, related easements and survey plat for the stormwater control structure ready for filing with the Chatham County Register of Deeds; and
 - ii. A certification sealed by an engineer or landscape architect (to the extent that the NCGS, Chapter 89A, allow) stating that the stormwater control structure is complete and consistent with the approved plans and specifications.
5. The Planning Director 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.

- a. 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.
- b. 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.
- 6. 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 Planning Director shall inspect the stormwater control structure to determine whether the controls are performing as designed and intended. The Planning Director shall present the petition, inspection report and recommendation, to the Board of Commissioners.
- 7. If the Board of Commissioners approves the report and accepts the petition, the developer shall deposit funds with the Board of Commissioners, after which the Board of Commissioners shall release the performance bond or other security.
- 8. 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.
- 9. 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.
- 10. In the event the Planning Director discovers the need for corrective action or improvements, the Planning Director 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 Planning Director shall inspect and approve the completed improvements. The Planning Director may consult with an engineer or landscape architect (to the extent that the NCGS Chapter 89A. allow) designated by the Board of Commissioners.

2.6.3. Watershed Protected Overlay District (WPAO)

- A. Purpose. The intent of the Watershed Protected Area Overlay (WPAO) District is the same as the Watershed Critical Area Overlay: to protect the Jordan Lake and Haw River water supply by limiting development activities that could potentially have an adverse impact on water quality. The WPAO district is distinguished from the WCAO district by including areas that are more sensitive to potential adverse impacts from development. Therefore, the standards include additional provisions protecting critical water resources.
- B. Applicability. This Section applies to development proposals in the WPAO district that requires an erosion and sedimentation control plan, as required by the North Carolina Sedimentation Control Commission.
- C. Density and Lots Size. The maximum density for a single-family dwelling is two dwelling units per acre for areas with a curb and gutter system, and three dwelling units per acre for development without a curb and gutter system. Minimum lot area for a single-family dwelling is 20,000 square feet for areas with a curb and gutter system, and 14,500 square feet for areas without a curb and gutter system. Minimum lot area for a single-family dwelling can be lower than the standards listed above if the lots are located within a Conservation Subdivision in accordance with Section 6.2.3, Conservation Subdivision. Minimum lot area may increase for areas not served by public water or sewer, consistent with Chatham County Health Department requirements.
- D. Lot Coverage. Maximum lot coverage for nonresidential and multifamily development is 24 percent if there is a curb and gutter system, or 36 percent without a curb and gutter system.
- E. Permitted Uses. The following uses are prohibited: sludge application sites; landfills, storage or treatment of hazardous materials without a spill containment plan.

- F. Standards Common to WCAO and WPAO Overlay Districts. Development in the WPAO district shall also comply with the standards in Section 2.6.3.F, Standards Common to WCAO and WPAO Overlay Districts.

2.6.4. Downtown Overlay District (DO)

- A. Purpose. The Downton Overlay District is established to encourage a vibrant small-town urban core that:
1. Acknowledges and reflects the Town's historic character;
 2. Stimulates a pedestrian and bicycle friendly environment while providing transit and individual vehicular accommodations;
 3. Reflects the community's artistic heritage;
 4. Promotes the area as a hub of commerce, civic, cultural, and governmental activity;
 5. Fosters a wide range and mix of uses including retail, office, restaurant, entertainment, service, financial, and high-density residential;
 6. Attracts and fulfills residents and visitors alike;
 7. Integrates and sustains accessibility and inclusivity;
 8. Cultivates economic growth that complements and expands the unique character of Pittsboro.
- It is the purpose of these regulations to encourage small-town urban vitality by excluding certain activities which have a negative effect on the public realm such as motor vehicle dominated or non-pedestrian-oriented design or uses. To facilitate the purpose and intent of this overlay district, all uses, and development plans shall be consistent with the regulations contained within this Chapter for the Downtown Overlay district.
- B. Applicability. The regulations of this Downtown Overlay District shall apply to all properties located within the Main Street Pittsboro Boundary, as adopted by the Pittsboro Board of Commissioners on March 12, 2018. Uses permitted in this district are subject to all other regulations within this ordinance including any additional overlay district requirements. Should the requirements set forth in this Section conflict with any other Section of this ordinance, the more restrictive regulations shall apply. Mixed Use Planned Developments and Planned Development Districts are subject to the regulations of this district.
- C. Permitted. Uses permitted by right in this district are those uses permitted in the base zoning district of the property in question. Refer to Table 3.2.4 for the list of permitted uses.
- D. Prohibited Uses. Prohibited uses listed below shall not be allowed within the overlay district. Uses currently in existence as of March 12, 2018, which do not comply with the standards set forth in this Section shall be deemed a non-conforming use. Any non-conforming uses will be held to the regulations of Chapter 8.
- List of Prohibited Uses:
1. Adult bookstore, adult entertainment club, adult theater
 2. Alternative Nicotine Shops and Vapor Shops
 3. Automobile accessories sales
 4. Automobile sales, new and used
 5. Automobile painting, and fender works; truck repairing
 6. Automobile repair shops; all work within a completely enclosed building
 7. Automobile service station, no outside storage of used, wrecked, inoperable or dismantled automobiles; gasoline sales
 8. Building supplies with open storage
 9. Building supplies without open storage
 10. Carwash, automated
 11. Carwash, self-service
 12. Cleaners and laundries, self-service
 13. College, University, or Vocational School (as a principal use)
 14. Convenience stores with gas pumps
 15. Day care facility
 16. Electronic Gaming Operation
 17. Fitness Centers (over 5,000 sq. ft.)
 18. Flammable liquids or gases, bulk storage, <100,000 gallons
 19. Flammable liquids or gases, bulk storage, >100,000 gallons

- 20. Flea markets
- 21. Fuel oil sales
- 22. Game rooms
- 23. Garbage landfills, incinerators
- 24. Gunsmiths
- 25. Hardware supplies with open storage (over 5,000 sq. ft.)
- 26. Hospitals
- 27. Kennels, commercial
- 28. LP gas refueling station
- 29. Motorcycle sales and repair
- 30. Massage parlor
- 31. Pawn Shop
- 32. Public utilities; with service and storage yards
- 33. RV, board, agricultural implement, heavy machinery sales, rental, storage
- 34. Restaurant, drive-in, drive thru
- 35. School, Elementary, Middle, or High (as a principal use)
- 36. Sheet metal, roofing shops
- 37. Shooting Gallery
- 38. Storage, outdoor not otherwise listed
- 39. Tattoo Parlor/Tattoo Studio Establishment and/or Body Piercing
- 40. Telephone exchanges, radio and TV
- 41. Towers, transmitting stations, communication towers over 50' height
- 42. Transportation terminals, freight
- 43. Transportation terminals, passenger
- 44. Wholesale establishments, not listed

CHAPTER 3. USE STANDARDS

Section 3.1. Organization

This Section 3.2, Principal Uses, identifies land uses allowed as the principal uses in the various zoning districts and sets out any use-specific standards where they apply to a principal use. Section 3.3, Accessory Uses and Structures, identifies land uses and structures commonly allowed as accessory to principal uses, sets out general standards applicable to all accessory uses and structures, and sets out special standards that apply to particular accessory uses and structures. Section 3.4, Temporary Uses and Structures, identifies land uses or structures allowed on a temporary basis, sets out general standards applicable to all temporary uses and structures, and special standards that apply to particular temporary uses and structures.

Section 3.2. Principal Uses

3.2.1. Purpose

The purpose of this Section is to authorize the establishment and continuation of land uses that are allowed as the principal use(s) in a zoning district. It identifies the zoning districts in which these principal uses are allowed and sets out any use-specific standards applicable to particular principal uses. This Section is also intended to establish a hierarchy for organizing principal uses that reflects functional relationships among the various principal uses and that in conjunction with Section 12.3, Principal Use Classification System, makes it easier to determine whether a particular proposed use is allowable as a principal use in a particular zoning district. Organization and Applicability

3.2.2. Organization and Applicability

Section 3.2.3, "Classification of Principal Uses," identifies the hierarchy of use classifications, use categories, and use types by which principal uses are organized in this Section's Principal Use Table. Section 3.2.4, "Principal Use Table," contains a table listing allowable principal uses and shows whether each use is permitted, allowed as a special use, or prohibited within the various zoning districts. Section 3.2.5, "Principal Use-Specific Standards," sets forth standards applicable to specific principal uses regardless of the zoning district in which they are allowed or the review procedure by which they are approved, unless expressly stated to the contrary.

3.2.3. Classification of Principal Uses

The following hierarchy of use classifications, use categories, and use types is used to organize allowable uses listed in Section 3.2.4, "Principal Use Table," and the use-specific standards set out in Section 3.2.5, Principal Use-Specific Standards. Descriptions of this classification system and hierarchy are contained in Section 12.3, "Principal Use Classification System."

- A. Use Classifications. Use Classifications are very broad and general (e.g., Agricultural Uses, Residential Uses, Institutional Uses, Commercial Uses, and Industrial Uses).
- B. Use Categories. Use Categories represent major subgroups of the use classifications that have common functional, product, or physical characteristics, such as the type and amount of activity, type of occupants or users/customers, or operational characteristics. For example, the Commercial Use Classification is divided into multiple use categories, including Eating or Drinking Uses and Visitor Accommodation Uses.
- C. Use Types.
 1. Use Types identify specific principal land uses whose characteristics are considered to fall within the various Use Categories. For example, bars, lounges, brewpubs, and restaurants are use types within the Eating and Drinking Use Category. Each use type is defined in Section 12.12, "Terms and Uses Defined."
 2. While the Residential and Institutional use classifications tend to include relatively specific and well-defined use types, the Commercial and Industrial use classifications tend to include broader uses types,

reflecting the wider range and ever-growing variety of commercial and industrial uses existing in the community.

3. Classifying principal uses in this manner provides a systematic basis for determining whether a particular land use not expressly listed should be considered similar to a listed principal use and allowed. Refer to Section 12.3, Principal Use Classification System, for a description of the use classification system and procedures for using it to interpret unlisted uses.

3.2.4. Principal Use Table

- A. Structure of Principal Use Table. Designation of Uses. Table 3.2.4, "Principal Use Table," uses the following abbreviations to establish whether and how a principal use is allowed in a particular zoning district:

P	A "P" under a base zoning district column indicates that the use is allowable as a principal use in the district, subject to any referenced use-specific standards and all other applicable regulations of this Ordinance.
S	An "S" under a base zoning district column indicates that the use is allowable as a principal use in the district only on approval of a Special Use Permit in accordance with Section 8.3.3.A, Special Use Permit, and subject to any referenced use-specific standards and all other applicable regulations of this Ordinance.
Z	A "Z" under a base zoning district column indicates that a Condition Rezoning within a parallel conditional zoning district is required.
[blank cell]	A blank cell under a base district column indicates that the use is prohibited as a principal use in the district.

1. Reference to Use-Specific Standards. A particular use category or use type allowable as a principal use in a zoning district may be subject to additional standards that are specific to the particular use. The applicability of such use-specific standards is noted in the last column of the Principal Use Table ("Use-Specific Standards") through a reference to standards in Section 3.2.5, "Principal Use-Specific Standards."
- B. Multiple Principal Uses. A development may include a single principal use with one or more accessory uses that are customarily incidental and subordinate to the principal use (e.g., home occupation as accessory to a dwelling, or administrative offices as accessory to a school, retail sales, or manufacturing use). A development may also include multiple principal uses, none of which is necessarily customarily incidental or subordinate to another principal use (e.g., a place of worship combined with a school, a gas station combined with a convenience store, restaurant, or automotive repair use, or a flex building housing retail, industrial and services uses, and warehousing tenants). A development with multiple principal uses shall include only those principal uses designated in the use tables as allowed in the applicable zoning district, and each principal use shall be subject to any use-specific standards applicable to the use, unless expressly stated to the contrary.
- C. Overlay Districts. A principal use is allowed in an overlay district if it is allowed in the underlying base district.
- D. Principal Use Table.

Use Type	RA-5	RA-2	RA	R-15	R-12M	R-12	R-10	R-5	MR	OI	C-2	Reserved	NMUC	CMUC	C-4	M-1	M-2	Use Standards (refer to section 3.2.5)
PRINCIPAL USE TABLE																		
Dwelling, Duplex				P		P	P	P	P	P	P		P	P	P			
Dwelling, Live/Work	P	P	P	P		P	P	P	P	P	P		P	P	P		X	
Dwelling, Manufactured	P	P	P	P	P ¹				P	P	P		P	P			X	
Dwelling, Multifamily									P	P	P		P	P	P		X	
Dwelling, Single-Family Detached	P	P	P	P		P	P	P	P	P			P	P			X	
Townhouse				P		P	P	P	P	P	P		P	P	P		X	
Family Care Home	S	S	S	S		S	S	S	P	P	P		P	P				
Group Care Home	S	S	S						S	S			S	S				
Pocket Neighborhood					S	S	S	S									X	
Notes:																		
1. Dwelling, Manufactured is permitted by right within a Manufactured Home Park, not on an individual lot within the R-12M zoning district.																		
RESIDENTIAL USES, Household Living																		
Congregate Living Facility				S		P	P	P	P	P	P		P	P			X	
Rehabilitation Center						S	S	S	S									
Continuing Care Retirement Facility				S		S	S	S	P	P	P		P	P			X	
Dormitory				S		S	S	S	S									
Rooming House				S		S	S	S	S	P	P		P	P				
Manufactured Home Park					S												X	
RESIDENTIAL USES, Group Living																		
Community Garden	P	P	P	P		P	P	P	P	P	P		P	P	P	P	X	
Farm	P	P	P															
Garden Center	P	P	P							P	P		P	P				
Forestry	P	P	P							P			P	P	P	P	X	
Game Preserves, Fish Hatcheries, and Ponds	P	P	P															
Greenhouse/Nursery	P	P	P						P	P		P	P					
AGRICULTURE & ANIMAL RELATED USES, Agriculture																		
Equestrian Facility	P	P	P															
Grain Storage Facility	P	P	P															
Sawmill	S	S	S															
AGRICULTURE & ANIMAL RELATED USES, Agricultural Support Service																		
Kennel, Indoor/Out	S	S	S							P			P		P	P	X	
Stable	P	P	P															
Vet. Clinic/Hospital	P	P	P						P	P		P	P	P	P	P	X	
AGRICULTURE & ANIMAL RELATED USES, Animal Related Uses																		
Clubs, Lodges and Banquet Halls	S	S	S	S		P	P	P	P	P	P		P	P	P	P		
College, University, or Vocational School	S			S			P	P	P	S	P		P	P				
Community Center	S	S	S	S		S	S	S	S	P	P		P	P	P			
Correctional Facility	S														S			
Cultural Facility	S			S						S	P		P	P	P			
Day Care Center	S	S	S	S		P	P	P	P	P	P		P	P	P			

Use Type	RA-5	RA-2	RA	R-15	R-12M	R-10	R-5	MR	OI	C-2	Reserved	NMUC	CMUC	C-4	M-1	M-2	Use Standards (refer to section 3.2.5)
Emergency Services	S	S	S	S		P	P	P	P	P		P	P	P	P	P	
Government Services, Administrative	S	S	S	S		P	P	P	P	P		P	P	P	P	P	
Government Maintenance, Storage, or Distribution Facility	P	P	P						S			S		P	P	X	
Place of Worship	P	P	P	P		P	P	P	P	P		P	P	P	P		X
Public Park or Recreation Facility	P	P	P	P		P	P	P	P	P		P	P	P	P		
School, Elementary, Middle or High	S	S	S	S		P	P	P	P	P		P	S	S			
INSTITUTIONAL USES, Health Care																	
Hospital	S	S	S			S	S	P	P		P	P					
Nursing Home	S	S	S			S	S	S	P	P		P	P	P			X
Office, Medical/Dental					S	S	S	S	P	P		P	P	P			
Office Park, Medical/Dental	S	S	S		S	S	S	S	P	P		P	P				
Urgent Care Facility	S	S	S		S	S	S	S	S			S	S				
INSTITUTIONAL USES, Transportation, Communication, & Utility Uses																	
Broadcasting Station	S	S	S					S	S		S	S		S	S		
Broadcast Studio								P	P		P	P	P	P	P		
Airport Facilities	S	S	S											S			X
Park and Ride Terminal								P	P		P	P	P	P	P	P	
Parking Deck or Lot					S	S	S	S	P	P		P	P	P	P	P	X
Railroad Yard								P					P	P	P	P	
Solar Energy Collection System	P	P	S						S		S	S	S	P	P		X
Telecommunications Facility														P	P		
Freight Terminal								P			P			P	P	P	
Transit Station	P	P	P	P		P	P	P	P	P		P	P	P	P	P	
Utility Facility, Major	P	P	P						S		S		P				X
Utility Facility, Minor	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	X
COMMERCIAL USES, Eating & Drinking Establishments																	
Restaurant									P	P		P	P	P	P	P	
Specialty Food Service								P	P		P	P	P	P	P		
Bar or Nightclub								P		S	P	P	S				
COMMERCIAL USES, Office Uses																	
Office Building								P	P		P	P	P	P			
Office Park								S			S						
Adult Establishment								S		S		S					X
COMMERCIAL USES, Recreation & Entertainment																	
Country Club	P	P	P														
Golf Course	P	P	P														
Fairgrounds														S			
Theatre, Indoor								P	P		P	P	P	P			
Theatre, Outdoor								P		P	P	P	P	S			
Private Recreation / Entertainment Facility, Indoor								P		P	P	P	P	P	P		

Use Type	RA-5	RA-2	RA	R-15	R-12M	R-10	R-5	MR	OI	C-2	Reserved	NMUC	CMUC	C-4	M-1	M-2	Use Standards (refer to section 3.2.5)
Private Recreation / Entertainment Facility, Outdoor	S	S	S	S		S	S	S		P		P		P	P		
Gaming Operation										S		S					
COMMERCIAL USES, Funeral Related Uses																	
Funeral Home										P	P		P	P	P	P	
Crematorium														S			
Cemetery	S	S	S	S	S	S	S	S	P		S	P					
COMMERCIAL USES, Retail Sales & Professional Services																	
Convenience Store										P	P		P	P	P		
Farmer's Market									P	P	P	P	P	P		X	
Retail Sale									P		P	P	P	P	P		X
Service Establishment								P	P		P	P	P	P	P	P	
Service Establishment, Personal								P	P		P	P	P	P	P	P	X
Shopping Center										S		S	S	S			
COMMERCIAL USES, Vehicle Service, Sales, & Related Uses																	
Automobile Repair, Major										P		P	P				X
Automobile Repair, Minor										P		P	P	P	P		X
Automobile Repair, Commercial														S			
Automobile Sales or Rental, Commercial										P		P		P	P		
Automobile Service Station										P		P	P	P	P	P	X
Car Wash / Detailing										P		P	P	P	P	P	
Tire Capping & Retreading									P			P		P	P	P	X
Vehicle Fleet Storage														P	P	P	X
COMMERCIAL USES, Lodging																	
Bed and Breakfast - 1	P	P	P		P	P	P	P	P		P	P	P				X
Bed and Breakfast - 2									P		P	P	P				X
Hotel / Motel									P		P	P	P	P			
INDUSTRIAL USES, Industrial & Services Uses																	
Construction Related Activities														P	P		X
Industrial Park														P	P		
Industrial and Large Equipment Sales & Rental														P	P		X
Mini-Storage														P	P		X
Outdoor Equipment Performance Testing Facility													S				X
Research Laboratory									P	P		P	P	P	P		
Warehousing and Distribution													P	P			
Wholesale Food Preparation													P	P			
Wholesale Establishment									P		P		P	P	P		
Fuel Oil Sales									P		P		S				
INDUSTRIAL USES, Manufacturing																	
Brewery													P	P			

Use Type	RA-5	RA-2	RA	R-15	R-12M	R-10	R-5	MR	OI	C-2	Reserved	NMUC	CMUC	C-4	M-1	M-2	Use Standards (refer to section 3.2.5)
Manufacturing, Light												S		X			
Manufacturing, Medium												S		X			
Manufacturing, Heavy												S	Z	X			
Micro-Brewery									P		P	P	P	P	P	P	
Distillery													P	P			
Winery	P	P										P	P				
INDUSTRIAL USES, Extraction, Landfill, & Recycling																	
Composting Facility	S	S	S											S	Z		
Extraction														Z			
Landfill, Debris	S	S	S											Z			
Landfill, Sanitary / Transfer Station / Recycling Center														Z			X
Recycling Drop-off Station	P	P	P	P		P	P	P	P	P		P	P	P	P	P	X

3.2.5. Principal Use-Specific Standards

A. General. Standards for a specific principal use shall apply to the particular individual principal use regardless of the zoning district in which it is located or the review procedure by which it is approved, unless otherwise specified in this Section. This Section sets forth and consolidates the standards for all principal uses for which a reference to this Section is provided in the "Use-Specific Standards" column of Table 3.2.4, "Principal Use Table," and in the same order as they are listed in the table.

B. Agricultural and Animal Related Uses.

1. Agriculture

a. Community Garden. Overhead is prohibited. Accessory buildings shall be limited to sheds for the storage of tools, greenhouses, and seasonal farm stands. The combined area of all buildings and other structures shall not exceed 15 percent of the area of the parcel. Areas used for communal composting shall be limited to ten percent of the area of the parcel. Perimeter fences, including trellises, are allowed in community gardens, subject to the standards in Section 5.6, Fences and Walls. The community garden shall have an established set of operating rules addressing the governance structure of the garden, hours of operation, assignment of garden plots, and maintenance and security requirements and responsibilities.

b. Forestry. Forestry activities may occur only on land enrolled as timberland in the State's present use-value tax program or in accordance with a forest management plan prepared by a registered forester. Forestry activities shall apply best management practices as necessary to comply with the North Carolina Forestry Practice Guidelines Related to Water Quality (15A NCAC 01I.0102 et seq.).

2. Animal Related Uses.

a. Kennel, Indoor and Outdoor. In the M1 and M2 zoning districts, outdoor kennels shall be located a minimum of 50 feet from property lines. Those parts of structures in which animals are boarded shall be fully enclosed, with solid core doors and no operable windows, shall be adequately ventilated, and shall be sufficiently insulated so noise levels comply with the noise regulations in Chapter 17 (Noises) of the Pittsboro Code of Ordinances, and no unreasonable odor can be detected off the premises. The facility shall include a minimum of 200 square feet of outdoor enclosed yard for temporary use by boarded animals for exercise or elimination of wastes. Such yard shall be enclosed by a solid decorative fence or masonry wall at least eight feet in height. Any open or exercise run shall be at least 150 feet from adjoining properties, except where the adjoining property is owned or occupied by the operator of the kennel. A Type B perimeter buffer (refer to Section 5.3, Perimeter Buffers) shall be provided between the pen or run and the

adjoining property. All boarded animals shall be kept within a totally enclosed part of a structure between the hours of 10:00 p.m. and 6:00 a.m.

- b. Veterinary Clinic / Hospital. Those parts of structures in which animals are kept shall be fully enclosed, with solid core doors and no operable windows, shall be adequately ventilated, and shall be sufficiently insulated so no unreasonable noise or odor can be detected off the premises. The facility shall include a minimum of 200 square feet of outdoor enclosed yard for temporary use by cared-for animals for exercise or elimination of wastes. Such yard shall be enclosed by a solid decorative fence or masonry wall at least eight feet in height.

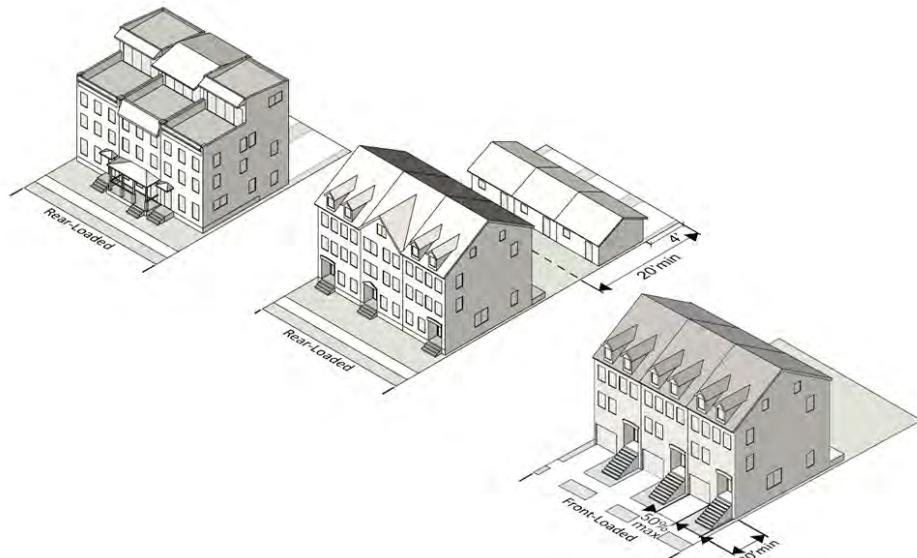
C. Residential Uses.

1. Household Living.

- a. Dwelling, Live / Work. The residential portion of the use shall occupy at least 50 percent of the total gross floor area. The nonresidential portion of the building shall be located on the ground floor. Employees shall be limited to occupants of the residential portion of the building plus up to three persons not residing in the residential portion. Drive-through service is prohibited as an accessory use.
- b. Dwelling, Manufactured Home. The home's length shall be no more than four times its width. The enclosed living area shall contain at least 1,200 square feet. The roof shall have a minimum pitch of five feet or rise to 12 feet of horizontal run and shall be finished with a type of shingle or other roofing material commonly used in the construction of single-family detached dwellings. Exterior siding shall consist predominantly of vinyl or aluminum horizontal lap siding (with reflectivity no greater than gloss white paint), wood, or hardboard that is comparable in composition, appearance, and durability to the exterior siding commonly used in the construction of single-family detached dwellings. The home shall have a permanent masonry foundation around the exterior perimeter of the structure. All utility lines connecting directly to the home shall be installed underground. The front door of the manufactured home shall face a street. Any moving hitch, tongue, wheels, axles, and transporting lights shall be removed before occupancy of the dwelling.
- c. Dwelling, Multifamily. Provision shall be made for on-site collection of recyclables including collection facilities shall be co-located with dumpster enclosures and in central and visible locations. Provision shall be made for collection of the following items: paper, glass, aluminum, cardboard, and plastic. Parking spaces shall be distributed so that each building has access to the number of spaces required to serve that building.
- d. Dwelling, Single Family Detached. In the RA-5, RA-2, and RA districts, conventional subdivisions (see 5.2.2.D, Conservation Subdivision) require approval of a Special Use Permit. Conservation subdivisions (refer to Section 6.2.3, Conservation Subdivision) are allowed as a by-right use in the RA-5 and RA-2 districts.
- e. Townhouse Development.
 - 1. Units in a Series. Buildings shall be provided in a group of at least 2 and no more than 8 dwelling units.
 - 2. Density. The maximum number of dwelling units per gross acre shall be no greater than that permitted in the underlying zoning district except, in the R-12, R-10, R-5, and MR zoning districts, the maximum number of dwelling units in a development shall not exceed 12 units per gross acre and shall not exceed 8 units per gross acre in the R-15 zoning district.
 - 3. Dimensions. The entire site area shall meet the minimum lot size of the underlying zoning district. There is no minimum lot size for individual units. Minimum lot width for each individual lot shall be 16 feet.
 - 4. Maximum height. Principal building shall be 40 feet and a maximum of 3 stories above finished grade. Accessory structure shall be 25 feet. Accessory Dwelling Units shall not exceed the height of the principal structure.
 - 5. Public Utilities. Developments are required to connect to Town public water and sewer utilities.
 - 6. Setbacks. Minimum front setback shall be 10 feet from the property line or edge of sidewalk, whichever is closer. Minimum rear yard shall be 4 feet except when rear-loaded. Minimum side and rear perimeter (property line forming the boundary of the development site area)

setback shall be no less than the setback permitted in the underlying zoning district. Individual lot side setback are zero (0) except each group of townhouses shall be separated by open space a minimum of 10 feet in width. Distance between buildings and shared parking lots shall be a minimum of 5 feet.

7. Street Access. Developments may include street access by public or private street right-of-way or off-street parking lots.
8. Parking. Off-street parking spaces may be provided on the lot containing the dwelling unit or within common parking areas, provided such off-lot spaces serving the resident or guest parking needs of the unit are located within convenient walking distance of the unit. Guest parking shall be accommodated by either common parking areas or on-street parking.
9. Front-Loaded. Driveways shall be a minimum length of 20 feet from the edge of sidewalk, edge of pavement or back of curb, whichever is closer to the building, except if a garage is provided the following standards apply: Any parking in the front setback must have sufficient depth so that parked cars do not encroach on the adjacent sidewalk. To provide sufficient depth, the garage doors must be set back at least 20 feet from the sidewalk and/or the driveway must be a minimum of 20 feet in length.
10. Rear-Loaded. Driveways shall be a minimum length of 20 feet from the edge of sidewalk, edge of pavement or back of curb, whichever is closer to the building, except if a garage is provided the following standards apply: Garage shall be placed entirely to the rear of the townhouse and is rear accessed. Garage can be attached or detached. The garage must either be located 4 feet from the alley right-of-way or easement or rear access drive or be a minimum of 20 feet from the alley right-of-way or easement or rear access drive. Where parking spaces are located between the garage and the alley or rear access drive, the garage must be located at least 20 feet from the alley or rear access drive.



11. Declaration of Covenants. All common areas and open space within the development shall be conveyed to the homeowners association which shall be established and required in order to develop a townhouse development. The developer shall file a "Declaration of Covenants" for approval by the Town and recorded at the Chatham County Registry of Deeds. The Declaration of Covenants shall contain the following standards:
 - i. Homeowners Association Required. A homeowners association shall be established, and covenants and by-laws in place prior to any townhouse unit being sold in the development.
 - ii. Hold Harmless for Emergency and Town Vehicles. The Declaration of Covenants shall include provisions for emergency vehicles and Town vehicles to have access to provide Town services with a hold harmless instrument from damage or repairs to

- private streets, parking lots or any other infrastructure or areas under which the homeowners' association is responsible for maintenance.
- f. Family Care Home. A new family care home is not permitted within a one-half mile radius of an existing family care home.
2. Group Living.
- a. Pocket Neighborhood. Development of a pocket neighborhood shall comply with Section 6.9, Pocket Neighborhoods.
 - b. Congregate Living Facility. A minimum of 15 percent of the land area (excluding streets and parking areas) shall be designated as outdoor open space for enjoyment and use of the residents. The open space shall be safe and easily accessible and provide active or passive recreation opportunities.
 - c. Continuing Care Retirement Community. The continuing care retirement community shall be for the sole residency of persons 62 years or older. The number of nursing care beds shall not be more than 50 percent of the total number of permitted dwelling units. Conveniently located indoor common areas for recreation, socializing, and dining shall be provided for the residents. A minimum of 15 percent of the land area (excluding streets and parking areas) shall be designated as outdoor open space for the enjoyment and use of the residents. The open space shall be safe and easily accessible and provide active or passive recreation opportunities. If listed as a special use, the following provisions shall apply: (1) 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. (2) A temporary dependent care residence shall not exceed 1,200 square feet in floor area.
 - d. Manufactured Home Park.
 1. 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.
 2. General Requirements.
 - i. Manufactured homes shall not be sold within a manufactured home park, except that an individual manufactured homeowner shall be allowed to sell the manufactured home in which he/she resides.
 - ii. The transfer of a deed to a manufactured home space or spaces either by sale or by any other manner shall be prohibited within manufactured home park as long as the manufactured home park is in operation.
 - iii. 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.
 - iv. 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: Name of owner or occupant; Manufactured home space address; Make, model, and registration; and Date when occupancy within the manufactured home park begins and date when occupancy within the manufactured home park ceases.
 - v. 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.
 - vi. 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.

- vii. The park owner or operator shall notify park occupants of all applicable provisions of this Section and inform them of these duties and responsibilities under this Section.
 - viii. Manufactured home parks may contain Class A, B, or C manufactured homes.
3. Manufactured Home Space Requirements.
 - i. 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.
 - ii. 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.
 - iii. 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.
 - iv. 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.
 - v. No double-wide unit may be located on a space not specifically designated on the approved plan for such a unit.
 4. Access Requirements. 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. No manufactured home space shall have direct vehicular access to a public street. All manufactured home spaces shall directly abut a private street contained within the park. Paved walkways of not less than 2 feet in width shall connect all service buildings to abutting drives.
 5. Utility Requirements.
 - i. 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.
 - ii. Sewage Disposal. Adequate and safe sewage disposal facilities shall be provided in all manufactured home parks. Collection systems and sewage treatment plant 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. 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.

- iii. Solid Waste Disposal and Sanitation Requirements. Garbage collection and storage shall be provided in one of the following ways: (1) A permanent location shall be selected and a dumpster or similar container shall be provided to serve all manufactured homes in the park or; (2) 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.
- 6. 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.
- 7. Recreational Space Requirements. 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. Recreational areas shall not be located in an area utilized for septic tank fields.
- 8. Site Plan Requirements.
 - i. Topography. Topography of the site at contour intervals no greater than 5 feet.
 - ii. Structures. Location and approximate size of all existing and proposed buildings and structures within 500 feet adjacent thereto.
 - iii. Circulation. Proposed points of access and egress and pattern of internal circulation.
 - iv. Parking and Loading. Location of and arrangement of all proposed automobile parking spaces.
 - v. Solid Waste Disposal. Location, description and size of all solid waste storage facilities.
 - vi. Timing. Outline and timing of initial development.
 - vii. Other details:
 - 1. Location and dimensions of individual mobile home spaces.
 - 2. Provision for storm drainage and sanitary sewerage (approved by the Town).
 - 3. Location and size of open play space and all other accessory features customarily incidental to the operation of a manufactured home park.
 - 4. Site plan shall be at a scale of 1-inch equals 50 feet or 1 inch equals 100 feet.

D. Institutional Uses.

1. Community and Government Service Uses

- a. Day Care Center. Outdoor play areas for children shall be provided and enclosed by a fence at least five feet in height. In residential districts, the facility shall not be operated between the hours of 7:00 p.m. and 6:00 a.m. Adequate provision shall be made for passenger loading zones. The center shall comply with all applicable State regulations and obtain appropriate State licensing prior to operation.
- b. Place of Worship. The place of worship shall be located on a lot that fronts an arterial or collector street. If the place of worship is proposed within a facility previously used for a commercial use, it shall comply with standards for minimum number of parking spaces required for a place of worship. A decision-making authority may grant modifications of the standards applicable to a place of worship on finding that the modification is necessary to eliminate a substantial burden on religious practice, as guaranteed by the federal Religious Land Use and Institutionalized Persons Act (RLUIPA) of 2000 (42 U.S.C. § 2000 et seq.). In doing so, the decision-making authority may impose conditions consistent with RLUIPA that will substantially secure the objectives of the modified standard and substantially mitigate any potential adverse impact on the environment or adjacent properties.
- c. Government Maintenance, Storage, or Distribution Facility. For facilities with storage yards in the RA-5, RA-2, and RA zoning districts: The facility shall have a minimum of five (5) acres. The entire service and storage yard shall be enclosed by a security fence not less than 6 feet in height. An

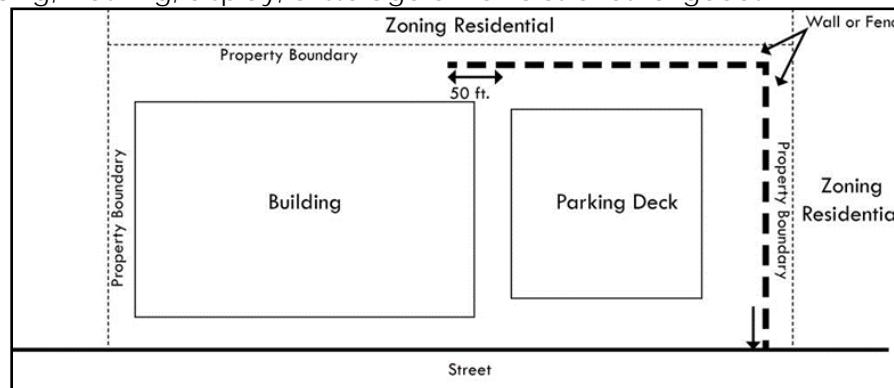
opaque screen not less than 6 feet in height at the time of planting shall be required around the service and storage yard.

2. Health Care.

- a. Nursing Homes. A minimum of 15 percent of the land area (excluding streets and parking areas) shall be designated as outdoor open space for enjoyment and use or viewing by the residents. The open space shall be safe, easily accessible, and visible from major indoor activity areas and patient rooms and provide active or passive recreation opportunities.

3. Transportation and Utility Uses.

- a. Airport Facilities. If listed as a special use, the following provisions shall apply: (1) No application for a proposal to construct an airport shall be submitted to the Federal Aviation Agency before a special use permit request is reviewed by the Planning Board and approved by the Board of Town Commissioners. (2) Fifty (50) acres is required for a 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. (3) Airport facilities shall be located at least 300 feet from the nearest residence. (4) A minimum six-foot security fence shall be provided to control access to runways and taxiways. (5) All structures and impervious surfaces must total less than ten percent of the lot area. (6) 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. (7) Lighting shall be shielded so as to cast no light on adjacent property.
- b. Parking Deck or Lot (as a principal use). When a parking deck is the closest structure to an adjoining property in a residential zoning district, a continuous opaque wall or fence at least six feet high shall be provided along the property line(s) between the parking deck and the adjoining property, and extending for at least 50 feet beyond the edge of the parking deck or to the property line. (See Figure below, "Parking Deck Screening.") Residential uses, retail sales and service uses, and office uses may be located on the ground floor of a parking deck as an accessory use, provided that the use is allowed as a principal permitted use in the zoning district. No other business shall be conducted in the parking deck or lot, including, but not limited to, repair, servicing, washing, display, or storage of vehicles or other goods.



- c. Solar Energy Collection System (as a principal use). The maximum lot coverage of the system and any associated equipment shall not exceed 65 percent. Adequate access for maintenance of the system shall be provided. The system shall not exceed a height of 20 feet. The property owner shall be responsible for negotiating with other property owners in the vicinity to establish any solar easement designed to protect solar access for the solar energy collection system, and for recording any such solar easement with the Chatham County Register of Deeds.
- d. Utility Facilities.

i. Major utilities:

- Must have a minimum lot area of five (5) acres in RA-5, and two (2) acres in RA-2 & RA zoning districts.
- If the facility is regulated by NCUC, the perimeter buffer standard shall not apply. Documentation of regulation by NCUC is required prior to a Zoning Compliance Certificate being issued.

- The entire facility shall be enclosed by a security fence not less than six (6) feet in height.
- Any noise producing equipment or generators must be stored within a structure or must be setback a minimum of fifty (50) feet from any adjoining residential use.

ii. Minor utilities:

- A perimeter buffer shall be provided around the perimeter of sewage pump stations in accordance with Section 5.3.3, Buffer Type Standards

E. Commercial Uses.

1. Recreation and Entertainment.

- a. Adult Establishment. No adult establishment shall be located within 1,500 feet of another adult establishment. No establishment shall be located within 500 feet of a church, school, public park or residentially zoned property.

2. Retail Sales and Services.

- a. Farmer's Market. Market sales shall be limited to the retail sale of fresh fruits and vegetables, herbs, mushrooms, nuts, honey, raw juices, molasses, dairy products, eggs, poultry, meats, fish, shellfish, fresh-cut or dried flowers, nursery stock, seedlings, plants, and other agriculture, aquaculture, and horticulture products produced by the vendor/producer, including the sale of products made by the vendor/producer from such agriculture, aquaculture, and horticulture products (e.g., baked goods, jams and jellies, juices, cheeses) and incidental sales of crafts or similar home-made products made by the vendor/producer. The market shall provide adequate ingress, egress, and off-street parking areas. Items for sale shall not be displayed or stored within customer pathways. The market shall have an established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities. The market shall have a manager authorized to direct the operations of all participating vendors during all hours of operation. The market shall comply with applicable signage standards in Section 6.7, Signage.
- b. Retail Store. Maximum size for retail stores in the NMUC District is 20,000 square feet.
- c. Service Establishment, Personal. Dry cleaning and laundry establishments shall be permitted when only oil, gas, or electricity is used for heat, and when screening and filtering devices are used to prevent the introduction of objectionable smoke, dust, fumes, odors, or steam into the atmosphere.

3. Vehicle Sales, Service, and Related Use.

- a. Automobile Repair, Major. A Type B perimeter buffer (refer to Section 5.3, Perimeter Buffers) shall be provided around areas used to store vehicles awaiting repair or pick-up. All repairs shall be performed inside a building. Vehicles shall not be parked or stored for more than 30 consecutive days. Parking or storage of vehicles for parts, as in a junkyard, is not permitted.
- b. Automobile Repair, Minor. Areas used to store vehicles awaiting repair or pick-up shall be located at least 30 feet from a street right-of-way. A Type B perimeter buffer (refer to Section 5.3, Perimeter Buffers) shall be provided around areas used to store vehicles awaiting repair or pick-up. All repairs shall be performed inside a building. Vehicles shall not be parked or stored for more than 30 consecutive days. Parking or storage of vehicles for parts, as in a junkyard, is not permitted.
- c. Automobile Service Station. Areas used to store vehicles awaiting repair or pick-up shall be screened in accordance with the outdoor storage screening standards in Section 3.2.5.F, Industrial Uses. All repairs shall be performed inside a building. Vehicles shall not be parked or stored for more than 30 consecutive days. Canopies and pump islands shall be located at least 30 feet from any street right-of-way or property line. Parking or storage of vehicles for parts, as in a junkyard, is not permitted. If the service station is located on a corner lot, the lot shall have an area of at least 10,000 square feet and a frontage of at least 150 feet on any arterial and at least 100 feet on any other street. Driveways along a thoroughfare or collector street shall be located at least 150 feet from any intersecting street right-of-way lines. There shall be no more than two vehicular access points along the site's frontage on any street. Driveways shall be located at least 15 feet from any other property. Driveways providing right in/right out access shall be no more than 28 feet wide and driveways providing full access shall be no more than 36 feet wide. Canopies over gas pumps shall have a maximum clearance height of 15 feet above grade

except where State or federal law requires higher clearance. Service stations shall not be located within 200 feet of an existing school, playground, place of worship, or community center.

- d. Tire Capping and Retreading. Areas used to store vehicles awaiting repair or pick-up shall be located at least 30 feet from a street right-of-way. All repairs shall be performed, and tires stored, inside a building. Vehicles shall not be parked or stored for more than 30 consecutive days. Parking or storage of vehicles for parts, as in a junkyard, is not permitted.
- e. Vehicle Fleet Storage. Vehicles cannot be stored in off-street parking spaces, fire lanes, passenger loading zones, commercial loading areas, or public rights-of-way. Vehicles must be stored on asphalt, concrete, brick, pavers, or an equivalent hard, dustless, and bonded surface material that is maintained in a smooth, well-graded, clean, orderly, and dust-free condition. The use of gravel is prohibited.

4. Lodging

- a. Bed and Breakfast – 1. A bed and breakfast shall take place within a building that was designed and used as a single family detached dwelling. The business shall be operated primarily by people who reside within the dwelling, with the assistance of not more than the equivalent of one full-time employee. The building used for the bed and breakfast may not be expanded by more than 10 percent of its original floor area. The number of sleeping rooms shall be limited to a maximum of six. There shall be at least one parking space per sleeping room, and all guest parking shall be situated to the side or rear of the dwelling. There shall only be one kitchen, and all meals served on the premises shall be for overnight guests. Not more than one sign may be erected on the lot where such a use is located. The sign may not exceed six square feet in surface area and cannot be internally illuminated.
- b. Bed and Breakfast – 2. A bed and breakfast shall take place within a building that was designed and used as a single family detached dwelling. The business shall be operated primarily by people who reside within the dwelling, with the assistance of not more than the equivalent of one full-time employee. The building used for the bed and breakfast may not be expanded by more than 10 percent of its original floor area. There shall be at least one parking space per sleeping room, and all guest parking shall be situated to the side or rear of the dwelling. Not more than one sign may be erected on the lot where such a use is located. The sign may not exceed six square feet in surface area and cannot be internally illuminated.

F. Industrial Uses

1. Industrial and Services Uses

- a. Construction Related Uses. Outdoor storage may include construction materials, vehicles, and equipment such as trailers and bobcats, and may include heavy equipment such as cranes, front-end loaders, and bulldozers, all in operable condition. A perimeter buffer shall be provided around construction related activities (refer to Section 5.3, Perimeter Buffers).
- b. Industrial Equipment Sales and Rental. Outdoor storage may include construction materials, vehicles, and equipment such as trailers and bobcats, as well as heavy equipment such as cranes, front-end loaders and bulldozers, provided such vehicles and equipment are in operable condition. A perimeter buffer shall be provided around outdoor storage areas (refer to Section 5.3, Perimeter Buffers).
- c. Mini-Storage. A perimeter buffer shall be provided around the storage area, in accordance with Section 5.3, Perimeter Buffers. Storage areas shall not encroach into any principal building setback. Adequate provision shall be made for passenger loading areas
- d. Outdoor Equipment Performance Testing Facility. Property containing an outdoor equipment performance testing facility shall not be located within 1,100 feet of property in a residential district or containing a residential use. Hours of operation shall be limited to between 8:00 a.m. and 6:00 p.m. on Monday through Friday and between 8:00 a.m. and 5:00 p.m. on Saturday and Sunday.

2. Manufacturing Uses

- a. Manufacturing, Light. The total area used for outdoor storage area shall not exceed 25 percent of the combined floor area of all buildings on the lot. The manufacturing, processing, fabrication and/or bulk storage of acetylene gas (except for use on premises), ammunition, explosives, fireworks, gunpowder, jute, or matches is prohibited.

- b. Manufacturing, Medium. The total area used for outdoor storage area shall not exceed 50 percent of the combined floor area of all buildings on the lot. The manufacturing, processing, fabrication and/or bulk storage of acetylene gas (except for use on premises), ammunition, explosives, fireworks, gunpowder, jute, or matches is prohibited. Noxious or offensive uses are prohibited, for example uses that cause vibration or loud noise, or emit dust, odor, smoke or gas.
 - c. Manufacturing, Heavy. The manufacturing, processing, fabrication and/or bulk storage of acetylene gas (except for use on premises), ammunition, explosives, fireworks, gunpowder, jute, or matches is prohibited. Noxious or offensive uses are prohibited, for example uses that cause vibration or loud noise, or emit dust, odor, smoke or gas.
3. Extraction and Landfill Uses.
- a. Landfill, Sanitary / Transfer Station / Recycling Facility. Any salvage yard, junkyard, or similar use is allowed only in conjunction with a recycling facility use. Any repair operations shall be conducted in an enclosed building, and shall not include the cleaning, repairing, or servicing of equipment, containers, or vehicles in which waste, refuse, or discarded materials are transported, handled, stored, or processed. Materials allowed on the site shall be limited to those necessary for the normal operation of the facility. All outdoor storage areas shall be screened by a solid fence that is at least eight feet high. If the lot is located within 600 feet of a residential zoning district, any outdoor storage area shall be located at least 100 feet from any public right-of-way and at least 70 feet from any adjoining property. No noises in violation of the standards in Chapter 17, (Noises) of the Code of Pittsboro Ordinances shall be created.

Section 3.3. Accessory Uses and Structures

3.3.1. Purpose

The purpose of this Section is to authorize the establishment and continuation of land uses and structures that are incidental and customarily subordinate to principal uses—i.e., accessory uses and structures. This Section also identifies the zoning districts in which such accessory uses and structures are allowed, sets out general standards applicable to all accessory uses and structures, and sets out any special standards applicable to particular accessory uses and structures. This Section is intended to allow a broad range of accessory uses and structures, so long as they are located on the same site as the principal use and comply with the standards set forth in this Section to reduce potentially adverse impacts on surrounding lands.

3.3.2. Organization and Applicability

Section 3.3.3, "General Standards for All Accessory Uses and Structures," establishes general standards that apply to all allowed accessory uses and structures. Section 3.3.4, "Accessory Use/Structure Table," shows whether a particular type of accessory use or structure is permitted or prohibited within the various zoning districts. It is not intended to limit allowable accessory uses and structures to those listed in the Accessory Use/Structure Table. Section 3.3.5, "Accessory Use-Specific Standards," sets forth standards for all accessory uses and structures for which a reference to this Section is provided in the "Use-Specific Standards" column of the Accessory Use/Structure Table for a particular type of accessory use or structure regardless of the zoning district in which they are allowed or the review procedure by which they are approved, unless expressly stated to the contrary. These standards may be modified by other applicable requirements in this Ordinance.

3.3.3. General Standards for All Accessory Uses and Structures

A. Relationship to Principal Use or Structure.

1. Except as otherwise expressly allowed in this Ordinance, an accessory use or structure shall not be established or constructed before the establishment or construction of the principal use or structure.
2. For lots less than 1 acre in size, the total floor area of non-habitable accessory structures to a residential use shall not exceed 50 percent of the heated floor area of the principal structure(s) on the lot. For lots 1-5 acres in size, the total floor area of non-habitable accessory structures to a residential use shall not

exceed the heated floor area of the principal structure(s) on the lot. For lots over 5 acres in size, the total floor area of non-habitable accessory structures to a residential use shall not exceed twice the amount of heated floor area of the principal structure(s) on the lot. Refer to Section 3.3.5.B.6, Dwelling Unit, Accessory, for habitable accessory structure standards.

3. Except where otherwise expressly allowed in this Ordinance, the total floor area of buildings accessory to a nonresidential use shall not exceed the lesser of 2,000 square feet or 10 percent of the floor area of the principal building(s) on the lot.
- B. Location of Accessory Uses and Structures.
1. Use No accessory use or structure shall be located within any platted or recorded easement or over any known utility, or in an area designated as a fire lane or emergency access route on an approved site plan.
 2. No accessory structure shall be located within a perimeter or street yard buffer except a screening fence or wall in accordance with Section 5.3, Perimeter Buffers.
 3. No accessory structure shall inhibit the access to, or function of a street or vehicle use area.
 4. No accessory structure shall obstruct sight distances.
 5. No accessory structure shall impede emergency access.
 6. Unless otherwise provided in Section 12.11.4, Allowable Encroachments into Required Yards, no accessory structure shall be located in a required front yard or corner side yard.
 7. Unless otherwise provided in Section 12.11.4, Allowable Encroachments into Required Yards, accessory uses or structures may be located in a required side yard or rear yard, provided an accessory structure, other than a fence or wall, that is more than ten feet in height is set back from the nearest side or rear lot line one foot for every foot (or fraction thereof) the structure's height exceeds ten feet.
 8. Unless otherwise provided in Subsection 7 above or in Section 12.11.4, Allowable Encroachments into Required Yards, accessory uses and structures shall comply with the minimum setback standards applicable in the zoning district where the structure is located.

3.3.4. Accessory Use / Structure Table

A. Structure of Principal Use Table

1. Organization of Accessory Uses and Structures. Table 3.3.4, "Accessory Use/Structure Table," lists accessory uses and structures alphabetically.
2. Designation of Uses. Table 3.3.4, "Accessory Use/Structure Table," uses the following abbreviations to designate whether and how an accessory use or structure is allowed in a particular zoning district.

P A "P" under a base zoning district column indicates that the use is allowable as an accessory use in the district, subject to any referenced use-specific standards and all other applicable regulations of this Ordinance.

S An "S" under a base zoning district column indicates that the use is allowable as an accessory use in the district only on approval of a Special Use Permit in accordance with Section 8.3.3.A Special Use Permit, and subject to any referenced use-specific standards and all other applicable regulations of this Ordinance.

[blank cell] A blank cell under a base district column indicates that the use is prohibited as an accessory use in the district.

3. Reference to Use-Specific Standards. A particular use category or use type allowable as a principal use in a zoning district may be subject to additional standards that are specific to the particular use. The applicability of such use-specific standards is noted in the last column of the Principal Use Table ("Use-Specific Standards") through a reference to standards in Section 3.2.5, "Principal Use-Specific Standards."
- B. Overlay Districts. An accessory use/structure is allowed in an overlay district if it is allowed in the underlying base district.
- C. Accessory Use / Structure Table.

ACCESSORY USES / STRUCTURES

Use Type	RA-5	RA-2	RA	R-15	R-12M	R-12	R-10	R-5	MR	OI	C-2	Reserved	NMUC	CMUC	C-4	M-1	M-2	Use Standards (refer to section 3.3.5)
Agritourism Activity	P	P	P															
Amateur Ham Radio Antenna	P	P	P	P		P	P	P	P	P	P		P	P	P	P	P	X
Arbor	P	P	P	P		P	P	P	P	P	P		P	P	P			
Art						P	P	P	P	P	P		P	P	P	P	P	
Automated Teller Machine (ATM)						P	P	P	P	P	P		P	P	P	P	P	X
Bike Rack	P	P	P	P		P	P	P	P	P	P		P	P	P	P	P	
Canopy										P	P		P	P	P	P	P	X
Carport or Garage	P	P	P	P		P	P	P	P	P	P		P	P	P	P	P	
Carwash										P	P		P	P	P	P	P	
Clothesline (accessory to residential use)	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	X
Composting Facility, Small	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	
Drive-Through Service Facility										P	P		P	P	P	P	P	X
Dwelling Unit, Accessory (ADU)	P	P	P	P		P	P	P	P	P	P							X
Electric Vehicle Charging Station, Level 1 or 2	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	X
Electric Vehicle Charging Station, Level 3										P	P		P	P	P	P	P	X
Family Child Care Home	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	X
Fence or Wall	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	
Food Service										P	P		P	P	P	P	P	
Gazebo	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	
Greenhouse	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	X
Heliport										P	P		P	P	P	P	P	X
Home Occupation	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P		X
Limited Fuel/Oil/Bottled Gas Distribution										P	P		P	P	P	P	P	X
Outdoor Display or Merchandise (as accessory to a retail sales use)										P	P		P	P	P	P	P	X
Outdoor Seating (accessory to eating or drinking establishment)										P	P		P	P	P	P	P	X
Outdoor Storage (as an accessory use)															P	P		X
Produce Stand	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	X
Rainwater Cistern	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	X
Recreation Facility, Residential Support	P	P	P	P	P	P	P	P	P	P	P		P	P	P			X
Rural Family Home Occupation	S	S	S															X
Satellite Dish	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	X
Signs	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	
Small Wind Energy System	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	X
Solar Energy Collection System	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	X
Stables	P	P	P															

Storage Shed	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	X
Swimming Pool, Spa, or Hot Tub (as accessory to a residential, school, or visitor accommodate use)	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	X
Television, Radio, or Wireless Cable Antenna	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	X
Urban Agriculture				P	P	P	P	P	P								X
Vehicle Fleet Storage									P	P		P	P	P	P	P	X

3.3.5. Accessory Use-Specific Standards

- A. General. Standards for a specific accessory use or structure shall apply to the particular individual accessory use or structure regardless of the zoning district in which it is located or the review procedure by which it is approved, unless otherwise specified in this Ordinance. This Section sets forth and consolidates the standards for all accessory uses and structures for which a reference to this Section is provided in the "Use-Specific Standards" column of the accessory use/structure table in Section 3.3.4, "Accessory Use/Structure Table," and in the same order as they are listed in the table. These standards may be modified by other applicable standards or requirements in this Ordinance.
- B. Standards for Specific Accessory Uses and Structures.
1. Amateur Ham Radio Antenna. The antenna shall not exceed a height of 90 feet above grade. An antenna attached to a principal structure on the lot shall be located on a side or rear elevation of the structure. A freestanding antenna shall be located to the rear of the principal structure on the lot, but not within 10 feet of any lot line. The Planning Director may waive or approve a deviation of the above standards if the ham radio operator demonstrates that such waiver or deviation is necessary to accommodate the operator's amateur communications needs.
 2. Animal Related Uses. An ATM designed for walk-up use and located in the exterior wall of a building or a parking area shall be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between parking areas and building entrances, or vehicular movement in front of buildings or through parking areas. If an ATM is designed for use by customers in their vehicles, it shall comply with the accessory use standards (including districts where permitted) in Section 3.3.5.B.5, Drive-Through Service Facility.
 3. Canopy. The canopy shall be located at least 30 feet from any street right-of-way or property line. The canopy shall have a maximum height of 15 feet, as measured from the finished grade to the underside of the canopy. The design of the canopy, including any columns, shall match the design and exterior building materials of the principal building. Plastic or other similar roofing materials are prohibited. A canopy covering fuel pumps may include logos or trademarks below the roofline, but shall not include any other signage or advertising except as authorized by Section 6.7, "Signage." A canopy shall not be internally illuminated and any lighting on the canopy shall be fully recessed into the canopy and shall not extend downward beyond the ceiling of the canopy.
 4. Clothesline (as accessory to a residential use). Clotheslines are allowed as accessory uses to residential uses, provided they are not located in a front or corner side yard.
 5. Drive-Thru Service Facility. The drive-through service facility shall be designed in accordance with Section 6.3.6.I, Vehicle Stacking Space for Drive-Through and Related Uses. The drive-through service facility shall be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between parking spaces and building entrances. The design of any roof or awning over the drive-through service facilities and lanes, including any supporting columns and brackets, shall match the design and exterior building materials of the principal building.
 6. Dwelling Unit, Accessory (ADU).
 - a. General Requirements. The accessory dwelling unit is permitted on the same lot with a principal unit. No more than one accessory dwelling unit is permitted on the same lot with a principal dwelling unit. No accessory dwelling unit shall be permitted on the same zone lot with a two-family or multi-family dwelling or family care home. There are no additional parking requirements for ADU's.

- b. Accessory Dwelling Unit Within a Principal Single-Family Dwelling. 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. An accessory dwelling unit shall occupy no more than 50 percent of the heated floor area of the principal building or 1,200 square feet whichever is lesser.
 - c. Detached Accessory Dwelling Units. A detached accessory dwelling unit may be a manufactured home in zones which permit this use, a dwelling unit which is part of an accessory garage, or a freestanding dwelling unit meeting the NC Building Code. The detached accessory dwelling unit shall have an approved sewage disposal connection or system, meet all setbacks applicable to the principal building, be erected behind and at least 10 feet from the principal building, and not exceed the maximum lot coverage when added to the square footage of all accessory buildings on the lot. The height of the accessory dwelling unit shall be visually subordinate and shall not exceed the height of the principal structure. A detached accessory dwelling other than a manufactured home shall have no more than 70 percent of the gross floor area of the principal building or 1,200 square feet whichever is lesser. Accessory dwelling units shall not count towards the maximum density standards.
7. Electric Vehicle (EV) Charging Station, Level 1 or 2. Except as otherwise provided in subsection 8 below or where accessory to a single-family detached, duplex, single-family attached, or manufactured home dwelling, EV charging station spaces shall be reserved for the charging of electric vehicles only. Such reserved spaces shall be posted with signage identifying the spaces as reserved only for the charging of electric vehicles, amperage and voltage levels, any enforceable time limits or tow away provisions, and contact information for reporting non-operating equipment or other problems. A required accessible parking space for persons with physical disabilities (refer to Section 6.4.3.K, Accessible Parking Spaces for Physically Disabled Persons) may also serve as an EV charging station space, provided the charging station and its controls meet ADA standards for accessibility to persons with physical disabilities. EV charging station equipment shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.
8. Electric Vehicle (EV) Charging Station, Level 3. In Mixed-Use and Nonresidential base districts, and Planned Development Districts, EV Level 3 charging stations are allowed as accessory uses to any permitted principal use. Except as otherwise provided in this subsection, EV charging station spaces shall be reserved for the charging of electric vehicles only. Each EV charging station space shall be posted with signage identifying the space as reserved only for the charging of electric vehicles, amperage and voltage levels, any enforceable time limits or tow away provisions, and contact information for reporting non-operating equipment or other problems. A required accessible parking space for persons with physical disabilities (refer to Section 6.4.3.K, Accessible Parking Spaces for Physically Disabled Persons) may also serve as an EV charging station space, provided the charging station and its controls meet ADA standards for accessibility to persons with physical disabilities. EV charging station equipment shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.
9. Family Child Care Home. The home shall comply with all applicable State regulations and obtain appropriate State licensing prior to operation. The family childcare home use shall be conducted in a portion of an occupied residential dwelling. The principal person conducting the family childcare home use shall be a full-time resident of the dwelling, and there shall be no more than one employee who does not reside in the dwelling. The family childcare home use shall use no more than 20 percent of the total floor area of the dwelling. The use shall include at least 75 square feet of outdoor play area per child and at least 25 square feet of indoor space per child. Outdoor play areas shall be located in a rear yard and enclosed by an opaque fence at least five feet in height. Alternatively, common open space within the neighborhood may be used as required outdoor play area with the appropriate property owners' association's written agreement to set aside a fenced outdoor play area so long as the family childcare home is operational. There shall be adequate off-street parking for child drop-off and pick-up. On-site signs advertising the family childcare home use are not

- permitted. Outdoor storage of materials associated with the family childcare home use is not permitted. Such materials do not include outdoor playground equipment.
10. Heliport. Auxiliary facilities such as parking, waiting room, fueling, and maintenance equipment are not permitted.
 11. Home Occupation. Home occupations shall be engaged in only by people who reside on the premises, but there may be up to one non-resident employee. No more than 25 percent of the principal dwelling 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 is used for the permitted activity. The accessory building must be located within required yard setbacks of the principal dwelling and must conform with the general appearance of the principal dwelling. No display of goods or advertising shall be visible from the street, except, one non-illuminated sign is allowed which shall not exceed four square feet in area. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable 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. No traffic shall be generated in greater volumes than would normally be expected in a residential neighborhood. Any need for parking shall be satisfied via off-street parking, and not located within the required front yard setback. The applicant must provide evidence that activities related to the home occupation will not adversely impact the surrounding neighborhood and the requirements of the Town.
 12. Limited Fuel / Oil / Bottled Gas Distribution. Limited fuel/oil/bottled gas distribution is allowed as an accessory use to garden centers, convenience stores, retail stores, major and neighborhood shopping centers, automobile service stations, recreational vehicle rental and service uses, industrial equipment sales and rental uses, and storage of petroleum products uses. Any structure housing the fuel, oil, or bottled gas that is located on a sidewalk shall be located to maintain at least five feet of clearance along the sidewalk for use by pedestrians.
 13. Outdoor Display of Merchandise (as accessory to retail sale uses). Outdoor display of merchandise is allowed as an accessory use to any retail sales and service use or wholesale establishment use that is conducted within a building located on the same lot, subject to the following standards: Merchandise displayed shall be limited to that sold or rented by the principal use of the lot. All outdoor display of goods shall be located immediately adjacent to the front or side of the principal building, and not in drive aisles, loading zones, fire lanes, or parking lots. Outdoor display areas along the front or side of a principal building shall be limited to no more than one-half of the length of the building's front or side, as appropriate. Outdoor display areas shall be located to maintain a clearance area in front of primary building entrances for at least ten feet directly outward from the entrance width. An obstruction-free area at least five feet wide shall be maintained through the entire length of the display area or between it and adjacent parking areas so as to allow pedestrians and handicapped persons to safely and conveniently travel between parking areas or drive aisles to the building and along the front and side of the building, without having to detour around the display area.
 14. Outdoor Seating (as accessory to eating and drinking establishments). Outdoor seating is allowed as an accessory use to any eating or drinking establishment, subject to the following standards:
 - a. Hours of operation of the outdoor seating area shall be the same as those for the eating or drinking establishment.
 - b. Food preparation shall occur only within the enclosed principal building containing the eating or drinking establishment.
 - c. The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.
 - d. No tables, chairs, umbrellas, or other furnishings or equipment associated with the outdoor seating area shall be attached, chained, or otherwise affixed to any curb, sidewalk, tree, post, sign, or other fixture within the outdoor seating area.
 - e. The outdoor seating area may be permitted on a public sidewalk abutting or adjacent to the front of the property containing an eating or drinking establishment subject to the following standards:

- i. The outdoor seating area shall be limited to that part of the sidewalk directly in front of the property containing the eating or drinking establishment unless the owner of adjoining property agrees in writing to an extension of the outdoor seating area to that part of the sidewalk in front of the adjoining property.
 - ii. The operator of the establishment shall enter into a revocable license agreement with the Town that has been approved as to form by the Town Attorney and: Ensures that the operator is adequately insured against and indemnifies and holds the Town harmless for any claims for damages or injury arising from sidewalk dining operations, and will maintain the sidewalk seating area and facilities in good repair and in a neat and clean condition; Authorizes the Town to suspend authorization of the outdoor seating use, and to remove or relocate or order the removal or relocation of any sidewalk seating facilities, at the owner's expense, as necessary to accommodate repair work being done to the sidewalk or other areas within the right-of-way containing or near the outdoor seating area; and Authorizes the Town to remove or relocate or order the removal or relocation of any sidewalk seating facilities, at the operator's expense, if the operator fails to comply with a Town order to do so within a reasonable time period.
 - iii. A clear pathway at least five feet wide shall be maintained to allow through public pedestrian traffic along the sidewalk and from the sidewalk into the entrance to the establishment. A greater width may be required where necessary to ensure the safe and convenient flow of pedestrian traffic.
 - iv. A clear separation of at least five feet shall be maintained from any alley, crosswalk, fire hydrant, or similar public or emergency access feature in or near the sidewalk. A greater clear distance may be required where necessary to ensure use of the public or emergency access feature.
 - v. Tables, chairs, umbrellas, and other furnishings associated with the outdoor seating area shall be of sufficient quality design, materials, and workmanship to ensure the safety and convenience of area occupants and compatibility with adjacent uses.
15. Outdoor Storage (as an accessory use).
- a. All Uses. Outdoor storage is not allowed within required setbacks. Where an outdoor storage area stores goods intended for sale or resale, such goods shall be limited to those sold on the premise in conjunction with the principal use of the lot. Flammable liquids or gases in excess of 1,000 gallons shall be stored underground. No materials shall be stored in areas intended for vehicular or pedestrian circulation.
 - b. Garden Centers and Retail Sales and Service Uses Selling Landscaping Materials. Outdoor storage areas accessory to garden centers and retail and service uses selling landscaping materials shall be enclosed with a wall made of masonry material consistent with that of the primary building(s) on the lot.
 - c. Industrial Uses. Outdoor storage areas accessory to industrial uses shall be screened from view from all property lines and adjacent rights-of-way with a Type A perimeter buffer, in accordance with Section 5.5, Screening, materials shall not be stored higher than the height of the screening.
16. Produce Stand. No more than one stand per lot is allowed. Sales shall be limited to the retail sale of agricultural products produced on the lot, including the sale of products made from such products by the producer (e.g., jams and jellies, juices).
17. Rainwater Cistern. An aboveground rainwater cistern is allowed as an accessory use or structure to any principal use or structure, provided it shall: Be located directly adjacent to the principal structure on a lot. Not serve as signage or have signage affixed to it.
18. Recreation Facility, Residential Support. A residential support recreation facility is allowed as an accessory use to a residential subdivision or other development including single-family detached dwellings, single-family attached dwellings, and/or multifamily dwellings, subject to the following standards: Off-street parking is not required if the facility is a pocket park. A residential support recreation facility accessory to a residential subdivision shall be proposed, reviewed, and developed in conjunction with the subdivision, or approved phase thereof.
19. Rural Family Occupation. The operation must be accessory to a residential dwelling. 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. All operations of the RFO shall observe a 50-foot setback from all property lines. A perimeter buffer shall be placed around any parking or outdoor storage areas.
20. Satellite Dish. A satellite dish is allowed as an accessory use or structure to any principal use or structure. A satellite dish greater than one meter in diameter in a residential zoning district, or a satellite dish greater than two meters in diameter in a nonresidential zoning district, shall comply with the following standards to the extent such compliance does not unreasonably delay, prevent, or increase the cost of installation, maintenance, or use of the dish, or preclude reception of an acceptable quality signal. These standards shall not be interpreted or enforced in any manner contrary to federal or State law. In a residential zoning district, a satellite dish may be located within a required side yard or rear yard, but shall not: Be located within a front yard or corner side yard and be located within five feet of any lot line.
21. Small Wind Energy System.
- a. Location and Setback. Tower-mounted wind energy systems shall not be located within a front yard. A small wind energy system shall be set back a distance equal to its total extended height (e.g., if on a roof, roof height plus the height of any tower extending from the roof) plus five feet from all property lines, public street rights-of-way, and overhead utility lines. Guy wires and other support devices shall be set back at least five feet from all property lines.
 - b. Height. The maximum height of a small wind energy system (including the tower and extended blades) shall be the maximum height allowed in the zoning district plus 65 feet.
 - c. Sound. Sound produced by the wind turbine under normal operating conditions, as measured at the property line abutting an existing residential use, shall not exceed 55 dBA at any time. The 55dBA sound level, however, may be exceeded during short-term events that occur beyond the landowner's control, such as utility outages and/or severe windstorms.
 - d. Appearance. The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray, white) that blends into a range of sky colors, or a color consistent with that of the buildings on the site. Bright, luminescent, or neon colors, as determined by the Planning Director, are prohibited.
 - e. Blade Clearance. The blade tip or vane of any small wind energy system shall have a minimum ground clearance of 15 feet, as measured at the lowest point of the arc of the blades. No blades may extend over parking areas, public right of ways, driveways, or sidewalks.
 - f. Lighting. No illumination of the turbine or tower shall be allowed unless required by the Federal Aviation Administration (FAA).
 - g. Access to Tower. On a freestanding tower, any climbing foot pegs or rungs below 12 feet shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood or similar barriers shall be fastened to the bottom tower Section such that it cannot readily be climbed.
 - h. Signage Prohibited. No wind generator, tower, building, or other structure associated with a small wind energy system shall include any signage visible from any public street other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification.
 - i. Utility Notification. No small wind energy system intended to connect to the electric utility shall be installed until evidence has been submitted to the Town that the relevant electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator
 - j. Abandonment. On determining that a wind turbine has been inoperable for six consecutive months, the Planning Director shall send the property owner a notice and order requiring restoration of the system to operating order within three months after receiving the notice. If the owner fails to restore the system to operating condition within the three-month time frame, the owner shall be required, at the owner's expense, to remove the wind turbine from the tower for safety reasons. If the owner fails to remove the wind turbine from the tower, the Town may pursue legal action to have the wind turbine removed at the owner's expense, in accordance with Chapter 11, "Enforcement."
22. Solar Energy Collection System (as an accessory use).

- a. Location. The system may be located on the roof of a principal or accessory structure, on the side of such structures, on a pole, or on the ground in accordance with the standards in Section 3.3.3.B, Location of Accessory Uses and Structures.
 - b. Height. The system shall comply with the maximum height standards for the zoning district in which it is located, provided that a roof-mounted system shall not extend more than 15 feet above the roofline of the structure on which it is mounted. Where an existing structure exceeds the applicable height limit, a solar energy collection system may be located on its roof or 15' above the applicable building height standard, provided the system extends no more than five feet above the roof surface.
 - c. Solar Easements. The property owner shall be responsible for negotiating with other landowners in the vicinity to establish any solar easement designed to protect solar access for the solar energy collection system, and for recording any such solar easement with the Register of Deeds.
23. Storage Shed. A detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and is located on the same lot with the main building or use. All storage sheds of any size require a Zoning Compliance Certificate. The following standards shall apply:
- a. The shed is not to be designed to be served by heat, electricity, or plumbing within its confines;
 - b. The use is limited solely to the storage of inanimate objects;
 - c. The shed(s) shall not be located within the front yard:
 - i. If under 10 feet in height, the structure shall be a minimum of five feet from the side and rear property lines.
 - ii. If over 10 feet in height, the structure shall be setback from the rear and side property lines equal to the height of the shed(s).
 - d. If the property owner is self-building a primary structure on their property and submits approved and issued permits from the Building Inspections/Central Permitting department, a shed may be permitted prior to the construction of the primary structure on the property.
24. Swimming Pool. Swimming pools shall be enclosed by protective fencing meeting State standards.
25. Television, Radio, or Wireless Cable Antenna. A television, radio, or wireless cable antenna is allowed to be attached to a principal structure provided it is located on a side or rear elevation of the structure and extends no more than 15 feet above the highest point of the structure.
26. Urban Agriculture.
- a. Animals allowed as part of urban agriculture activities include chickens, rabbits, and bees.
 - b. The following additional standards apply to chickens and rabbits:
 - i. The activity must be accessory to an existing residential dwelling, in a Residential district, on a lot that is at least 15,000 square feet in area;
 - ii. Housing for chickens or rabbits shall be located in the rear yard, and no closer than 15 feet to an adjacent property line;
 - iii. No more than 10 chickens or 15 rabbits are allowed;
 - iv. Slaughtering of chickens or rabbits is prohibited on-site;
 - v. Adequate measures shall be taken to provide for the safety of chickens or rabbits, and to prevent them from straying onto adjacent property;
 - vi. Chickens and rabbits shall be housed within a covered, predator-proof shelter (e.g., coop or cage) that is thoroughly ventilated, designed to be easily accessed and cleaned, and sufficient in size to allow free movement (excluding areas used to store materials, equipment or vehicles); and
 - c. The following standards apply to bee keeping:
 - i. The activity shall be accessory to an existing residential dwelling, in a Residential district, on a lot that is at least 15,000 square feet in area;
 - ii. It shall be located in a rear or side yard;
 - iii. No beehive shall be kept closer than five feet to any lot line and ten feet to a dwelling or the permitted placement of a dwelling on another parcel;
 - iv. The front of any beehive shall face away from the property line of the adjacent property closest to the beehive;

- v. A solid fence or dense hedge, known as a "flyway barrier," shall be placed along the side of the beehive that contains the entrance to the hive. It shall be at least six feet in height, located within five feet of the hive, and extend at least two feet on either side of the hive;
 - vi. A flyway barrier is not required if all beehives are located at least 25 feet from all property lines; and
 - vii. Fresh water shall be readily accessible to all bee colonies on site, to prevent bees from congregating on adjacent properties.
27. **Vehicle Fleet Storage.** Vehicles cannot be stored in required off-street parking spaces, fire lanes, passenger loading zones, commercial loading areas, or public rights-of-way. Vehicles must be stored on asphalt, concrete, brick, pavers, or an equivalent hard, dustless, and bonded surface material that is maintained in a smooth, well-graded, clean, and orderly condition.

Section 3.4. Temporary Uses

3.4.1. Purpose

The purpose of this Section is to authorize the establishment of certain uses (including special events) and structures of a limited duration—i.e., temporary uses and structures. This Section also identifies the zoning districts in which such temporary uses and structures are allowed, identifies what type of permit or review is required to establish them, sets out general standards applicable to all temporary uses and structures, and sets out any special standards applicable to particular temporary uses and structures. This Section is intended to ensure that such uses or structure do not negatively affect adjacent land, are discontinued upon the expiration of a set time period, and do not involve the construction or alteration of any permanent building or structure.

3.4.2. Organization and Applicability

Section 3.4.3, General Standards for All Temporary Uses and Structures, establishes general standards that apply to all allowed temporary uses and structures. Section 3.4.4, "Temporary Use/Structure Table," shows whether a particular type of temporary use or structure is permitted or prohibited within the various zoning districts. Section 3.4.5, "Temporary Use-Specific Standards," establishes standards that apply to particular types of temporary uses or structures regardless of the zoning district in which they are allowed or the review procedure by which they are approved, unless expressly stated to the contrary. These standards may be modified by other applicable requirements in this Ordinance.

3.4.3. General Standards for All Temporary Uses and Structures

Unless otherwise specified in this Ordinance, any temporary use or structure shall:

1. Obtain any other applicable Town, County, State, or federal permits;
2. Not involve the retail sales or display of goods, products, or services within a public right-of-way, except as part of an authorized not-for-profit, special, or Town-recognized or authorized event;
3. Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
4. Be compatible with the principal uses taking place on the site;
5. Not have substantial adverse effects or noise impacts on any adjoining permanent uses or nearby residential neighborhoods;
6. Not include permanent alterations to the site;
7. Not maintain temporary signs associated with the temporary use or structure after the activity ends;
8. Not violate the applicable conditions of approval that apply to a site or a use on the site;
9. Not interfere with the normal operations of any permanent use located on the property; and
10. Be located on a site containing sufficient land area to allow the temporary use, structure, or special event to occur and accommodate associated pedestrian, parking, traffic movement without disturbing environmentally sensitive lands.

3.4.4. Temporary Use / Structure Table

A. Structure of Temporary Use Table.

- Organization of Temporary Uses and Structures. Table 3.4.4, "Accessory Use/Structure Table," lists accessory uses and structures alphabetically.
- Designation of Uses. Table 3.4.4, "Temporary Use/Structure Table," uses the following abbreviations to designate whether and how an accessory use or structure is allowed in a particular zoning district.

P A "P" under a base zoning district column indicates that the use is allowable as a temporary use in the district, subject to Section 3.4.5 Temporary Use-Specific Standards, and all other applicable regulations of this Ordinance. No Temporary Use Permit is required.

T A "T" under a base zoning district column indicates that the use or structure is allowable as a temporary use or structure in the zone only on approval of a Temporary Use Permit, in accordance with Section 8.3.3.E, Temporary Use Permit, subject to Section 3.4.5 Temporary Use-Specific Standards and 8.3.3.E Temporary Use Permit, and all other applicable regulations in this Ordinance.

[blank] A blank cell under a base district column indicates that the use is prohibited as a temporary use in the district.

cell] A blank cell under an overlay district column indicates that the use is prohibited as a temporary use in the overlay district, irrespective of whether it is allowed by the underlying base district.

B. Temporary Use / Structure Table.

Use Type	TEMPORARY USES / STRUCTURES															Use Standards (refer to Section 3.4.5)	
	RA-5	RA-2	RA	R-15	R-12M	R-12	R-10	R-5	MR	OI	C-2	Reserved	NMUC	CMUC	C-4	M-1	M-2
Farmers' Market							T	T	T	T	T		T	T	T		X
Garage or Yard Sale	P	P	P	P			P	P	P	P	P		P	P	P		X
Mobile Auto Detailing	P	P	P	P			P	P	P	P	P		P	P	P	P	X
Mobile Classrooms	T	T	T	T			T	T	T	T	T		T	T	T	T	X
Outdoor Sales, Seasonal									T	T			T	T	T	T	X
Real Estate Sales Office	T	T	T	T			T	T	T	T			T	T	T	T	X
Special Event									T	T			T	T	T	T	
Stockpiling of Materials	T	T	T	T			T	T	T	T	T		T	T	T	T	X
Street Vendor							P	P	P	P	P		P	P	P	P	
Temporary Construction- Related Structure or Facility	T	T	T	T			T	T	T	T	T		T	T	T	T	
Temporary Family Health Care Structure	T	T	T	T			T	T	T	T	T		T	T	T	T	
Temporary Office Structure							T	T	T	T	T		T	T	T	T	
Temporary Portable Storage Unit	P	P	P	P			P	P	P	P	P		P	P	P	P	

3.4.5. Temporary Use-Specific Standards

- General. Standards for a specific temporary use or structure shall apply to the particular individual temporary use or structure regardless of the zoning district in which it is located, unless otherwise specified in this Ordinance. This Section sets forth and consolidates the standards for all temporary uses and structures for which a reference to this Section is provided in the "Use-Specific Standards" column of Table 3.4.4, "Temporary Use/Structure Table," and in the same order as they are listed in the table. These standards may be modified by other applicable standards or requirements in this Ordinance.
- Standards for Specific Temporary Uses and Structures.

1. Farmer's Market (temporary). The Market may operate year-round on a single site. Market sales shall be limited to the retail sale of fresh fruits and vegetables, herbs, mushrooms, nuts, honey, raw juices, molasses, dairy products, eggs, poultry, meats, fish, shellfish, fresh-cut or dried flowers, nursery stock, seedlings, plants, and other agriculture, aquaculture, and horticulture products produced by the vendor/producer, including the sale of products made by the vendor/producer from such agriculture, aquaculture, and horticulture products (e.g., baked goods, jams and jellies, juices, cheeses) and incidental sales of crafts or similar home-made products made by the vendor/producer. The market shall provide adequate ingress, egress, and off-street parking areas. Items for sale shall not be displayed or stored within customer pathways. The market shall have an established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities. The market shall have a manager authorized to direct the operations of all participating vendors during all hours of operation. The market shall comply with applicable signage standards in Section 6.7, "Signage."
2. Garage or Yard Sale. No garage or yard sale shall occur for longer than three days.
3. Mobile Classrooms. The Mobile classrooms are allowed on the site of an existing school or place of worship, subject to the following standards: Mobile classrooms shall be used only as temporary expansion of classroom space pending implementation of definite plans for the permanent expansion of classroom space or alternative means of meeting growing classroom needs. Mobile classrooms shall not be placed within existing required landscaping or perimeter or street yard buffer areas, or areas designated on approved plans for future landscaping, perimeter and street yard buffers, open space, or vehicular access. All permits required by applicable building, electrical, plumbing, and mechanical codes shall be obtained before placement of the mobile classroom on the site. There shall be a plan in place for the rapid evacuation of the mobile classrooms in case of severe weather or other natural or man-made disaster.
4. Outdoor Sales, Seasonal. Goods may be displayed and sold on a temporary basis, without establishing a permanent place of business, subject to the following standards: The site contains an area not actively used that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing vegetated areas, open space, landscaping, traffic movements, or parking-space availability. The display or sale of goods, products, and/or services shall not occur in the public right-of-way or within 100 feet of an existing residential use. Any tent or other temporary structure shall be located so as not to interfere with the normal operations of any permanent use located on the land. Off-street parking shall be adequate to accommodate the proposed sale of products. The temporary display or sale of products shall not cause interference with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be provided. The hours of operation of the temporary sale of products shall be from no earlier than 7:00 a.m. to no later than 10:00 p.m., or the same as the hours of operation of the principal use, whichever is less. The temporary sales of agricultural products on an individual site shall be limited to no more than 60 days per calendar year. The temporary sale of non-agricultural products on an individual site shall be limited to no more than 30 total days per calendar year. All required inspections have been made and approved. The fire department has been notified of the proposed use.
5. Real Estate Sales Office, Temporary. A model home or other building, or unit thereof, located on the site of new development is allowed to be temporarily used for sales or leasing associated with the development, subject to the following standards: There shall be no more than one such office per builder in the development. The sales office shall be located on a lot or building site approved as part of the development, or within a building approved as part of the development. The building used as or containing a sales office shall comply with all building setbacks and other development requirements. The building shall be aesthetically compatible with the character of the community and surrounding area in terms of exterior color, predominant exterior materials, and landscaping. At least one parking space shall be provided for every 300 square feet of gross floor area devoted to the sales office use. Accessible parking for persons with physical disabilities is required (see 5.4.3.K, Accessible Parking Spaces for Physically Disabled Persons). On termination of the temporary real estate sales/leasing use, the building or unit shall be converted to a permanent permitted use or removed.
6. Special Event.

- a. Exemptions. The following events or activities are exempt from the standards of this Subsection (i.e., may occur without a Temporary Use Permit for a special event). Such activities are subject to all other applicable procedures and standards of this Ordinance.
 - i. On Ground of Private Residence. Special events or activities occurring within, or on the grounds of, a private residence or on the common areas of single-family dwellings, duplexes, or multifamily residential development.
 - ii. Event Sponsored by Town, County, or State. Any event sponsored in whole or in part by the Town, the county, or the State.
 - iii. Event or Activity at Site Intended for Such Event or Activity. Any organized activities conducted at sites or facilities typically intended and used for such activities. Examples of such exempt activities include, but are not limited to, sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities; fairs and carnivals at fairgrounds; funeral services conducted at funeral homes or cemeteries; and religious services, wedding services, and funeral services conducted at places of worship.
- b. Standards. In addition to the standards in Section 3.4.3, General Standards for All Temporary Uses and Structures, an application for a Temporary Use Permit for a special event shall comply with the following standards:
 - i. False or Material Misleading Information: The application does not contain intentionally false or materially misleading information.
 - ii. Unreasonable Risk. The special event will not create an unreasonable risk of significant: Damage to public or private property, beyond normal wear and tear; Injury to persons; Public or private disturbances, nuisances, or unsanitary conditions; Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel; Additional and impractical or unduly burdensome police, fire, trash removal, maintenance, or other public services demands; and Other adverse effects upon the public health, safety, or welfare.
 - iii. Location Cannot Reasonably Accommodate. The special event shall not be of such a nature, size, or duration that the particular location requested cannot reasonably accommodate the event.
 - iv. Comply with State Building Code. The Inspections Department shall have determined that any existing or proposed permanent or temporary structures comply with the applicable regulations of the State Building Code.
 - v. Other Applicable Permits. The special event shall not be at a time and location that has already been permitted or reserved for other activities.
 - vi. Parking. There shall be adequate off-street parking and accessibility.
 - vii. Notification. Adjacent landowners shall be notified of the proposed event before its approval.
 - viii. Duration. No premise shall be the site of a special event exceeding a collective total of 20 days or four weekends within any calendar year, except where the site is publicly-owned land and used for events sponsored by the Town for the enjoyment or enrichment of its citizens.
- c. Conditions. In approving the Temporary Use Permit for the special event, the Planning Director is authorized to impose such conditions upon the premises benefited by the permit as may be necessary to reduce or minimize any potential adverse impacts upon other land in the area, as long as the condition relates to a situation created or aggravated by the proposed special event. The Planning Director is authorized, where appropriate, to require:
 - i. Provision of temporary parking facilities, including vehicular access and egress.
 - ii. Control of nuisance factors, such as but not limited to, the prevention of glare or direct illumination of adjacent lands, noise, vibrations, smoke, dust, dirt, odors, gases, and heat.
 - iii. Regulation of temporary buildings, structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards.
 - iv. Provision of sanitary and medical facilities.
 - v. Provision of solid waste collection and disposal.
 - vi. Provision of security and safety measures.
 - vii. Use of an alternative location or date for the proposed special event.
 - viii. Modification or elimination of certain proposed activities.

- ix. Regulation of operating hours and days, including limitation of the duration of the special event to a shorter time period than that requested or specified in this Subsection.
 - x. Submission of a performance guarantee to ensure that any temporary facilities or structures used for such proposed special event will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition.
7. Stockpiling of Materials. The temporary stockpiling of materials is permitted subject to the following standards: The stockpiled material shall not exceed 25 feet in height above the original natural grade. The footprint of the stockpiling area shall be located at least 25 feet from adjoining property lines. The side slope of the stockpiled materials shall not exceed a 3:1 ratio. Stockpiled materials shall be limited to rock, dirt, fill, and/or gravel. Stockpiled materials shall be seeded or covered with tarps or mulch. Tarps shall be keyed in at the top of the slope to keep water from running underneath the plastic. All stockpiled materials shall be removed within 90 days after approval of the use. These standards do not apply to stockpiles permitted by a valid Land Disturbing Permit.
8. Street Vendor. Carts used for street vending shall be on wheels, be no longer than six feet, and be no higher than five feet (excluding canopies, umbrellas, or transparent enclosures). No signage for street vendors shall be allowed other than signs permanently attached to the cart. If operating adjacent to or in front of a business other than one they own or operate, street vendor cart operators shall be responsible for obtaining permission to operate from the owner of such business and shall submit evidence of such permission to the Planning Director. This requirement does not apply if the street vendor is part of an event for which a Temporary Use Permit (refer to Section 10.4.5, "Temporary Use Permit") has been obtained from the Town. Temporary connections to potable water systems are prohibited. All plumbing and electrical connections shall be in accordance with the State Building Code. Mobile prepared-food vendors shall not operate as a drive-through facility. Approval by the Chatham County Health Department is required for all food vendors. Vendor carts shall not restrict or interfere with the ingress to or egress from an abutting building. Vendor carts shall not be located in medians. The Planning Director may revoke any development permit issued for this use on determining that the vendor's operations are causing parking, traffic congestion, or litter problems either on or off the property where the use is located, or that the use is otherwise creating a danger to public health or safety.
9. Temporary Construction-Related Structure or Facility. A construction-related structure or facility shall be used only as office space for construction management and security uses during authorized construction of development and shall not be used as a residence. A construction-related structure or facility shall be assigned a street address before issuance of a Building Permit for the development being constructed. All permits required by applicable building, electrical, plumbing, and mechanical codes shall be obtained before placement of temporary construction-related structures and facilities on the site. No construction-related structure or facility shall be placed within the right-of-way of a street. All temporary construction-related structures and facilities shall be removed from the construction site within 30 days after issuance of the final Certificate of Compliance/Occupancy for the constructed development. A temporary construction-related structure or facilities may be placed on a property adjacent to the construction site if site constraints make it infeasible to locate the structures or facilities on the construction site, provided the adjacent site is restored to its previous condition within 60 days after issuance of the final Certificate of Compliance/Occupancy for the constructed development.
10. Temporary Family Health Care Structure. A temporary family health care structure is allowed as a temporary accessory use to a single-family detached dwelling. The structure shall have no more than 300 square feet of gross floor area. The caregiver shall be the owner or occupant of the single-family detached dwelling and shall be related by blood, marriage, or adoption, or be the legally appointed guardian of, the mentally or physically impaired person occupying the temporary health care structure. The application for the structure shall include written certification by a physician licensed in North Carolina that the mentally or physically impaired person occupying the temporary health care structure requires assistance with two or more activities of daily living (i.e., bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating). Only one temporary health care structure shall be allowed on the lot. The structure shall be connected to the water, sewer, and electric utilities serving the principal single-family dwelling on the lot and shall comply with all

applicable local and State regulations. No signage advertising or otherwise promoting the existence of the structure shall be allowed on the exterior of the structure or elsewhere on the property. The caregiver shall provide the Planning Director evidence of compliance with these standards on an annual basis for as long as the temporary health care structure remains on the lot, and shall allow the Planning Director to inspect the structure for compliance with these standards at reasonable times convenient to the caregiver. The structure shall be removed from the lot within 60 days after the time the mentally or physically impaired person is no longer receiving, or is no longer in need of, the required assistance.

11. Temporary Office Structure. A temporary office structure is allowed on a site where an existing office space is being renovated or up-fitted in accordance with an issued Building Permit or on property within the Town that is owned by the holder or the Building Permit. Parking areas shall have an all-weather surface. Structure height shall be limited to one story. No temporary office structure shall be erected where it will adversely affect any means of exit. The temporary office structure shall be located at least ten feet from another building or structure. Public improvements shall include accessible parking and an accessible route from the parking area to the temporary office structure. The temporary office structure shall have a continuous curtain wall, unpierced except for required ventilation or access, installed under the temporary office structure. The temporary office structure must provide restroom facilities and handicap accessibility. A temporary office structure use may be allowed for up to 12 months from the date of approval. At the end of this period, the temporary office structure shall be removed from the site and the site shall be restored to its former condition with the exception of any permanent public improvements added, or stabilized with seed or grass. The Planning Director may, for good cause shown, approve written requests for six-month extensions of this period, provided the request is submitted to the Planning Director at least 30 days before expiration of the period or last extension. The applicant shall post a performance guarantee equal to 125 percent of the estimated cost of removing the temporary office structure and restoring or stabilizing the site as required, which shall be prepared and sealed by a licensed engineer or other licensed professional authorized to conduct the required removal and restoration work under State law. The applicant may petition the Town to release performance guarantee on removal of the temporary office structure and site restoration.
12. Temporary Portable Storage Unit. Temporary storage in a portable storage unit may be permitted to serve an existing use on the same lot, subject to the following standards: No more than one unit shall be located on a lot. A unit shall be no more than eight feet wide, 20 feet long, or eight feet high. No unit shall be placed on a lot for more than 30 consecutive days, or for more than 60 days within any calendar year. In nonresidential zoning districts a unit may be placed only in the rear yard or side yard. In no case may a unit be placed in any front parking lot of a commercial use, or in fire lanes, passenger loading zones, commercial loading areas, or public rights-of-way. The owner and operator of the lot containing a portable storage unit shall ensure that the unit is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing, or other holes or breaks. The unit shall be kept locked when not being loaded or unloaded. The owner and operator of the lot containing a portable storage unit shall ensure that no hazardous substances are stored within the unit.

CHAPTER 4. ENVIRONMENTAL PROTECTIONS

Section 4.1. Purpose

This Chapter includes standards and guidelines for developing property or establishing new uses of property within Pittsboro, to ensure the protection of the health, welfare, safety, and quality of life for local residents, visitors, and business owners. These provisions address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the Comprehensive Plan vision for an attractive, energy efficient, and livable community.

Section 4.2. Riparian Buffers

4.2.1. Purpose

The purpose of this Section is to authorize the establishment and continuation of land uses that are allowed as the principal use(s) in a zoning district. It identifies the zoning districts in which these principal uses are allowed and sets out any use-specific standards applicable to particular principal uses. This Section is also intended to establish a hierarchy for organizing principal uses that reflects functional relationships among the various principal

4.2.2. General

- A. Authority. This Chapter is enacted and administered pursuant to the Town's general authority to regulate development (refer to Section 1.2, "Authority") and the local delegation or assignment of authority for the protection and maintenance of riparian buffers granted by the North Carolina Environmental Management Commission.
- B. Applicability. Except as otherwise provided in Section 4.2.2.C, "Exemptions," this Chapter applies to any development, as well as any other activity listed in Table 4.2.7, "Uses and Activities Permitted in Riparian Buffers," that occurs within riparian buffers directly adjacent to surface waters in the Cape Fear River Basin and the Jordan Lake watershed (as identified in accordance with 4.4.4, "Riparian Buffers"), as well as to any development or listed activity that occurs outside of such buffers and has hydrologic impacts in violation of the diffuse flow requirements set out in Section 4.2.5, "Diffuse Flow Requirements." No new clearing, grading, or development shall take place, nor shall any new building permits be issued, in violation of the standards in this Chapter.
- C. Exemptions.
 1. Dwellings, Lots, and Ponds. This Chapter shall not apply to existing single-family dwellings/lots. This Chapter shall not apply to agricultural ponds.
 2. Existing and Ongoing Uses. This Chapter shall not apply to uses that are existing and on-going. Existing uses may include agriculture, buildings, industrial facilities, commercial areas, transportation facilities, maintained lawns, utility lines, and on-site sanitary sewage systems—any of which involve either specific, periodic management of vegetation or displacement of vegetation by structures or regular activity. An existing, on-going use is one meeting the following criteria:
 3. Cape Fear River Basin. A use in the Cape Fear River Basin is existing if it existed before February 1, 1976 (the effective date of the adopted classifications assigned to the waters within the Cape Fear River Basin Rules 15A N.C.A.C. 2B .0311.(a)).
 4. Jordan Lake Watershed. A use in the Jordan Lake watershed is existing only if one of the following occurred before April 26, 2011 (the date the Town Board of Commissioners adopted the Riparian Buffer Protection Ordinance): If subject to requirements for a 401 Certification/404 Permit, such certification and permit were issued for the use; If subject to a State permit or certification (e.g., for landfills, National Pollution Discharge Elimination System (NPDES) wastewater discharges, land application of residuals, and road construction activities), all such State permits and certifications were obtained for the use and construction of the permitted activity began or was under contract to begin; If reviewed through the Clean Water Act Section 404/National Environmental Policy Act Merger 101 Process, an

agreement with the North Carolina Department of Environment and Natural Resources on avoidance and minimization was reached or; If not subject to review through the Clean Water Act Section 404/National Environmental Policy Act Merger 101 Process, a Finding of No Significant Impact pursuant to the National Environmental Policy Act was issued for the use and the use was approved, in writing, by the Town. A change in an existing, on-going use to another use is not exempt, though a mere change in ownership through purchase or inheritance does not constitute such a change in use. Only that portion of the riparian buffer occupied by the footprint of the existing and on-going use is exempt from this Chapter.

5. Interpretation of Riparian Buffer Regulations. When interpreting the meaning or application of the riparian buffer regulations in this Chapter, the Town Engineer shall consider the clarification memos and other information developed and maintained by the North Carolina Division of Water Resources.
6. Records. The Town shall maintain records of Town permitting and enforcement activities within the Cape Fear River Basin and the Jordan Lake Watershed for a minimum of five years.

4.2.3. Riparian Buffer and Zones

- A. Riparian Buffer. Riparian buffers subject to this Section include all land within 50 feet of, and directly adjacent to, all sides of surface waters in the Cape Fear River Basin and the Jordan Lake watershed (wetlands within a riparian buffer are also regulated pursuant to Rules 15A N.C.A.C. 2B .0230, and .0231, Rules 15A N.C.A.C. 2H .0500, 15A N.C.A.C. 2H .1300, and Sections 401 and 404 of the Federal Water Pollution Control Act).
- B. Riparian Buffer Zones. Riparian buffers shall consist of two zones that have a combined width of 50 feet as described in Subsections 1 and 2 below.
 1. Zone One. Zone One consists of a vegetated area that is undisturbed except for uses and activities allowed in accordance with Section 4.2.7, "Uses and Activities Permitted in Riparian Buffers." For intermittent and perennial streams, Zone One begins at the top of the bank and extends landward on both sides of the stream a distance of 30 feet, measured horizontally on a line perpendicular to a vertical line marking the top of the bank. For ponds, lakes, and reservoirs located within natural drainageway, Zone One begins at the normal water level and extends landward on all sides of the water body a distance of 30 feet, measured horizontally on a line perpendicular to a vertical line marking the outer edge of the normal water level.
 2. Zone Two. Zone Two consists of a stable, vegetated area that is undisturbed except for uses and activities allowed in accordance with Section 4.2.7, "Uses and Activities Permitted in Riparian Buffers." Zone Two begins at the outer edge of Zone One and extends landward a distance of 20 feet, measured horizontally on a line perpendicular to a vertical line marking the outer edge of Zone One.

4.2.4. Riparian Buffer and Zones

- A. Surface Waters with Riparian Buffers.
 1. General. Except as provided in Subsection 2 below, riparian buffers subject to this Section shall be required along all surface waters in the Cape Fear River Basin and the Jordan Lake watershed identified on designated maps (refer to Section 4.2.4.B, Maps Used to Identify Surface Waters with Riparian Buffers) or by on-site determinations (refer to Section 4.2.4.C, On-site Determination of Surface Waters with Riparian Buffers).
 2. Exception. Riparian buffers shall not be required along mapped surface waters where an on-site determination in accordance with Section 4.2.4.C, On-site Determination of Surface Waters with Riparian Buffers, shows that mapped surface water is:
 - a. A man-made pond or lake that is not part of a natural drainage way classified in accordance with 15A N.C.A.C. 2B .0100, including ponds and lakes created for animal watering, irrigation, or other agricultural use as defined in NCGS 106-581.1 (A pond or lake is part of a natural drainage way when it is fed by an intermittent or perennial stream or when it has a direct discharge point to an intermittent or perennial stream.);
 - b. An ephemeral stream;

- c. Lacks on-the-ground evidence of a corresponding intermittent or perennial stream, lake, reservoir, or pond; or
 - d. A ditch or other man-made water conveyance other than a modified natural stream.
- B. Map Used to Identify Surface Waters with Riparian Buffers. The following maps may be used for purposes of identifying surface waters with riparian buffers subject to this Section:
1. The most recently published version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture;
 2. The most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS); and
 3. A map approved by the Geographic Information Coordinating Council and the North Carolina Environmental Management Commission (Commission) following a 30-day public notice and opportunity for comment.
- C. On-Site Determination of Surface Waters with Riparian Buffers. A landowner or other affected party (including the North Carolina Division of Water Resources) who believes the maps used to identify riparian buffers (refer to Section 4.2.4.B, Maps Used to Identify Surface Waters with Riparian Buffers) inaccurately depict the surface waters subject to these riparian buffer regulations may request the Town for an on-site determination of the presence, location, and extent (including the origin point) of such surface waters, or whether the mapped surface waters are excepted from riparian buffer regulations. The determination shall be conducted by the Town Engineer who has successfully completed the Surface Water Identification Training Certification course, or other equivalent training curriculum approved by the North Carolina Division of Water Resources. The Town may accept the results of site assessments made by other parties who have successfully completed such training. If determining the origin of a stream, the determination shall use the latest version of the North Carolina Division of Water Resources' Identification Methods for the Origins of Intermittent and Perennial Streams. Any disputes over on-site determinations shall be referred in writing to the Director of the North Carolina Division of Water Resources and is subject to review as provided in Chapters 3 and 4 of NCGS 150B.

4.2.5. Diffuse Flow Requirements

Diffuse flow of runoff shall be maintained in the riparian buffer by dispersing concentrated flow prior to its entry into the buffer and reestablishing vegetation as follows: Concentrated runoff from new ditches or man-made conveyances shall be converted to diffuse flow at non- erosive velocities before the runoff enters Zone Two of the riparian buffer; Periodic corrective action to restore diffuse flow shall be taken as necessary and shall be designed to impede the formation of erosion gullies; and No new stormwater conveyances are allowed through the buffers except for those specified in Table 4.2.7, "Uses and Activities Permitted in Riparian Buffers," addressing stormwater management ponds, drainage ditches, roadside ditches, and stormwater conveyances.

4.2.6. Riparian Buffer Development Review

- A. Applicability. Except as exempted in Section 4.2.2.C, Exemptions, Riparian Buffer Development Review is required before any development, or any other activity listed in Table 4.2.7, "Uses and Activities Permitted in Riparian Buffers," may be conducted within a riparian buffer. An application for Riparian Buffer Development Review may be submitted and reviewed concurrently with applications for the following permit types (refer to Section 10.4, Application-Specific Review Procedures):
 1. Major and Minor Site Plan;
 2. Major and Minor Subdivisions;
 3. Floodplain Development Permit,
 4. Stormwater Management Permit; or
 5. Administrative Adjustment.
- B. Riparian Buffer Development Review Procedures. The following Subsections identify those steps in the standard review procedure (refer to Section 10.4, Specific Review Procedures) applicable to the review of a Riparian Buffer Development Review application and note any specific variations of, or additions to, those review steps.

1. Pre-Submittal Meeting. The applicant shall hold a Pre-Submittal Meeting with Town staff in accordance with Section 10.3.2., Pre-Submittal Meeting.
 2. Application Submittal and Acceptance. The application shall be submitted and accepted, and may be withdrawn, in accordance with Section 10.3.4, Application Submittal and Acceptance, except that if the application proposes development or activity that is allowable only with mitigation, the application shall include a mitigation strategy.
 3. Staff Review and Action. The Town Engineer shall review the application, allow revisions of the application, and decide the application in accordance with Section 4.2.6., Riparian Buffer Development Review Standards, subject to the following provisions:
 - a. The administrative decision shall be one of the following:
 - i. Determine that the proposed development or activity is permitted without an Authorization Certificate ("Exempt");
 - ii. Approve the proposed development or activity as allowable, as submitted;
 - iii. Approve the proposed development or activity as allowable, subject to conditions;
 - iv. Approve the proposed development or activity as allowable with mitigation, as submitted;
 - vi. Approve the proposed development or activity as allowable with mitigation, subject to conditions; or
 - vii. Deny the application.
 - b. If the Town Engineer fails to decide the application within 60 days after its acceptance, the application shall be deemed approved as submitted unless the applicant:
 - i. Agrees in writing to a longer time period; or
 - ii. Refuses access to its records or premises for gathering information necessary to make a decision on the application.
- C. Post Decision Actions and Limitations. The post-decision actions and limitations in Section 10.3.10, Post-Decision Actions and Limitations, shall apply to the application except as follows:
1. Issuance of Authorization Certificate. On approving the proposed development or activity as allowable or allowable with mitigation, the Town Engineer shall issue the applicant a Riparian Buffer Authorization Certificate. If the development or activity is approved with mitigation, the Authorization Certificate shall identify the approved mitigation option, including the area of mitigation and the location of donated property or restored riparian buffer and/or amount of mitigation fee, as appropriate.
 2. Appeal. The administrative decision on an application for Riparian Buffer Authorization Certificate may be appealed to the Director of the North Carolina Division of Water Resources for review and decision in accordance with the North Carolina Administrative Hearings Act.
 3. Effect of Approval. Approval of the proposed development or activity as 'Exempt' or issuance of an Authorization Certificate allows approval of any concurrently reviewed applications within the riparian buffer, including any mitigation included in the application approval. It also authorizes submittal of an application for Building Permit or other development permits or approval needed to undertake the authorized land disturbing activities.
 4. Expiration of Approval. Approval of the proposed development or activity as "Exempt" or issuance of a Riparian Buffer Authorization Certificate shall expire if an application for a Building Permit (or Certificate of Compliance/Occupancy, if a Building Permit is not required) for the approved development is not submitted within one year after the date of approval or issuance.
- D. Riparian Buffer Development Review Standards.
1. Exempt. The Town Engineer shall determine that the development or activity proposed in a riparian buffer is permitted without an Authorization Certificate ("Exempt") only on reaching each of the following conclusions:
 - a. The proposed development or activity falls within a use listed as "Exempt" in Table 4.2.7, "Uses and Activities Permitted in Riparian Buffers"; and
 - b. The proposed development or activity complies with the diffuse flow requirements in Section 4.2.5, Diffuse Flow Requirements; and
 - c. The proposed development or activity will be designed, constructed, and maintained to minimize soil disturbance and provide the maximum water quality protection practicable.

2. Allowable. The Town Engineer shall determine that the development or activity proposed in a riparian buffer is allowable with an Authorization Certificate only on reaching each of the following conclusions:
 - a. The proposed development or activity falls within a use listed as "Allowable" in Table 4.2.7, "Uses and Activities Permitted in Riparian Buffers."
 - b. The proposed development or activity complies with the diffuse flow requirements in Section 4.2.5, "Diffuse Flow Requirements."
 - c. There are no practical alternatives to the proposed development or activity within the riparian buffer—that is, that:
 - i. The basic purpose of the proposed development or activity cannot be practically accomplished in a manner that would better minimize disturbance of the riparian buffer, preserve aquatic life and habitat, and protect water quality;
 - ii. The proposed development or activity cannot practically be reduced in size or density, reconfigured, or redesigned to better minimize disturbance of the riparian buffer; and
 - iii. Best management practices will be used as necessary to minimize disturbance of the riparian buffer, preserve aquatic life and habitat, and protect water quality.
3. Allowable with Mitigation. The Town Engineer shall determine that the development or activity proposed in a riparian buffer is allowable with an Authorization Certificate and mitigation only on reaching each of the following conclusions:
 - a. The proposed development or activity falls within a use listed as "Allowable with Mitigation" in Table 4.2.7, "Uses and Activities Permitted in Riparian Buffers."
 - b. The proposed development or activity complies with the diffuse flow requirements in Section 4.2.5, "Diffuse Flow Requirements."
 - c. There are no practical alternatives to the proposed development or activity within the riparian buffer—that is, that: The basic purpose of the proposed development or activity cannot be practically accomplished in a manner that would better minimize disturbance of the riparian buffer, preserve aquatic life and habitat, and protect water quality; The proposed development or activity cannot practically be reduced in size or density, reconfigured, or redesigned to better minimize disturbance of the riparian buffer; and Best management practices will be used as necessary to minimize disturbance of the riparian buffer, preserve aquatic life and habitat, and protect water quality.
 - d. The proposed mitigation strategy complies with the mitigation standards in Section 4.2.8, "Mitigation."

4.2.7. **Uses and Activities Permitted in Riparian Buffers**

Table 4.2.7, "Uses and Activities Permitted in Riparian Buffers," establishes uses and activities permitted within a riparian buffer and areas adjacent to the buffer in which certain uses may cause adverse impacts to the riparian area. Uses are categorized as "Exempt," "Allowable," or "Allowable with Mitigation." Unless a Riparian Buffer Variance is granted pursuant, all uses or activities not listed in the table shall be considered prohibited and may not occur within the riparian buffer, or areas outside the buffer as noted Table 4.2.7, "Uses and Activities Permitted in Riparian Buffers." All land uses must also comply with Chapter 3, "Use Standards." In the event that there is a conflict between allowed uses established in Chapter 3, "Use Standards," and Table 4.2.7, "Uses and Activities Permitted in Riparian Buffers," the more restrictive standard shall control.

USES and ACTIVITIES PERMITTED IN RIPARIAN BUFFERS			
Use or Activity	Exempt	Allowable	Allowable with Mitigation
Access trails (pedestrian access trails leading to the surface water, docks, fishing piers, boat ramps, and other water dependent activities):			
Pedestrian access trails that are restricted to the minimum width practicable and do not exceed 4 feet in width of buffer disturbance, and provided that installation and use does not result in removal of trees and no impervious surface is added to the riparian buffer	X		
Pedestrian access trails that exceed 4 feet in width of buffer disturbance, the installation or use results in removal of trees or impervious surface is added to the riparian buffer		X	
Airport facilities that impact no more than 150 linear feet or 1/3 acre of riparian buffer		X	
Airport facilities that impact more than 150 linear feet or 1/3 acre of riparian buffer			X
Activities necessary to comply with FAA requirements (e.g. radar uses or landing strips), where:			
<ul style="list-style-type: none"> • No heavy equipment is used in Zone One; • Vegetation in undisturbed portions of the buffer is not compromised; • Felled trees are removed by chain; • No permanent felling of trees occurs in protected buffers or streams; • Stumps are removed only by grinding; • At the completion of the project the disturbed area is stabilized with native vegetation; and • Zones One and Two meet the requirements of Section. 		X	
Archaeological activities	X		
Bridges		X	
Dam maintenance activities that do not cause additional buffer disturbance beyond the footprint of the existing dam or those covered under the U.S. Army Corps of Engineers Nationwide Permit No. 3	X		
Dam maintenance activities that do cause additional buffer disturbance beyond the footprint of the existing dam or those not covered under the U.S. Army Corps of Engineers Nationwide Permit No.3		X	
Drainage ditches, roadside ditches, and stormwater conveyances through riparian buffers:			
New stormwater flows to existing drainage ditches, roadside ditches, and stormwater conveyances provided flows do not alter or result in the need to alter the conveyance and are managed to minimize the sediment, nutrients and other pollution that convey to water bodies	X		
Realignment of existing roadside drainage ditches retaining the design dimensions, provided that no additional travel lanes are added and the minimum required roadway typical section is used based on traffic and safety considerations		X	
New or altered drainage ditches, roadside ditches and stormwater outfalls provided that a stormwater management facility is installed to control nutrients and attenuate flow before the conveyance discharges through the riparian buffer		X	
New drainage ditches, roadside ditches and stormwater conveyances applicable to linear projects that do not provide a stormwater management facility due to topography constraints provided that other practicable Best Management Practices (BMPs) are employed			X
Drainage of a pond in a natural drainage way provided that a new riparian buffer that meets the requirements of this Chapter is established adjacent to the new channel	X		
Driveway crossings of streams and other surface waters subject to this Chapter:			
Driveway crossings on single-family residential lots that disturb no more than 25 linear feet or 2,500 square feet of riparian buffer	X		
Driveway crossings on single-family residential lots that disturb more than 25 linear feet or 2,500 square feet of riparian buffer		X	
Driveway crossings in a subdivision that cumulatively disturb no more than 150 linear feet or 1/3 acre of riparian buffer		X	
Driveway crossing in a subdivision that cumulatively disturb more than 150 linear feet or 1/3 of an acre of riparian buffer			X

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Driveway impacts other than crossing of a stream or other surface waters subject to this Chapter		X
Fences where disturbance is minimized, and installation does not result in removal of trees as defined in this Ordinance	X	
Fences where disturbance is minimized and installation results in removal of trees as defined in this Ordinance		X
Fertilizer application: one-time application to establish vegetation	X	
Grading and revegetation in Zone Two where diffuse flow and the health of existing vegetation in Zone One is not compromised and disturbed areas are stabilized until they are revegetated		X
Greenway/hiking trails designed, constructed, and maintained to maximize nutrient removal and erosion protection, minimize adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practical		X
Historic preservation	X	
Maintenance access on modified natural streams via a grassed travel way on one side of the water body where less impacting alternatives are not practical; the width and specifications of the travel way is only that needed for equipment access and operation, and the travel way is located to maximum stream shading		X
Mining activities covered by the Mining Act where new riparian buffers that meet the requirements of Section are established adjacent to the relocated channels		X
Mining activities not covered by the Mining Act OR where new riparian buffers that meet the requirements of Section are not established adjacent to the relocated channels		X
Wastewater or mining dewatering wells with approved NPDES permit		X
Playground equipment on lots with single-family detached or manufactured home dwellings where installation and use does not result in removal of vegetation	X	
Playground equipment installed on lands other than single-family lots or that requires removal of vegetation		X
Protection of existing structures, facilities, and stream banks when this requires additional disturbance of the riparian buffer or the stream channel		X
Railroad impacts other than crossings of streams and other surface waters subject to this Chapter		X
Railroad crossings of streams and other surface waters subject to this Chapter:		
Railroad crossings that impact no more than 40 linear feet of riparian buffer	X	
Railroad crossings that impact more than 40 linear feet but no more than 150 linear feet or 1/3 acre of riparian buffer		X
Railroad crossings that impact more than 150 linear feet or 1/3 acre of riparian buffer		X
Removal of previous fill or debris where diffuse flow is maintained, and vegetation is restored		X
Road impacts other than crossings of streams and other surface waters subject to this Chapter		X
Road crossings of streams and other surface waters subject to this Chapter:		
Road crossings that impact no more than 40 linear feet of riparian buffer	X	
Road crossings that impact more than 40 linear feet but no more than 150 linear feet or 1/3 acre of riparian buffer		X
Road crossings that impact more than 150 linear feet or 1/3 acre of riparian buffer		X
Road relocation:		
Relocation of existing private access roads associated with public road projects that are necessary for public safety and impact no more than 2,500 square feet of riparian buffer		X
Relocation of existing private access roads associated with public road projects that are necessary for public safety and impact more than 2,500 square feet of riparian buffer		X
Scientific studies and stream gauging	X	
Stream bank or shoreline stabilization		X
Temporary roads provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions immediately after construction is complete and replanted immediately with comparable vegetation—provided that: tree planting may occur during the dormant season; a one-time application of fertilizer may be used to establish vegetation; and the restored buffer shall comply with the restoration criteria in Section by the end of five years		X

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Temporary sediment and erosion control devices for work within a stream channel that is authorized under Sections 401 and 404 of the Federal Water Pollution Control Act, where the disturbed area is restored to pre-construction topographic and hydrologic conditions immediately after construction is complete and replanted immediately with comparable vegetation—provided that: tree planting may occur during the dormant season; a one-time application of fertilizer may be used to establish vegetation; and the restored buffer shall comply with the restoration criteria in by the end of five years		X	
Temporary sediment and erosion control devices for work within a stream channel that is not authorized under Sections 401 and 404 of the Federal Water Pollution Control Act, where the disturbed area is restored to pre-construction topographic and hydrologic conditions immediately after construction is complete and replanted immediately with comparable vegetation—provided that: tree planting may occur during the dormant season; a one-time application of fertilizer may be used to establish vegetation; and the restored buffer shall comply with the restoration criteria in Section by the end of five years		X	
Utility line crossings of streams and other surface waters subject to this Chapter:			
Above-ground electric line crossings that are perpendicular to the stream and disturb no more than 150 linear feet of riparian buffer [1][2][3]		X	
Above-ground electric line crossings that are perpendicular to the stream and disturb more than 150 linear feet of riparian buffer [1][2][3]		X	
Above-ground electric line crossings that are not perpendicular to the stream and impact Zone Two [1][3]			X
Above-ground electric line crossings that are not perpendicular to the stream and impact Zone One [1][2][3]			X
Underground electric line crossings that are perpendicular to the stream and disturb no more than 40 linear feet of riparian buffer [1][3][4]		X	
Underground electric line crossings that are perpendicular to the stream and disturb more than 40 linear feet of riparian buffer [1][3][4]		X	
Underground electric line crossings that are not perpendicular to the stream and impact Zone Two [1][3]			X
Underground electric line crossings that are not perpendicular to the stream and impact Zone One [1][2][4]			X
Non-electric utility line crossings that are perpendicular to the stream and disturb no more than 40 linear feet of riparian buffer and have a maintenance corridor no more than 10 feet wide [1][3]		X	
Non-electric utility line crossings that are perpendicular to the stream and disturb no more than 40 linear feet of riparian buffer and have a maintenance corridor more than 10 feet wide [1][3]		X	
Non-electric utility line crossings that are perpendicular to the stream and disturb more than 40 linear feet but no more than 150 linear feet of riparian buffer and have a maintenance corridor no more than 10 feet wide [1][3]		X	
Non-electric utility line crossings that are perpendicular to the stream and disturb more than 40 linear feet but no more than 150 linear feet of riparian buffer and have a maintenance corridor more than 10 feet wide [1][3]			X
Non-electric utility line crossings that are perpendicular to the stream and disturb more than 150 linear feet of riparian buffer			X
Non-electric utility line crossings that are not perpendicular to the stream and impact Zone Two [1][3][4]			X
Non-electric utility line crossings that are not perpendicular to the stream and impact Zone One [1][3][4]			X
Vegetation management:			
Emergency fire control measures where topography is restored		X	
Mowing maintenance in Zone Two		X	
Planting vegetation to enhance the riparian buffer		X	
Pruning forest vegetation where the health and function of the forest vegetation is not compromised		X	
Removal of individual trees that are in danger of causing damage to dwellings, other structures, or human life, or are imminently endangering stability of the stream bank		X	
Removal of individual trees that are dead, diseased, or damaged		X	
Removal of poison ivy		X	
Removal of invasive exotic vegetation as defined in Exotic Plant Guidelines		X	
Water dependent structures as defined in 15A N.C.A.C. 02B.0202, where installation and use result in disturbance to riparian buffers		X	
Water supply reservoirs:			

New reservoirs where a riparian buffer that meets the requirements of Section is established adjacent to the reservoir		X	
New reservoirs where a riparian buffer that meets the requirements of Section is not established adjacent to the reservoir			X
Wetland, stream, and buffer restoration that results in impacts to the riparian buffers:			
Restoration that requires North Carolina Division of Water Resources approval for the use of a 401 Water Quality Certification		X	
Restoration that does not require North Carolina Division of Water Resources approval for the use of a 401 Water Quality Certification		X	
Wildlife passage structures		X	
NOTES:			
[1] Perpendicular crossings are those that intersect the surface water at an angle between 75 and 105 degrees.			
[2] Overhead electric lines crossing Zone One shall comply with all of the following best management practices, unless the Board of Adjustment finds no practical alternative exists to such compliance:			
<ul style="list-style-type: none"> • A minimum zone of 10 feet wide immediately adjacent to the water body shall be managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed. • Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed. • Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain where trees are cut. • Riprap shall not be used unless it is necessary to stabilize a tower. • No fertilizer shall be used other than a one-time application to re-establish vegetation. • Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state. • Active measures shall be taken after construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer. • In wetlands, mats shall be utilized to minimize soil disturbance. of Adjustment finds no practical alternative exists to such location. 			
[3] Underground utility lines crossing Zone One shall comply with all of the following best management practices, unless the Board of Adjustment finds no practical alternative exists to such compliance:			
<ol style="list-style-type: none"> a. Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed. b. Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain, except in the trench where trees are cut. c. Underground cables shall be installed by vibratory plow or trenching. d. The trench shall be backfilled with the excavated soil material immediately following cable installation. e. No fertilizer shall be used other than a one-time application to re-establish vegetation. f. Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state. g. Measures shall be taken on completion of construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer. 			

4.2.8. Mitigation

- A. Applicability. This Subsection applies where a Riparian Buffer Development Review application proposes a use or activity listed as "Allowable with Mitigation" in Table 4.2.7, "Uses and Activities Permitted in Riparian Buffers," or where mitigation is proposed or required as a condition of approval for a Riparian Buffer Variance application. Any application for Riparian Buffer Development Review or a Riparian Buffer Variance that proposes mitigation shall include a written mitigation proposal that calculates the required area of mitigation in accordance with Section 4.2.8.C, "Area of Mitigation," and describes the area and location of each type of proposed mitigation.
- B. Options for Meeting for Mitigation Requirement. The mitigation requirement may be met through one of the following options: On-site or off-site riparian buffer restoration, enhancement, or preservation in accordance with this Section, payment of a compensatory mitigation fee to a mitigation bank if buffer credits are available from the bank pursuant to 15A N.C.A.C. 02B .0295(g), or to the Riparian Buffer Restoration Fund pursuant to 15A N.C.A.C. 02B.0295(h) if the applicant is a government entity or buffer credits are not available from a mitigation bank within the same 8-digit Hydrologic Unit Code as the buffer impact; or Donation of real property or an interest in real property.
- C. Areas of Mitigation. For any option used, the required area of mitigation shall be calculated in accordance with the formulas in Table 4.2.8 below, "Calculation of Required Area of Mitigation."

CALCULATION OF REQUIRED AREA OF MITIGATION				
Impacted Area or Zone	Area of Impact	Zonal Multiplier		Required Area of Mitigation
Wetlands subject to and compliant with mitigation under 15A NCAC 2H .0506	Areas within the riparian buffer included within wetlands subject to and compliant with mitigation under 15A N.C.A.C. 2H .0506 [1]	X See 15A N.C.A.C. 2H .0506(h)(7)	=	A
Zone One	Area of the footprint of the use or activity causing the impact to Zone One [2] + Area within the boundary of any clearing and grading activities within Zone One needed to accommodate the use or activity [2] + Area of any on-going maintenance corridors within Zone One that are associated with the use or activity [2]	X 3	=	B
Zone Two	Area of the footprint of the use or activity causing the impact to Zone Two [2] + Area within the boundary of any clearing and grading activities within Zone Two needed to accommodate the use or activity [2] + Area of any on-going maintenance corridors within Zone One that are associated with the use or activity [2]	X 1.5	=	C
	Total Required Mitigation Area		=	A + B + C

NOTES:

[1]The required area of mitigation is calculated for each area of wetland present for which 15A N.C.A.C. 2H .0506 provides a separate multiplier (See North Carolina Division of Water Resources).

[2]Wetland areas subject to and compliant with mitigation under 15A N.C.A.C. 2H .0506 are excluded.

- D. Location of Mitigation. For any option used to mitigate impacts to riparian buffers in the Jordan Lake watershed, the mitigation effort shall be located within the same subwatershed of the Jordan Lake watershed, and the same or closer distance from Jordan Lake as the proposed impact, and as close to the location of the impact as feasible. Alternatively, the applicant may propose mitigation anywhere within the same subwatershed of the Jordan Lake watershed if the mitigation proposal accounts for differences in delivery of nutrients to the affected arm of Jordan Lake resulting from differences between the locations of the buffer impact and mitigation. Additional location requirements for the property donation option are enumerated in Section 4.2.8.H, Donation of Property.
- E. Riparian Buffer Restoration or Enhancement. Restoration and enhancement are intended to establish a forested riparian buffer in accordance with the standards of this Subsection. Persons who choose to meet their mitigation requirement through riparian buffer restoration or enhancement shall comply with the following standards.
 - 1. Restoration or Enhancement. Restoration shall be distinguished from enhancement based on existing riparian buffer conditions. Where the density of existing woody vegetation is less than 100 trees per acre, a riparian buffer may be restored. Where the density of existing woody vegetation is greater than or equal to 100 trees per acre, but less than 200 trees per acre, a riparian buffer may be enhanced.
 - 2. Area of Restoration. Any restoration area shall be equal to the required area of mitigation determined pursuant to Section 4.2.8.C, Area of Mitigation.
 - 3. Area of Enhancement. Any enhancement area shall be three times larger than the required area of mitigation determined pursuant to Section 4.2.8.C, Area of Mitigation.

4. Location. The location of the restoration or enhancement shall comply with the requirements in Section 4.2.8.D, Location of Mitigation.
 5. Restoration or Enhancement Plan. The applicant or mitigation provider shall submit a restoration or enhancement plan for written approval by the Town Engineer. The plan shall demonstrate compliance with this Section and shall contain the following additional elements.
 - a. A map of the proposed restoration or enhancement site.
 - b. A vegetation plan, which shall include a minimum of five native hardwood tree species, where no one species is greater than 25 percent of planted stems, planted at a density sufficient to provide 320 trees per acre at maturity. The Town Engineer may approve alternative vegetation plan on consideration of factors including site wetness and plant availability.
 - c. A grading plan.
 - d. A schedule for implementation, including a fertilization and herbicide plan that will include protective measures to ensure that fertilizer and herbicide is not deposited downstream from the site and will be applied per manufacturers guidelines.
 - e. A monitoring plan, including monitoring of vegetative success, stream stability, and other anticipated benefits to the adjacent water as listed in the Authorization Certification.
 6. Minimum Width. The restoration or enhancement site shall have a minimum width of 50 feet as measured horizontally on a line perpendicular to the surface water.
 7. Diffuse Flow. The mitigation site shall provide diffuse stormwater flow across the entire buffer width. Any existing impervious cover or stormwater conveyances such as ditches or pipes shall be eliminated, and the stormwater flow converted to diffuse flow.
 8. Pesticides. Any pesticides used shall be certified by EPA for use in or near aquatic sites and applied in accordance with the manufacturer's instructions.
 9. Conservation Easement Required. The mitigation area shall be placed under a perpetual conservation easement, or similar legal mechanism that includes a non-wasting endowment sufficient to ensure perpetual long-term monitoring and maintenance, that will provide for protection of the property's nutrient and sediment removal functions.
 10. Performance Guarantee. A performance guarantee shall be provided for the mitigation site to account for all land purchase, construction, monitoring, and maintenance costs.
 11. Post-Approval Documentation. Within one year after approval of a restoration or enhancement plan, the applicant or mitigation provider shall present documentation to the Town Engineer that the riparian buffer has been restored or enhanced. The Town Engineer may, by written agreement, extend this time period where a longer construction period is necessary. If documentation is not presented within this timeframe, then the person shall be in violation of both this Ordinance and the State's riparian buffer regulations.
 12. Annual Reports. The applicant shall submit written annual reports to the Town Engineer for a period of five years after the restoration or enhancement. The reports shall show that the trees planted have survived, or that trees that do not survive have been replaced, and that diffuse flow through the riparian buffer has been maintained, or that diffuse flow has been restored.
- F. Purchase of Buffer Mitigation Credits from a Private or Public Mitigation Bank. Persons who choose to satisfy some or all of their mitigation determination by purchasing mitigation credits from a private or public mitigation bank shall meet the following requirements. The mitigation bank from which credits are purchased shall comply with banking requirements of the U.S. Army Corps of Engineers and the applicable trading criteria in 15A N.C.A.C. 02B .0273, and have available riparian buffer credits. The mitigation bank from which credits are purchased shall be appropriately located as described in Section 4.2.8.C, Area of Mitigation, and Section 4.2.8.D, Location of Mitigation. After receiving a mitigation acceptance letter from the mitigation provider, proof of payment for the credits shall be provided to the Town Engineer prior to any activity that results in the removal or degradation of the protected riparian buffer.
- G. Payment to the Riparian Buffer Restoration Fund. Persons who choose to satisfy some or all of their mitigation determination by paying a compensatory mitigation fee to the Riparian Buffer Restoration Fund shall meet the requirements of 15A N.C.A.C. 02B.0269 (Riparian Buffer Mitigation Fees to the NC Ecosystem Enhancement Program).
- H. Donation of Property. Persons who choose to satisfy their mitigation determination by donating real property or an interest in real property shall meet the following requirements.

1. The donation of real property interests may be used to either partially or fully satisfy the payment of a compensatory mitigation fee to the Riparian Buffer Restoration Fund pursuant to 15A N.C.A.C. 02B .0269. The value of the property interest shall be determined by an appraisal performed in accordance with Subsection 4.d below. The donation shall satisfy the mitigation determination if the appraised value of the donated property interest is equal to or greater than the required fee. If the appraised value of the donated property interest is less than the required fee calculated pursuant to 15A N.C.A.C. 02B .0269, the applicant shall pay the remaining balance due.
2. The donation of a conservation easement, or similar legal mechanism that includes a non-wasting endowment sufficient to ensure perpetual long-term monitoring and maintenance, shall be accepted to satisfy compensatory mitigation requirements only if the conservation easement or similar legal mechanism is granted in perpetuity.
3. Donation of real property interests to satisfy the mitigation determination shall be accepted only if such property meets all of the following requirements:
 - a. In addition to complying with the location requirements of Section 4.2.8.D, Location of Mitigation, the property shall be located within an area that is identified as a priority for restoration in, or is otherwise consistent with the goals of, the Basin wide Wetlands and Riparian Restoration Plan for the Cape Fear River Basin;
 - b. The property shall contain riparian buffers not currently protected by the State's riparian buffer protection program that are in need of restoration or enhancement rather than preservation.
 - c. The restorable riparian buffer on the property shall have a minimum length of 1,000 linear feet [a collective minimum length of 1,000 linear feet per 2,500 linear feet along a surface water] and a minimum width of 50 feet as measured horizontally on a line perpendicular to the surface water.
 - d. The size of the restorable riparian buffer on the property to be donated shall equal or exceed the area of mitigation responsibility determined pursuant to Section 4.2.8.C, Area of Mitigation;
 - e. The property shall not require excessive measures for successful restoration, such as removal of structures or infrastructure.
 - f. Restoration of the property shall be capable of fully offsetting the adverse impacts of the requested use.
 - g. The property shall be suitable to be successfully restored, based on existing hydrology, soils, and vegetation.
 - h. The estimated cost of restoring and maintaining the property shall not exceed the value of the property minus site identification and transaction costs unless the applicant supplies financial assurance acceptable to the Town for restoration and maintenance of the buffer.
 - i. The property shall not contain any building, structure, object, site, or district that is listed in the National Register of Historic Places established pursuant to Public Law 89-665, 16 U.S.C. 470 as amended;
 - j. The property shall not contain any hazardous substance or solid waste such that water quality could be adversely impacted, unless the hazardous substance or solid waste can be properly remediated before the interest is transferred.
 - k. The property shall not contain structures or materials that present health or safety problems to the general public. If wells, septic, water, or sewer connections exist, they shall be filled, remediated, or closed at the owner's expense in accordance with state and local health and safety regulations before the interest is transferred.
 - l. The property and adjacent properties shall not have prior, current, or known future land use that would inhibit the function of the restoration effort.
 - m. The property shall not have any encumbrances or conditions that are inconsistent with the requirements of this Chapter or purposes of the riparian buffer regulations.
 - n. Fee simple title to the property or a conservation easement in the property shall be donated to the North Carolina Ecosystem Enhancement Program or a similar organization approved by the North Carolina Division of Water Resources to conduct the restoration or enhancement.
 - o. On completion of the riparian buffer restoration or enhancement, the property or the easement shall be donated to a local land trust or to a local government or other state organization that is willing to accept the property or easement. The donation shall be accompanied by a non-wasting endowment sufficient to ensure perpetual long-term monitoring and maintenance, except that a

local government donating a conservation easement may enter into a binding intergovernmental agreement with the North Carolina Division of Water Resources to manage and protect the property consistent with the terms of the conservation easement.

4. At the expense of the applicant or donor, the following information shall be submitted to the Town with any proposal for donations or dedications of interest in real property:
 - a. Documentation that the property meets the requirements laid out in Subsection 3 above;
 - b. U.S. Geological Survey 1:24,000 (7.5 minute) scale topographic map, county tax map, U.S.D.A. Natural Resource Conservation Service County Soil Survey Map, and county road map showing the location of the property to be donated along with information on existing site conditions, vegetation types, presence of existing structures and easements;
 - c. A current property survey performed in accordance with the procedures of the North Carolina Department of Administration, State Property Office, as identified by the State Board of Examiners for Engineers and Land Surveyors in "Standards of Practice for Land Surveying in North Carolina";
 - d. A current appraisal of the value of the property performed in accordance with the procedures of the North Carolina Department of Administration, State Property Office, as identified by the Appraisal Board in the "Uniform Standards of Professional North Carolina Appraisal Practice"; and
 - e. A title certificate.

Section 4.3. Floodplain Management

4.3.1. Purpose

The purpose of this Section is to set forth methods and provisions for minimizing the risks of flooding and flood damage on lots subject to flooding according to the Flood Insurance Rate Map (or FIRM, Refer to Section 12.12, Terms and Uses Defined). The standards in this Section are intended to: Restrict or prohibit development that is dangerous to health, safety, and property due to water or erosion hazards, or that result in damaging increases in erosion or in flood heights or velocities; Require development vulnerable to floods, including facilities serving such development, to be protected against flood damage at the time of initial construction; Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters; Control filling, grading, dredging, and other development that may increase flood damage; and Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards in other areas. The objectives of this ordinance are to: Protect human life, safety, and health; Minimize expenditure of public money for costly flood control projects; Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; Minimize prolonged business losses and interruptions; Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas; Minimize damage to private and public property due to flooding; Make flood insurance available to the community through the National Flood Insurance Program; Maintain the natural and beneficial functions of floodplains; Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

4.3.2. General Provisions

- A. Lands to which this Section Applies. This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including the Extraterritorial Jurisdiction (ETJ), of the Town of Pittsboro.
- B. Basis for Establishing the Special Flood Hazard Areas. The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated November 17, 2017 for Chatham County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of the Town of Pittsboro are also adopted by reference and declared a part of this ordinance.

- Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within 3 months of the approval of LOMR's and PMR's.
- C. Establishment of Floodplain Development. A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Chapter 4.
 - D. Compliance. No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.
 - E. Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
 - F. Interpretation. In the interpretation and application of this ordinance, all provisions shall be: Considered as minimum requirements; Liberally construed in favor of the governing body; and Deemed neither to limit nor repeal any other powers granted under State statutes.
 - G. Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Pittsboro or by any officer or employee thereof for any flood damages that result from reliance on this ordinance, or any administrative decision lawfully made hereunder.
 - H. Penalties for Violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special use permits, shall constitute a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Pittsboro from taking such other lawful action as is necessary to prevent or remedy any violation.

4.3.3. Administration

Designation of Floodplain Administrator. The Town Manager, or his/her designee, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this ordinance, the Floodplain Administrator shall be responsible for the coordination and community's overall compliance with the National Flood Insurance Program and the provisions of this ordinance.

4.3.4. Floodplain Development Application, Permit, Certification Requirements

- A. Floodplain Development Application, Permit and Certification Requirements. Application Requirements. Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:
 1. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development;
 2. The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 3. The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Chapter 4 or a statement that the entire lot is within the Special Flood Hazard Area;
 4. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 4.3.2.B;
 5. The boundary of the floodway(s) or non-encroachment area(s) as determined in Section 4.3.2.B;

6. The Base Flood Elevation (BFE) where provided as set forth in Section 4.3.2.B;
 7. The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
 8. The certification of the plot plan by a professional land surveyor or professional engineer.
 9. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including:
 - a. Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures and in reference to the Regulatory Flood Protection Elevation;
 - b. Elevation in relation to NAVD 1988 to which any non-residential structure in Zones A, AE, AH, AO, A99 will be floodproofed and in reference to the Regulatory Flood Protection Elevation; and
 - c. Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed and in reference to the Regulatory Flood Protection Elevation;
 - d. Floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
 10. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
 - a. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
 - b. Openings to facilitate automatic equalization of hydrostatic flood forces on walls when solid foundation perimeter walls are used in Zones A, AE, AH, AO, A99.
 - c. Usage details of any enclosed areas below the lowest floor.
 - d. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
 - e. Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
 - f. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of this ordinance are met.
 - g. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.
- B. Permit Requirements. The Floodplain Development Permit shall include, but not be limited to:
1. A complete description of all the development to be permitted under the floodplain development permit (e.g., house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
 2. The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in this Chapter.
 3. The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.
 4. The Regulatory Flood Protection Elevation required for the protection of all public utilities.
 5. All certification submittal requirements with timelines.
 6. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of this Ordinance have been met.
 7. The flood openings requirements, if in Zones A, AE, AH, AO, A99.
 8. Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).
 9. A statement, that all materials below BFE/RFPE must be flood resistant materials.

4.3.5. Required Certificates

- A. Elevation Certificates.
1. An Elevation Certificate (FEMA Form 086-0-33) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference

level, in relation to NAVD 1988. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

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

B. Floodproofing Certificate.

1. If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
2. A Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.

C. Foundation Certificate. If a manufactured home is placed within Zones A, AE, AH, AO, A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required.

D. Watercourse Alteration Certification. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse

alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

- E. Certification Exemptions. The following structures, if located within Zone AE or Zone X (Future), are exempt from the elevation/floodproofing certification requirements specified in Subsections A and B above:
 - 1. Recreational Vehicles meeting requirements;
 - 2. Temporary Structures meeting requirements; and
 - 3. Accessory Structures that are 150 square feet or less or, a value/cost of \$3000 or less and meeting requirements of this Ordinance.

4.3.6. Determination for Existing Building and Structures

For applications for building permits, where required, to improve buildings and structures within the special flood hazard area, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Inspection Department, shall:

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

4.3.7. General Standards for All Special Flood Hazard Areas

In all areas of special flood hazard the following standards are required:

1. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements.
3. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
4. All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall be located at or above the RFPE or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
5. Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.
6. Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.
7. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
8. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.

9. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
10. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance and of the building permit.
11. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if
13. the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of this Chapter.
14. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
15. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
16. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
17. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
18. When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
19. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.
20. Unless approved by a no rise certification and/or variance, fill is prohibited in the SFHA, including construction of buildings on fill.

4.3.8. Duties and Responsibilities of the Floodplain Administrator

The Floodplain Administrator shall perform, but not be limited to, the following duties:

1. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
2. Review all proposed development within Special Flood Hazard Areas to assure that all necessary local, state and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
5. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of this Ordinance are met.
6. Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of this Chapter.
7. Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of this Chapter.
8. Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of this Chapter.

9. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of this Ordinance.
10. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Chapter.
11. When BFE data has not been provided in accordance with the provisions of this Ordinance, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a federal, state, or other source, including data developed pursuant to this Ordinance, in order to administer the provisions of this ordinance.
12. When BFE data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of this Ordinance, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this ordinance.
13. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the BFE, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.
14. Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
15. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action, provided, however, that the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured.
16. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
17. Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
18. Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
19. Follow through with corrective procedures of this Chapter.
20. Review, provide input, and make recommendations for variance requests.
21. Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with the provisions of this Ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.

22. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

4.3.9. Corrective Procedures

- A. The Violations to be corrected. When the Floodplain Administrator finds violations of this ordinance; it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- B. Actions in Event of Failure to Take Corrective Action. If the owner of a building or property shall fail to take prompt corrective action to remedy a violation of this ordinance, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 1. That the building or property is in violation of the floodplain management regulations;
 2. That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 3. That following the hearing, the Floodplain Administrator may issue an order to remedy the violation, including, but not limited to, altering, vacating, or demolishing the building, or to remove fill, as applicable.
- C. Order to Take Corrective Action. If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one hundred eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.
- D. Appeal. Any owner who has received an order to take corrective action may appeal the order to the Town Board of Commissioners by giving notice of appeal in writing to the Floodplain Administrator and the Town clerk within ten (10) days following issuance of the final order and payment of any applicable fee. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The Town Board of Commissioners shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- E. Failure to Comply with Order. If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58 and shall be punished at the discretion of the court.

4.3.10. Variance Procedures

- A. The Board of Adjustment as established by the Town of Pittsboro, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this ordinance. Any person aggrieved by the quasi-judicial decision of the (appeal board) Board of Adjustment may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes §160D- 140.
- B. Variances may be issued for:
 1. The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
 2. Functionally dependent facilities if determined to meet the definition as stated in Chapter 2 of this ordinance, provided provisions of this Chapter have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
 3. Any other type of development provided it meets the requirements of this Section.
- C. In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other Sections of this ordinance, and:

1. The danger that materials may be swept onto other lands to the injury of others;
 2. The danger to life and property due to flooding or erosion damage;
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. The importance of the services provided by the proposed facility to the community;
 5. The necessity to the facility of a waterfront location as defined under Chapter 2 of this ordinance as a functionally dependent facility, where applicable;
 6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 7. The compatibility of the proposed use with existing and anticipated development;
 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- D. A written report addressing each of the above factors shall be submitted with the application for a variance. Upon consideration of the factors listed above and the purposes of this ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the BFE and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE may result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the FEMA and the State of North Carolina upon request.
- E. Conditions for Variances:
1. Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
 2. Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 4. Variances shall only be issued prior to development permit approval.
 5. Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship; and
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- F. A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met:
1. The use serves a critical need in the community.
 2. No feasible location exists for the use outside the Special Flood Hazard Area.
 3. The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.
 4. The use complies with all other applicable federal, state and local laws.
 5. The Town of Pittsboro has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

4.3.11. Standards for Special Flood Hazard Areas with Base Flood Elevation Data

In all Special Flood Hazard Areas where BFE data has been provided, as set forth in this Ordinance are required:

- A. Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Chapter 2 of this ordinance.
- B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Chapter 2 of this ordinance. Structures located in Zones A, AE, AH, AO, A99 may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with this Ordinance. A registered professional engineer or architect shall certify that the floodproofing standards of this Subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in this Chapter, along with the operational plan and the inspection and maintenance plan.
- C. Manufactured Homes. New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, in accordance with an engineer's certification or the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height, an engineering certification is required. All enclosures or skirting below the lowest floor shall meet the requirements of this Ordinance. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.
- D. Elevated Buildings. Fully enclosed areas of new construction and substantially improve structures that are below the lowest floor:
 - 1. Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
 - 2. Shall not be temperature-controlled or conditioned;
 - 3. Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and
 - 4. Shall include, in Zones A, AE, AH, AO, A99 flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - i. A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - ii. The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - iii. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - iv. The bottom of all required flood openings shall be no higher than one (1) foot above the higher of the interior or exterior adjacent grade;

- v. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions;
 - vi. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above;
 - vii. Fill/Grading;
 - viii. Fill is prohibited in the SFHA, unless approved by no rise certification and/or variance; and
 - ix. Property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor shall not be improved, finished or otherwise converted to habitable space; the Town of Pittsboro will have the right to inspect the enclosed area. The Town of Pittsboro will conduct annual inspections. This agreement shall be recorded with the Chatham County Register of Deeds and shall transfer with the property in perpetuity.
- E. Release of Restrictive Covenant. If a property which is bound by a non-conversion agreement is modified to remove enclosed areas below BFE, then the owner may request release of restrictive covenant after staff inspection and submittal of confirming documentation.
1. Additions and/or improvements to pre-FIRM structures (i.e.: structures built before February 2, 2007) when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - i. Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - ii. A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.
 2. Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications/rehabilitations/improvements to the existing structure other than a standard door in the common wall, shall require only the addition to comply with the standards for new construction.
 3. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - i. Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure.
 - ii. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
 4. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one (1) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the one (1) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
 - i. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.
 - ii. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
- F. Recreational Vehicles. Recreational vehicles shall either:
1. Temporary Placement
 - i. Be on site for fewer than 180 consecutive days;

- ii. Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions.)
- 2. Permanent Placement
 - i. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction. Temporary Nonresidential Structures
 - ii. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:
 - iii. A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
 - iv. The name, address, and phone number of the individual responsible for the removal of the temporary structure;
 - v. The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
 - vi. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
 - vii. Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
- G. Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
 - 1. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
 - 2. Accessory structures shall not be temperature-controlled;
 - 3. Accessory structures shall be designed to have low flood damage potential;
 - 4. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - 5. Accessory structures shall be firmly anchored;
 - 6. All service facilities such as electrical shall be installed; and
 - 7. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation.
 - 8. An accessory structure with a footprint less than one hundred fifty (150) or that is a minimal investment of \$3000 or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards. Elevation or floodproofing certifications are required for all other accessory structures.
- H. Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
 - 1. Underground Tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
 - 2. Elevated Above-Ground Tanks. Above-ground tanks in flood hazard areas shall be elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.
 - 3. Non-Elevated Above-Ground Tanks. Above-ground tanks that do not meet the elevation requirements of this ordinance shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.
 - 4. Tank Inlets and Vents. Tank inlets, fill openings, outlets, and vents shall be:

- i. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - ii. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.
- I. Other Development. Prior to the issuance of a Floodplain Development Permit for a temporary structure, the applicant shall submit to the Planning Director for review and written approval a plan for the removal of such structure(s) in the event of a hurricane, flash flood, or other type of flood warning notification. The plan shall include information demonstrating compliance with the following standards:
1. Fences in Regulated Floodways and NEAs. Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of this ordinance. Retaining Walls, Sidewalks, and Driveways in Regulated Floodways and NEAs. Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of this ordinance. Roads and Watercourse Crossings in Regulated Floodways and NEAs. Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of this ordinance. Standards for Riverine Floodplains with Base Flood Elevations but without established Floodways or Non-Encroachment.

4.3.12. Standards for Floodways and Non-Encroachment Areas

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in this Ordinance. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in this Ordinance, shall apply to all development within such areas:

1. No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted unless:
 - a. It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood discharge, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or
 - b. A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.
2. All applicable flood hazard reduction provisions of this ordinance.
3. Manufactured homes may be permitted provided the following provisions are met:
 - a. The anchoring and the elevation standards; and
 - b. The encroachment standards.

4.3.13. Standards for Areas with Shallow Flooding (Zone AO)

Located within the Special Flood Hazard Areas are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. All new construction and substantial improvements shall meet the following requirements:

1. The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two (2) feet of freeboard, above the highest adjacent grade; or at least two (2) feet is required and four (4) feet above the highest adjacent grade if no depth number is specified.
2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability

of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with this Ordinance.

3. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

4.3.14. Standards for Areas of Shallow Flooding (Zone AH)

Located within the Special Flood Hazard Areas are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. All new construction and substantial improvements shall meet the following requirements:

1. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
2. In Special Flood Hazard Areas designated as Approximate Zone A, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following standards shall apply in addition to the standards in 4.5.5, Standards for Special Flood Hazard Areas with Base Flood Elevation Data:
 - i. No encroachments, including fill, new construction, substantial improvements, or new development shall be permitted within a distance of 20 feet each side from top of bank, or five times the width of the stream, whichever is greater, unless a licensed Professional Engineer provides certification, with supporting technical data, that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 - ii. The Base Flood Elevation (BFE) used in determining the regulatory flood protection elevation shall be determined based on one of the following criteria set in priority order:
 1. When BFE data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed.
 2. When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas.
 3. All subdivision, manufactured home park and other development proposals shall provide BFE data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such BFE data shall be adopted by reference and utilized in implementing this ordinance.
 4. When BFE data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Chapter 2. All other applicable provisions of this Ordinance shall also apply.

Section 4.4. Stormwater Management

4.4.1. General Provisions

It is hereby determined that development and redevelopment alter the hydrologic response of local watersheds and increases stormwater runoff rates and volumes, flooding, soil erosion, stream channel erosion, nonpoint and point source pollution, and sediment transport and deposition, as well as reducing groundwater recharge; these changes in stormwater runoff contribute to increased quantities of water-borne pollutants and alterations in hydrology that are harmful to public health and safety as well as to the natural environment; and these effects can be managed and minimized by applying proper design and well-planned controls to manage stormwater runoff from development and redevelopment sites. It is further determined that the Federal Water Pollution Control Act of 1972 ("Clean Water Act") and federal Phase II Stormwater Rules promulgated under it, as well as rules of the North Carolina Environmental Management Commission

promulgated in response to federal Phase II requirements, compel certain urbanized areas, including this jurisdiction, to adopt minimum stormwater controls such as those included in this Ordinance. Therefore, the Pittsboro Board of Commissioners establishes this set of water quality and quantity regulations to meet the requirements of state and federal law regarding control of stormwater runoff and discharge for development and redevelopment.

4.4.2. Purpose

The purpose of this Chapter is to protect, maintain and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of: increased post-development stormwater runoff, nitrogen; phosphorus, and total suspended solids in stormwater runoff; nonpoint and point source pollution associated with new development and redevelopment; and illicit discharges into municipal stormwater systems. It has been determined that proper management of construction-related and post-development stormwater runoff will: minimize damage to public and private property and infrastructure; safeguard the public health, safety, and general welfare; and protect water and aquatic resources. This Chapter seeks to meet its general purpose through the following specific objectives and means:

1. Establishing decision-making processes for development and redevelopment that protects the integrity of watersheds and preserves the health of water resources;
2. Requiring that new development and redevelopment maintain the pre-development hydrologic response in their post-development state for the applicable design storm to reduce flooding, streambank erosion, nonpoint and point source pollution, and increases in stream temperature, and to maintain the integrity of stream channels and aquatic habitats;
3. Establishing minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
4. Establishing design and review criteria for the construction, function, and use of structural stormwater best management practices (BMPs) that may be used to meet the minimum post- development stormwater management standards;
5. Encouraging the use of better management and site design practices, such as the use of vegetated conveyances for stormwater and the preservation of greenspace, riparian buffers, and other conservation areas to the maximum extent practicable;
6. Establishing provisions for the long-term responsibility for and maintenance of structural and nonstructural stormwater BMPs to ensure that they continue to function as designed, are maintained appropriately, and pose no threat to public safety;
7. Establishing administrative procedures for the submission, review, approval, and disapproval of stormwater management plans, for the inspection of approved projects, and to assure appropriate long-term maintenance; and
8. Controlling illicit discharges into the municipal separate stormwater system.

4.4.3. Authority

The Pittsboro Board of Commissioners is authorized to adopt this Chapter pursuant to North Carolina law, including but not limited to Chapter 14, Section 5 of the Constitution of North Carolina; NCGS Chapter 143-214.7, and rules promulgated by the Environmental Management Commission thereunder.

4.4.4. Applicability and Jurisdiction

- A. General. Beginning with and subsequent to its effective date, this Chapter shall be applicable to all development and redevelopment—including, but not limited to, applications for Site Plan Approval, Subdivision Approval, Construction Plan Approval, and grading approval—unless exempt pursuant to this Chapter.
- B. Exemptions.
 1. Development of single-family detached, duplex, and manufactured home dwellings that cumulatively disturb less than one acre and are not part of a larger common plan of development.

2. Development of commercial, industrial, institutional, single-family attached and multifamily residential uses that cumulatively disturbs less than one-half acre and are not part of a larger common plan of development or sale.
 3. Development and redevelopment that disturbs less than the above thresholds are not exempt if such activities are part of a larger common plan of development or sale and the larger common plan exceeds the relevant threshold, even though multiple, separate, or distinct activities take place at different times on different schedules.
 4. Development or redevelopment that is exempt from permit requirements of Section 404 of the federal Clean Water Act as specified in 40 CFR 232 (primarily, ongoing farming and forestry activities).
 5. Per the requirements of 15A N.C.A.C. 02B .0265 and the Town's Phase II Permit NCS000465, new development undertaken by a local government solely as a public road project shall be deemed compliant with the purposes of this Chapter if it meets the riparian buffer protection requirements set forth in Section 4.2, Riparian Buffers. For these public road projects, the following shall be done to the maximum extent practicable:
 - i. Minimize built-upon area;
 - ii. Divert runoff away from surface waters; and
 - iii. Implement BMPs.
- C. No Development or Redevelopment until Compliance and Permit. No development or redevelopment shall occur except in compliance with the provisions of this Chapter or unless exempted. No development or redevelopment for which a permit is required pursuant to this Chapter shall occur except in compliance with the provisions, conditions, and limitations of the permit.
- D. Map. The provisions of this Chapter shall apply within the areas designated on the map titled "Stormwater Map of Pittsboro, North Carolina" ("the Stormwater Map"), which is adopted simultaneously herewith. The Stormwater Map and all explanatory matter contained thereon accompanies and is hereby made a part of this Ordinance. The Stormwater Map shall be kept on file by the Stormwater Administrator and shall be dated to take into account changes in the land area covered by this Ordinance and the geographic location of all engineered stormwater controls permitted under this Chapter. In the event of a dispute, the applicability of this Chapter to a particular area of land or BMP shall be determined by reference to the North Carolina Statutes, the North Carolina Administrative Code, and local zoning and jurisdictional boundary ordinances.

4.4.5. Design Manual

- A. Reference to Design Manual. The Town Engineer shall use the policy, criteria, and information, including technical specifications and standards, in the Design Manual as the basis for decisions about stormwater permits and about the design, implementation, and performance of engineered stormwater controls and other practices for compliance with this Chapter. The Design Manual includes a list of acceptable stormwater treatment practices, including specific design criteria for each stormwater practice. Stormwater treatment practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to meet the minimum design standards of the Town of Pittsboro.
- B. Relationship of Design Manual to Other Laws and Regulations. If the specifications or guidelines of the Design Manual are more restrictive or apply a higher standard than other laws or regulations, that fact shall not prevent application of the specifications or guidelines in the Design Manual.
- C. Changes to Standards and Specifications. If the standards, specifications, guidelines, policies, criteria, or other information in the Design Manual are amended subsequent to the submittal of an application for approval pursuant to this Chapter, but prior to approval, the new information shall control and shall be utilized in reviewing the application and in implementing this Chapter with regard to the application.
- D. Amendments to Design Manual. The Design Manual may be updated and expanded from time to time, based on advancements in technology and engineering, improved knowledge of local conditions, or local monitoring or maintenance experience. Prior to amending or updating the Design Manual, proposed changes shall be generally publicized and made available for review, and an opportunity for comment by interested persons shall be provided.

4.4.6. Administration and Procedures

- A. Stormwater Administrator. The Town Engineer shall be designated as the Stormwater Administer for purposes of administering and enforcing this Chapter, unless otherwise designated by the Town Manager. In addition to the powers and duties that may be conferred by other provisions of this Ordinance and other laws, the Stormwater Administer shall have the following powers and duties under this Chapter:
1. To review and approve, approve with conditions, or disapprove applications for approval of plans pursuant to this Chapter.
 2. To make determinations and render interpretations of this Chapter. Any person may request an interpretation by submitting a written request to the Stormwater Administer, who shall respond in writing within 30 days. The Stormwater Administer shall keep on file a record of all written interpretations of this Chapter.
 3. To establish application requirements and schedules for submittal and review of applications and appeals, to review and make recommendations to other Town staff and Town boards on applications for development or redevelopment approvals.
 4. To enforce the provisions of this Chapter in accordance with its enforcement provisions.
 5. To maintain records, maps, forms, and other official materials as relate to the adoption, amendment, enforcement, and administration of this Chapter.
 6. To provide expertise and technical assistance to the Town, on request.
 7. To designate appropriate other person(s) who shall carry out the powers and duties of the Stormwater Administer.
 8. To take any other action necessary to administer the provisions of this Chapter.
- B. Review Procedures.
1. Permit to Discharge Stormwater Required. A Permit to Discharge Stormwater is required for all development and redevelopment unless exempt pursuant to this Chapter. A Stormwater Management Permit may only be issued subsequent to a properly submitted and reviewed permit application, pursuant to this Section.
 2. Effect of Permit. A Permit to Discharge Stormwater shall govern the design, installation, and construction of stormwater management and control practices on the site, including engineered stormwater controls and elements of site design for stormwater management other than engineered stormwater controls. The Permit to Discharge Stormwater is intended to provide a mechanism for the review, approval, and inspection of the approach to be used for the management and control of stormwater for the development or redevelopment site consistent with the requirements of this Chapter, whether the approach consists of engineered stormwater controls or other techniques such as low-impact or low-density design. The permit does not continue in existence indefinitely after the completion of the project; rather, compliance after project construction is assured by the maintenance provisions of this Chapter.
 3. Authority to File Applications. All Stormwater Management Permit Applications required pursuant to this Chapter shall be submitted to the Stormwater Administer by the landowner or the landowner's duly authorized agent.
- C. Establishment of Application Requirements, Schedule, and Fees.
1. Application Contents and Form. The Stormwater Administer shall establish requirements for the content and form of all Stormwater Management Permit applications and shall amend and update those requirements from time to time. At a minimum, the Stormwater Management Permit application shall describe in detail how post-development stormwater runoff will be controlled and managed, the design of all stormwater facilities and practices, and how the proposed project will meet the requirements of this Chapter.
 2. Submission Schedule. The Stormwater Administer shall establish a submission schedule for Permit to Discharge Stormwater Applications. The schedule shall establish deadlines by which complete applications must be submitted for the purpose of ensuring that there is adequate time to review applications, and that the various stages in the review process are accommodated.
 3. Permit Review Fees. The Town Board of Commissioners shall establish Permit to Discharge Stormwater Application and Permit review fees as well as policies regarding refund of any fees upon withdrawal of an application and may amend and update the fees and policies from time to time.

4. Administrative Manual. For Stormwater Management Permit applications required under this Code, the Stormwater Administrator shall compile the application requirements, submission schedule, fee schedule, a copy of this Chapter, and information on how and where to obtain the Design Manual in an Administrative Manual, which shall be made available to the public.
 - D. Submittal of Complete Application. Permit to Discharge Stormwater Applications shall be submitted to the Stormwater Administrator pursuant to the application submittal schedule, and in the form established by the Stormwater Administrator, along with the appropriate fee established pursuant to this Section. A Permit to Discharge Stormwater Application shall be considered as timely submitted only when it contains all elements of a complete application pursuant to this Chapter, along with the appropriate fee. If the Stormwater Administrator finds that an application is incomplete, the applicant shall be notified of the deficient elements and shall be provided with an opportunity to submit a complete application. However, the submittal of an incomplete application shall not suffice to meet a deadline contained in the submission schedule established above.
 - E. Review. Within the timeframe specified in the submission schedule after a complete Permit to Discharge Stormwater Application is submitted; the Stormwater Administrator shall review the application and determine whether the application complies with the standards of this Chapter.
 1. Approval. If the Stormwater Administrator finds that the Permit to Discharge Stormwater Application complies with the standards of this Chapter and this Ordinance, the Stormwater Administrator shall approve the application. The Stormwater Administrator may impose conditions of approval as needed to ensure compliance with this Chapter. The conditions shall be included as part of the approval.
 2. Fails to Comply. If the Stormwater Administrator finds that the Permit to Discharge Stormwater Application fails to comply with the standards of this Chapter, the Stormwater Administrator shall notify the applicant and shall indicate how the application fails to comply. The applicant shall have an opportunity to submit a revised application.
 3. Revisions and Subsequent Review. A complete revised Permit to Discharge Stormwater Application shall be reviewed by the Stormwater Administrator within the timeframe specified in the submission schedule after its resubmittal and shall be approved, approved with conditions or disapproved. If a revised Permit to Discharge Stormwater Application is not re-submitted within six months from the date the applicant was notified, the application shall be considered withdrawn, and a new submittal for the same or substantially the same project shall be required along with the appropriate fee for a new submittal. Two resubmittals of a revised Permit to Discharge Stormwater Application may be submitted without payment of an additional permit review fee. Any resubmittal after the second resubmittal shall be accompanied by an additional permit review fee, as established pursuant to this Ordinance.
- F. Applications for Approval.
1. Consultation Meeting. Before a Permit to Discharge Stormwater Application is deemed complete, the Stormwater Administrator or developer may request a consultation on a concept plan for the post-construction stormwater management system to be utilized in the proposed development project. This consultation meeting should take place at the time of the preliminary plan of subdivision or other early step in the development process. The purpose of this meeting is to discuss the stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities, and potential approaches to stormwater management designs before formal site design engineering is commenced. Local watershed plans, the Comprehensive Plan, and other relevant resource protection plans should be consulted in the discussion of the concept plan
 2. Concept Plan Contents. To accomplish this goal, the following information should be included in the concept plan, which should be submitted in advance of the meeting:
 - i. Existing Conditions, Proposed Site Plans. Existing conditions and proposed site layout sketch plans, which illustrate at a minimum: existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys (if available); stream and other buffers and features used in designing buffers and meeting any applicable buffer requirements; boundaries of existing predominant vegetation; proposed limits of clearing and grading; and location of existing and proposed roads, buildings, parking areas, and other impervious surfaces.
 - ii. Natural Resources Inventory. A written or graphic inventory of natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, geologic features, topography, wetlands, and

native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and conservation areas such as lakes, ponds, floodplains, stream buffers, and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development and stormwater management.

- iii. Stormwater Management System Concept Plan. A written or graphic concept plan of the proposed post-development stormwater management system including: preliminary selection and location of proposed engineered stormwater controls; low-impact design elements; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of any proposed stream channel modifications, such as bridge or culvert crossings.

3. Permit to Discharge Stormwater Application. The Permit to Discharge Stormwater Application shall detail how post-development stormwater runoff will be controlled and managed and how the proposed project will meet the requirements of this Chapter. All such plans shall be prepared by a qualified licensed North Carolina Professional Engineer or registered surveyor, soil scientist, or landscape architect. The engineer, surveyor, soil scientist, or landscape architect shall perform services only in their area of competence, and shall verify that the design of all stormwater management facilities and practices meets the submittal requirements for complete applications, that the designs and plans are sufficient to comply with applicable standards and policies found in the Design Manual, and that the designs and plans ensure compliance with this Chapter. The submittal shall include all of the information required in the submittal checklist established by the Stormwater Administrator. Incomplete submittals shall be treated pursuant to Section 4.4.6.D, Submittal of Complete Application.

4. As-Built Plans and Final Approval. Upon completion of a project, and before a Certificate of Compliance/Occupancy shall be granted, the applicant shall certify that the completed project is in accordance with the approved stormwater management plans and designs, and shall submit actual "as built" plans for all stormwater management facilities or practices after final construction is completed. The plans shall show the final design specifications for all stormwater management facilities and practices and the field location, size, depth, and planted vegetation of all measures, controls, and devices, as installed. The designer of the stormwater management measures and plans shall certify, under seal, that the as-built stormwater measures, controls, and devices are in compliance with the approved stormwater management plans and designs and with the requirements of this Chapter. A final inspection and approval by the Stormwater Administrator shall occur before the release of any performance securities.

5. Other Permits. No Certificate of Compliance/Occupancy shall be issued without final as-built plans and a final inspection and approval by the Stormwater Administrator, except where multiple units are served by the stormwater practice or facilities, in which case the Planning Director may elect to withhold a percentage of permits or Certificates of Compliance/Occupancy until as-built plans are submitted and final inspection and approval has occurred.

G. Approvals.

1. Effect of Approval. Approval of a Stormwater Management Permit authorizes the applicant to go forward with only the specific plans and activities authorized in the permit. The approval shall not be construed to exempt the applicant from obtaining other applicable approvals from local, State, and federal authorities.
2. Time Limit, Expiration. An approved plan shall become null and void if the applicant fails to make substantial progress on the site within one year after the date of approval. The Stormwater Administrator may grant a single, one-year extension of this time limit, for good cause shown, upon receiving a written request from the applicant before the expiration of the approved plan. In granting an extension, the Stormwater Administrator may require compliance with standards adopted since the original application was submitted unless there has been substantial reliance on the original permit and the change in standards would infringe the applicant's vested rights.

- H. Stormwater Variances. Refer to Section 10.4.20, Variance (Stormwater).

1. Any person may petition the Town for a variance granting permission to use the person's land in a manner otherwise prohibited by this Chapter. For all proposed major and minor variances from the requirements of this Chapter, the Board of Adjustments shall make findings of fact showing that:
 - i. There are practical difficulties or unnecessary hardships that prevent compliance with the strict letter of the Chapter;
 - ii. The variance is in harmony with the general purpose and intent of the local watershed protection regulations and preserves their spirit; and
 - iii. In granting the variance, the public safety and welfare have been assured and substantial justice has been done.
2. In the case of a request for a minor variance, the Board of Adjustment may vary or modify any of the regulations or provisions of the Chapter so that the spirit of the Chapter shall be observed, public safety and welfare secured, and substantial justice done, and may impose reasonable and appropriate conditions and safeguards upon any variance it grants. The Board of Adjustment may attach conditions to the variance approval that support the purpose of the local watershed protection regulations. If the variance request qualifies as a major variance, and the Board of Adjustment decides in favor of granting the major variance, the Board shall then prepare a preliminary record of the evidentiary hearing and submit it to the North Carolina Environmental Management Commission for review and approval. If the Commission approves the major variance or approves with conditions or stipulations added, then the Commission shall prepare a Commission decision which authorizes the Board of Adjustment to issue a final quasi-judicial decision which would include any conditions or stipulations added by the Commission. If the Commission denies the major variance, then the Commission shall prepare a decision to be sent to the Board of Adjustment. The Board of Adjustment shall prepare a final quasi-judicial decision denying the major variance.
3. Appeals from the local government decision on a variance request are made on certiorari to the local Superior Court. Appeals from the Commission decision on a major variance request are made on judicial review to Superior Court. On request of the Stormwater Administrator, any person who petitions the Board of Adjustment for a variance under this Section shall provide notice to the affected local governments of the variance request as required under the Jordan Rule, 15A N.C.A.C. 2B.0104(r). For purposes of this notice requirement, "affected local governments" means any local governments that withdraw water from Lake Jordan or its tributaries downstream of the site of the proposed variance. If the proposed variance is located in a water supply watershed, "affected local governments" also includes any other local governments in the same water supply watershed as the proposed variance. The notice shall provide a reasonable period for comments and shall direct the comments to be sent to the Stormwater Administrator. The person petitioning for the variance shall supply proof of notification in accordance with this Section to the Stormwater Administrator.

I. Appeals. Refer to Section 10.4.23, Appeal Review Procedures.

J. Standards.

1. General Standards. All development and redevelopment to which this Chapter applies shall comply with the standards of this Section. The approval of the Stormwater Management Permit shall require an enforceable restriction on property usage that runs with the land, such as a recorded deed restriction or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans.
2. Nitrogen and Phosphorus Loading. The State of North Carolina's Department of Environmental Quality's Minimum Design Criteria (MDC) shall be used for all Stormwater Control Measures (SCMs).
3. Nitrogen and Phosphorus Standards. All Stormwater Control Measures (SCMs) shall be primary only, or a combination of primary and secondary, to meet the following performance standards. All stormwater systems used to meet these requirements shall be designed to have a minimum of 85 percent average annual removal for Total Suspended Solids (TSS).
4. Control and Treatment of Runoff Volume. Stormwater systems shall be designed to control and treat the runoff volume generated from all built-upon area by one inch of rainfall; the treatment volume. This treatment volume shall not exceed the maximum ponding depth and be drawn down pursuant to standards specific to each practice as provided in the Design Manual. Additionally, stormwater systems shall be designed to control the runoff volume generated from all built-upon area by an additional one-half inch of rainfall. This additional runoff volume shall not exceed the maximum

ponding depth and be drawn down pursuant to standards specific to each practice as provided in the Design Manual. To ensure that the integrity and nutrient processing functions of receiving waters and associated riparian buffers are not compromised by erosive flows, stormwater flows from the development or redevelopment shall not contribute to degradation of waters of the State. At a minimum, the development or redevelopment shall not result in a net increase in peak flow leaving the site from pre- development conditions for the 1-year, 24-hour storm; 2-year, 24-hour storm; and 10-year, 24-hour storm events.

K. Evaluation of Standards for Stormwater Control Measures.

1. Evaluation According to Contents of Design Manual. All stormwater control measures, stormwater systems and stormwater treatment practices (also referred to as Best Management Practices, or BMPs) required under this Chapter shall be evaluated by the Stormwater Administrator according to the policies, criteria, and information, including technical specifications and standards and the specific design criteria for each stormwater practice, in the Design Manual. The Stormwater Administrator shall determine whether proposed BMPs will be adequate to meet the requirements of this Chapter.
2. Determination of Adequacy. Stormwater treatment practices that are designed, constructed, and maintained in accordance with the criteria and specifications in the Design Manual and the approved accounting tool will be presumed to meet the minimum water quality and quantity performance standards of this Chapter. Whenever an applicant proposes to utilize a practice or practices not designed and constructed in accordance with the criteria and specifications in the Design Manual, the applicant shall have the burden of demonstrating that the practice(s) will satisfy the minimum water quality and quantity performance standards of this Chapter. The Stormwater Administrator may require the applicant to provide the documentation, calculations, and examples necessary for the Stormwater Administrator to determine whether such an affirmative showing is made.
3. Dedication of SCMs, Facilities, and Improvements. The Town may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this Chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

L. Maintenance.

1. Function of SCMs as Intended. The owner of each engineered stormwater control installed pursuant to this Chapter shall maintain and operate it so as to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the engineered stormwater control was designed.
2. Annual Maintenance Inspection and Report. The person responsible for maintenance of any engineered stormwater control installed pursuant to this Chapter shall submit to the Stormwater Administrator an inspection report from one of the following persons performing services only in their area of competence: a qualified licensed North Carolina Professional Engineer or registered surveyor, landscape architect, or person certified by the North Carolina Cooperative Extension Service for stormwater treatment practice inspection and maintenance. The inspection report shall contain all of the following:
 - i. The name and address of the landowner;
 - ii. The recorded book and page number of the lot of each engineered stormwater control;
 - iii. A statement that an inspection was made of all engineered stormwater controls;
 - iv. The date the inspection was made;
 - v. A statement that all inspected engineered stormwater controls are performing properly and are in compliance with the terms and conditions of the approved maintenance agreement required by this Chapter; and
 - vi. The original signature and seal of the engineer, surveyor, or landscape architect.

All inspection reports shall be on forms supplied by the Stormwater Administrator. An original inspection report shall be provided to the Stormwater Administrator beginning one year from the date of as-built certification and each year thereafter on or before the date of the as-built certification.

M. Operation and Maintenance Agreement.

1. In General. Prior to the conveyance or transfer of any lot or building site to be served by a engineered stormwater control pursuant to this Chapter, and prior to issuance of any permit for development or redevelopment requiring a engineered stormwater control pursuant to this Chapter, the applicant or

owner of the site must execute an operation and maintenance agreement that shall be binding on all subsequent owners of the site, portions of the site, and lots or parcels served by the engineered stormwater control. Until the transference of all property, sites, or lots served by the engineered stormwater control, the original owner or applicant shall have primary responsibility for carrying out the provisions of the maintenance agreement. The operation and maintenance agreement shall require the owner or owners to maintain, repair, and, if necessary, reconstruct the engineered stormwater control, and shall state the terms, conditions, and schedule of maintenance for the engineered stormwater control. In addition, it shall grant to the Town a right of entry in the event that the Stormwater Administrator has reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the engineered stormwater control; however, in no case shall the right of entry, of itself, confer an obligation on the Town to assume responsibility for the engineered stormwater control. The operation and maintenance agreement must be approved by the Stormwater Administrator prior to plan approval, and it shall be referenced on the final plat and shall be recorded with the Register of Deeds of the county in which the stormwater control is located upon final plat approval. A copy of the recorded maintenance agreement shall be given to the Stormwater Administrator within 14 days following its recordation.

2. Special Requirement for Homeowners' and Other Associations. For all engineered stormwater controls required pursuant to this Chapter and that are to be or are owned and maintained by a homeowners' association, property owners' association, or similar entity, the required operation and maintenance agreement shall include all of the following provisions:
 - i. Acknowledgment that the association shall continuously operate and maintain the stormwater control and management facilities.
 - ii. Establishment of an escrow account, which can be spent solely for sediment removal, structural, biological, or vegetative replacement, major repair, or reconstruction of the engineered stormwater controls. If engineered stormwater controls are not performing adequately or as intended or are not properly maintained, the Town, in its sole discretion, may remedy the situation, and in such instances the Town shall be fully reimbursed from the escrow account. Escrowed funds may be spent by the association for sediment removal, structural, biological or vegetative replacement, major repair, and reconstruction of the engineered stormwater controls, provided that the Town shall first consent to the expenditure.
 - iii. Both developer contribution and annual sinking funds shall fund the escrow account. Prior to plat recordation or issuance of construction permits, whichever shall first occur, the developer shall pay into the escrow account an amount equal to 15 percent of the initial construction cost of the engineered stormwater controls. Two-thirds of the total amount of sinking fund budget shall be deposited into the escrow account within the first five years and the full amount shall be deposited within ten years following initial construction of the engineered stormwater controls. Funds shall be deposited each year into the escrow account. A portion of the annual assessments of the association shall include an allocation into the escrow account. Any funds drawn down from the escrow account shall be replaced in accordance with the schedule of anticipated work used to create the sinking fund budget.
 - iv. The percent of developer contribution and lengths of time to fund the escrow account may be varied by the Town depending on the design and materials of the stormwater control and management facility.
 - v. Granting to the Town a right of entry to inspect, monitor, maintain, repair, and reconstruct engineered stormwater controls.
 - vi. Allowing the Town to recover from the association and its members any and all costs the Town expends to maintain or repair the engineered stormwater controls or to correct any operational deficiencies. Failure to pay the Town all of its expended costs, after 45 days written notice, shall constitute a breach of the agreement. In case of a deficiency, the Town shall thereafter be entitled to bring an action against the association and its members to pay or foreclose upon the lien hereby authorized by the agreement against the property, or both. Interest, collection costs, and attorney fees shall be added to the recovery.

- vii. A statement that this agreement shall not obligate the Town to maintain or repair any engineered stormwater controls, and the Town shall not be liable to any person for the condition or operation of engineered stormwater controls.
 - viii. A statement that this agreement shall not in any way diminish, limit, or restrict the right of the Town to enforce any of its ordinances as authorized by law.
 - ix. A provision indemnifying and holding harmless the Town for any costs and injuries arising from or related to the engineered stormwater control, unless the Town has agreed in writing to assume the maintenance responsibility for the BMP and has accepted dedication of any and all rights necessary to carry out that maintenance.
- N. Inspection Program. Inspections and inspection programs by the Town may be conducted or established on any reasonable basis, including but not limited to routine inspections, random inspections, inspections based upon complaints or other notice of possible violations, and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in BMPs; and evaluating the condition of BMPs. If the owner or occupant of any property refuses to permit such inspection, the Stormwater Administrator shall proceed to obtain an administrative search warrant pursuant to NCGS 15-27.2 or its successor. No person shall obstruct, hamper or interfere with the Stormwater Administrator while carrying out his or her official duties.
- O. Performance Security for Installation and Performance.
- 1. Performance Security. The Town shall require the submittal of a performance security with cash escrow prior to issuance of a permit in order to ensure that the engineered stormwater controls are:
 - i. Installed by the permit holder as required by the approved stormwater management plan, and/or
 - ii. Maintained by the owner as required by the operation and maintenance agreement.
 - 2. Amount. The amount of an installation performance security shall be the total estimated construction cost of the SCMs approved under the permit, plus 50 percent. The amount of a maintenance performance security shall be a one-time cash payment equal to 30 percent of the total estimated construction cost of the BMPs approved under the permit.
 - 3. Forfeiture Provisions. The performance security shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain any actions which may be required of the applicant or owner in accordance with this Chapter, approvals issued pursuant to this Chapter, or an operation and maintenance agreement established pursuant to this Chapter.
 - 4. Default. Upon default of the owner to construct, maintain, repair and, if necessary, reconstruct any engineered stormwater control in accordance with the applicable permit or operation and maintenance agreement, the Stormwater Administrator shall obtain and use all or any portion of the security to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after requesting the owner to comply with the permit or maintenance agreement. In the event of a default triggering the use of installation performance security, the Town shall not return any of the unused deposited cash funds or other security, which shall be retained for maintenance.
 - 5. Costs in Excess of Performance Security. If the Town takes action upon such failure by the applicant or owner, the Town may collect from the applicant or owner the difference between the amount of the reasonable cost of such action and the amount of the security held, in addition to any other penalties or damages due.
 - 6. Refund. Within 60 days of the final approval, the installation performance security shall be refunded to the applicant or terminated, except any amount attributable to the cost (plus 50 percent) of landscaping installation and ongoing maintenance associated with the BMPs covered by the security. Any such landscaping shall be inspected one year after installation with replacement for compliance with the approved plans and specifications and, if in compliance, the portion of the financial security attributable to landscaping shall be released.
- P. Notice to Owners.
- 1. Deed Recordation and Inspections on Plat. The applicable operations and maintenance agreement pertaining to every engineered stormwater control shall be referenced on the final plat and shall be recorded with the Register of Deeds of the county in which the stormwater control is located upon final plat approval. If no subdivision plat is recorded for the site, then the operations and maintenance

agreement shall be recorded with the Register of Deeds of the appropriate county so as to appear in the chain of title of all subsequent purchasers under generally accepted searching principles.

2. Signage. Where appropriate in the determination of the Town Engineer to assure compliance with this Chapter, engineered stormwater controls shall be posted with a conspicuous sign stating who is responsible for required maintenance and annual inspection. The sign shall be maintained so as to remain visible and legible and comply with the standards in 0, Signage.
- Q. Records of Installation and Maintenance Activities. The owner of each engineered stormwater control shall keep records of inspections, maintenance, and repairs for at least five years from the date of creation of the record and shall submit the same upon reasonable request to the Stormwater Administrator.
- R. Nuisance. The owner of each stormwater SCM, whether engineered stormwater control or non-engineered stormwater control, shall maintain it so as not to create or result in a nuisance condition.
- S. Maintenance Easement. Every engineered stormwater control installed pursuant to this Chapter shall be made accessible for adequate maintenance and repair by a maintenance easement. The easement shall be recorded, and its terms shall specify who may make use of the easement and for what purposes.
- T. Enforcement and Violations.
 1. General. The provisions of this Chapter shall be enforced by the Stormwater Administrator, his or her designee, or any authorized agent of the Town. Whenever this Section refers to the Stormwater Administrator, it includes his or her designee as well as any authorized agent of the Town. Any failure to comply with an applicable requirement, prohibition, standard, or limitation imposed by this Chapter, or the terms or conditions of any permit or other development approval or authorization granted pursuant to this ordinance, is unlawful and shall constitute a violation of this Ordinance. Each day that a violation continues shall constitute a separate and distinct violation or offense.
 2. Responsible Persons, Entities. Any person who erects, constructs, reconstructs, alters (whether actively or passively), or fails to erect, construct, reconstruct, alter, repair, or maintain any structure, SCM, engineered stormwater control, practice, or condition in violation of this Chapter shall be subject to the remedies, penalties, and/or enforcement actions in accordance with this Section. Persons subject to the remedies and penalties set forth herein may include any architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this Chapter, or fails to take appropriate action so that a violation of this Chapter results or persists; or an owner, any tenant or occupant, or any other person, who has control over, or responsibility for, the use or development of the property on which the violation occurs. For the purposes of this Chapter, responsible person(s) shall include, but not be limited to:
 - i. Person Maintaining Condition Resulting in or Constituting Violation. An architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that constitutes a violation of this Chapter, or fails to take appropriate action so that a violation of this Chapter results or persists.
 - ii. Person Responsible for Land or Use of Land. The owner of the land on which the violation occurs, any tenant or occupant of the property, any person who is responsible for stormwater controls or practices pursuant to a private agreement or public document, or any person, who has control over, or responsibility for, the use or development of the property.
- U. Remedy and Penalties. The remedies and penalties provided for violations of this Chapter, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.
 1. Withholding of Certification of Compliance, Occupancy. The Stormwater Administrator or other authorized agent may refuse to issue a Certificate of Compliance/Occupancy for the building or other improvements constructed or being constructed on the site and served by the stormwater practices in question until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
 2. Disapproval of Subsequent Permits and Development Approvals. As long as a violation of this Chapter continues and remains uncorrected, the Stormwater Administrator or other authorized agent may withhold, and the Town Board of Commissioners may disapprove, any request for permit or development approval or authorization provided for by this Ordinance and/or building regulations, as appropriate for the land on which the violation occurs.

3. Injunction, Abatements. The Stormwater Administrator may, with written authorization from the Town Manager, institute an action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement to correct a violation of this Chapter. Any person violating this Chapter shall be subject to the full range of equitable remedies provided in the General Statutes or at common law. If the violation is deemed dangerous or prejudicial to the public health or public safety and is within the geographic limits prescribed by NCGS 160A-193, the Stormwater Administrator, with the written authorization of the Town Manager, may cause the violation to be corrected and the costs to be assessed as a lien against the property. The Stormwater Administrator may issue a stop work order to the person(s) violating this Chapter. The stop work order shall remain in effect until the person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein. The stop work order may be withdrawn or modified to enable the person to take the necessary remedial measures to cure such violation or violations.
4. Penalties. The Stormwater Administrator may assess a civil penalty against any person who violates any provision of this Chapter or of a permit or other requirement pursuant to this Chapter. Civil penalties may be assessed up to the full amount of penalty authorized by NCGS 143-215.6A. Violation of this Chapter may be enforced as a misdemeanor subject to the maximum fine permissible under North Carolina law.

V. Procedures of Enforcement.

1. Initiation. Whenever a violation of this Chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the alleged violation and the basis thereof, and shall be filed with the Stormwater Administrator, who shall record the complaint. The complaint shall be investigated promptly by the Stormwater Administrator.
2. Inspection. The Stormwater Administrator shall have the authority, upon presentation of proper credentials, to enter and inspect any land, building, structure, or premises to ensure compliance with this Chapter, provided, however, that the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured.
3. Notice of Violation and Order to Correct. When the Stormwater Administrator finds that any building, structure, or land is in violation of this Chapter, the Stormwater Administrator shall notify, in writing, the property owner or other person violating this Chapter. The notification shall indicate the nature of the violation, contain the address or other description of the site upon which the violation is occurring, order the necessary action to abate the violation, and give a deadline for correcting the violation. If civil penalties are to be assessed, the notice of violation shall also contain a statement of the civil penalties to be assessed, the time of their accrual, and the time within which they must be paid or be subject to collection as a debt. The Stormwater Administrator may deliver the notice of violation and correction order by any means authorized for the service of documents by Rule 4 of the North Carolina Rules of Civil Procedure. If a violation is not corrected within a reasonable period of time, as provided in the notification, the Stormwater Administrator may take appropriate action under this Chapter to correct and abate the violation and to ensure compliance with this Chapter.
4. Extension of Time. A person who receives a notice of violation and correction order, or the owner of the land on which the violation occurs, may submit to the Stormwater Administrator a written request for an extension of time for correction of the violation. On determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit for reasons beyond the control of the person requesting the extension, the Stormwater Administrator may extend the time limit as is reasonably necessary to allow timely correction of the violation, up to, but not exceeding 30 days. The Stormwater Administrator may grant 30-day extensions in addition to the foregoing extension if the violation cannot be corrected within the permitted time due to circumstances beyond the control of the person violating this Chapter. The Stormwater Administrator may grant an extension only by written notice of extension. The notice of extension shall state the date prior to which correction must be made, after which the violator will be subject to the penalties described in the notice of violation and correction order.
5. Enforcement after Time to Correct. After the time has expired to correct a violation, including any extension(s) if authorized by the Stormwater Administrator, the Stormwater Administrator shall determine if the violation is corrected. The Stormwater Administrator may act to impose one or more

of the remedies and penalties authorized by this Chapter whether or not the violation has been corrected.

6. Emergency Enforcement. If delay in correcting a violation would seriously threaten the effective enforcement of this Chapter or pose an immediate danger to the public health, safety, or welfare, then the Stormwater Administrator may order the immediate cessation of a violation. Any person so ordered shall cease any violation immediately. The Stormwater Administrator may seek immediate enforcement, without prior written notice, through any remedy or penalty authorized by this Chapter.
- W. Illicit Discharges and Connections. No person shall cause or allow the discharge, emission, disposal, pouring, or pumping directly or indirectly to any stormwater conveyance, the waters of the State, or upon the land in manner and amount that the substance is likely to reach a stormwater conveyance or the waters of the State, any liquid, solid, gas, or other substance, other than stormwater; provided that non-stormwater discharges associated with the following activities are allowed and provided that they do not significantly impact water quality:
 1. Water line flushing;
 2. Landscape irrigation;
 3. Diverted stream flows;
 4. Rising ground waters;
 5. Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
 6. Uncontaminated pumped ground water;
 7. Discharges from potable water sources;
 8. Foundation drains;
 9. Air conditioning condensation;
 10. Irrigation water;
 11. Springs;
 12. Water from crawl space pumps;
 13. Footing drains;
 14. Lawn watering;
 15. Industrial or Commercial vehicle washing;
 16. Industrial discharges;
 17. Individual residential car washing;
 18. Flows from riparian habitats and wetlands;
 19. Dechlorinated swimming pool discharges;
 20. Street wash water; and
 21. Other non-stormwater discharges for which a valid NPDES discharge permit has been approved and issued by the State of North Carolina, and provided that any such discharges to the municipal separate storm sewer system shall be authorized by the Town.
 22. Prohibited substances include but are not limited to: oil, anti-freeze, chemicals, animal waste, paints, garbage, and litter.
- X. Illicit Connections. Connections to a stormwater conveyance or stormwater conveyance system that allow the discharge of non-stormwater, other than the exclusions described in Subsection A above, are unlawful. Prohibited connections include, but are not limited to: floor drains, wastewater from washing machines or sanitary sewers, wash water from commercial vehicle washing or steam cleaning, and wastewater from septic systems. Where such connections exist in violation of this Section and said connections were made prior to the adoption of this provision or any other regulation prohibiting such connections, the property owner or the person using said connection shall remove the connection within one year following the effective date of this Chapter. However, the one-year grace period shall not apply to connections which may result in the discharge of hazardous materials or other discharges which pose an immediate threat to health and safety, or are likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat. Where it is determined that said connection (a) may result in the discharge of hazardous materials or may pose an immediate threat to health and safety, or is likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat, or (b) was made in violation of any applicable regulation or ordinance other than this Section, the Stormwater Administrator shall designate the time within which the connection shall be removed. In setting the time limit for compliance, the Stormwater Administrator shall take into consideration the

quantity and complexity of the work, the consequences of delay, the potential harm to the environment, to the public health, and to public and private property, and the cost of remedying the damage. Spills or leaks of polluting substances released, discharged to, or having the potential to released or discharged to the stormwater conveyance system, shall be contained, controlled, collected, and properly disposed. All affected areas shall be restored to their preexisting condition. Persons in control of the polluting substances immediately prior to their release or discharge, and persons owning the property on which the substances were released or discharged, shall immediately notify the Fire Chief of the release or discharge, as well as making any required notifications under State and federal law. Notification shall not relieve any person of any expenses related to the restoration, loss, damage, or any other liability which may be incurred as a result of said spill or leak, nor shall such notification relieve any person from other liability which may be imposed by State or other law.

- Y. Nuisance. Illicit discharges and illicit connections which exist within the Town are hereby found, deemed, and declared to be dangerous or prejudiced to the public health or public safety and are found, deemed, and declared to be public nuisances. Such public nuisances shall be abated in accordance with the procedures set forth in Code of Ordinances, Chapter 18, Chapter III (Storm Drainage).
- Z. Stormwater Utility Service Fee. Pursuant to NCGS Chapter 16 of Chapter 160A, the Town of Pittsboro is authorized to create a stormwater services utility and enterprise fund and, in so doing, establish a schedule of rents, rates, fees, charges, and penalties for the use of or the services furnished by such public enterprise. A stormwater services utility is an identified fiscal and accounting fund for the purpose of comprehensively addressing the stormwater management needs of the Town of Pittsboro through programs designed to protect and manage water quality and quantity by controlling the level of pollutants, stormwater runoff, and the quantity and rate of stormwater received and conveyed by structural and natural stormwater and drainage systems of all types. It provides a schedule of rents, rates, fees, charges and penalties necessary to assure that all aspects of the stormwater program are managed in accordance with federal, state, and local laws, rules, and regulations. The Town Board of Commissioners may, by adopting a schedule of rents, rates, fees, charges, and penalties for the use of or the services furnished by a public enterprise, establish a stormwater service utility at any point in the future. The boundaries and jurisdiction of the stormwater services utility shall extend to the Jurisdiction of the Town of Pittsboro, including all areas hereafter annexed thereto.

CHAPTER 5. OPEN SPACE AND SCREENING

Section 5.1. General Provisions

The purpose of this Chapter is to ensure that developments include or contribute to the provision of common open space for the use and enjoyment of the development's occupants and users. Open space serves numerous purposes, including preservation and protection of natural areas and features, providing opportunities for passive and active recreation, enhancing management of stormwater runoff to protect water quality and reduce flooding, and mitigating the heat island effect of developed areas. The purpose of this Section is to ensure that new residential subdivisions include or contribute to the provision of public recreation area sufficient to meet the passive and active recreation needs of residents of the subdivision, as well as the surrounding neighborhood. The purpose of this Chapter is also to enhance the visual quality of non-residential development, soften the appearance of expansive paved areas and building mass, and create and maintain a pleasing appearance in the community, reduce the effects of glare and heat caused by parking areas and to reduce visual clutter along commercialized streets. Perimeter buffers are intended to provide spacing and landscaping between proposed development and adjoining property to help mitigate potential negative impacts on or from development activities on adjoining properties. Street yard buffers are intended to provide spacing and landscaping between proposed development and adjoining streets to mitigate potential adverse impacts from traffic on the adjoining street, provide a transition between public and private realms, and create an attractive edge along the street for motorists and pedestrians.

Section 5.2. Open Space and Recreation Areas

5.2.1. Open Space

- A. Applicability. The standards in this Section shall apply to the following permit applications (refer to Section 10.4, "Application-Specific Review Procedures"), unless exempted, below:
 - 1. Planned Development Rezoning;
 - 2. Special Use Permit;
 - 3. Major and Minor Subdivision; and
 - 4. Major and Minor Site Plan.
- B. Exemptions. The following development is exempt from the standards of this Section:
 - 1. Development directly associated with a permitted agricultural use;
 - 2. Residential subdivisions (which are subject to public recreation area standards in Section 5.2.2, "Public Recreation Area"); and
 - 3. Development of a single-family detached, duplex, or manufactured home dwelling on an existing lot.
- C. Credit Towards Other Standards. Open space areas and associated vegetation within such areas may be credited toward compliance with the following, to the extent they comply with applicable standards:
 - 1. Perimeter and street yard buffers (refer to Section 5.3.2, Required Buffer Type);
 - 2. Screening requirements (refer to Section 5.5, "Screening").
- D. Required Open Space Area.
 - 1. Required Total Common Open Space Area. A development shall provide the minimum area of common open space identified in Table 5.2.1.D.1, "Required Total Common Open Space Area," based on the development's base zoning district and use classification.

REQUIRED TOTAL COMMON OPEN SPACE AREA		
Use Classifications	Minimum Total Common Open Space Area (as percentage of development site area)	
	Downtown District	All Other Districts
Residential Uses	10%	20%
Mixed-Uses	5%	15%
Institutional Uses	5%	10%
Commercial Uses	5%	10%
Industrial Uses	5%	5%

NOTES:
For land designated as wetlands, or land with slopes in excess of 15%, or portions of land encumbered by utility easements, no more than 50% of land dedicated for permanent open space with these characteristics can be counted towards meeting the Minimum Total Common Open Space Area.

2. Allowable Common Open Space Areas. The features and areas identified in Table 4.3.1.D.2, "Allowable Common Open Space Areas" shall be credited toward compliance with the open space set-aside standards of this Section.

Allowable Common Open Space Areas		
Area Counted as Common Open Space	Description	Design and Maintenance Requirements
	Land occupied by areas and facilities used for active recreational purposes, such as pools, playgrounds, tennis courts, jogging trails, ball fields, and clubhouses, including required public recreation area	<ul style="list-style-type: none"> Land shall be compact and contiguous unless used to link or continue an existing or planned open space resource. Areas shall have at least one direct access to a building or to a street, bikeway, or walkway accessible to the public or the development's occupants and users.
Stormwater Management Devices		
	Up to 75 percent of land area occupied by stormwater management devices (including retention and detention ponds and other bioretention devices), when such features are treated as an open space site amenity	<ul style="list-style-type: none"> To qualify, stormwater management devices shall support passive recreation uses by providing access and pedestrian elements such as paths and benches.
Formal Plantings and Gardens		

	<p>Formally planned and regularly maintained open areas that provide passive recreation opportunities, including arranged plantings, gardens, gazebos, and similar structures, as well as roof gardens</p>	<ul style="list-style-type: none"> Formal plantings and gardens shall have at least one direct access to a building, or to street, bikeway, or walkway accessible to the public or the development's occupants and users. Such features shall be oriented to surrounding development.
Squares, Forecourts, Plazas, and Outdoor Dining Areas		
	<p>Squares, forecourts, plazas, and outdoor dining areas that provide gathering places or active and passive recreational opportunities</p>	<ul style="list-style-type: none"> Squares, forecourts, plazas, and outdoor dining areas shall be at least 200 square feet, but no more than one acre, in area. Such features shall have at least one direct access to a principal building, or to a street, bikeway, or walkway accessible to the public or the development's occupants and users. Surrounding principal buildings shall be oriented toward the square, forecourt, plaza, or outdoor dining area where possible.
Public Access Easements		
	<p>Public access easements that are available for passive recreational activities such as walking, running, and biking</p>	<ul style="list-style-type: none"> Such public access easements shall include at least one direct and signed access from a street, bikeway, or walkway accessible to the public or the development's occupants and users.
Required Buffer and Landscape Areas		
	<p>All areas occupied by required perimeter and street yard buffers, and landscaping, except landscaped area within parking lots</p>	<ul style="list-style-type: none"> See perimeter buffer standards and landscaping standards.

3. Areas Not Allowable as Required Common Open Space. The following areas shall not be allowed as required common open space:
- Private yards;
 - Street rights-of-way or private access easements, including sidewalks located within those rights-of-way or easements;
 - Open parking areas and driveways;
 - Land covered by structures, unless the structures are devoted, and dedicated by deed, to active recreational uses, such as pools, athletic facilities, and clubhouses;
 - Designated outdoor storage areas; and
 - Stormwater ponds not located and designed as a site amenity (e.g., with low fencing, vegetative landscaping, gentle slopes, fountain or other visible water circulation device, and pedestrian access or seating).

E. Design Standards for Common Open Space. Areas used as a required common open space shall meet the following design standards:

1. Required common open space shall be located to be readily accessible and useable by occupants and users of the development. Where possible, a portion of the open space should provide focal points for the development through prominent placement or easy visual access from streets.
2. If the development site is adjacent to existing or planned parks, greenways, or other public open space, required common open space shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge the park, greenway, or other public open space.
3. If the development contains, or adjoins an existing or planned transit station, required common open space shall, to the maximum extent practicable, adjoin the transit station site or be integrated with the transit station or other open space adjoining the transit station in accordance with any Town-adopted plans for the transit station area. Such required common open space shall be furnished with at least three of the following types of community amenities:
 - i. Benches or seating areas;
 - ii. Raised landscape planters;
 - iii. Shade structures;
 - iv. Public art (e.g., sculptures, murals, water elements, carvings, frescos, mosaics, mobiles);
 - v. A courtyard;
 - vi. Decorative shelters for transit riders (as approved by the Town); or
 - vii. Similar community amenities approved by the Town.

F. Development Within Required Common Open Space Areas. Development within required common open space areas shall be limited to that appropriate to the purposes of the type(s) of common open space (refer to Table 4.3.1.D.2, "Allowable Common Open Space Areas"). Where appropriate to the type of common open space, such development may include, but is not limited to:

1. Walking, jogging, and biking paths or trails;
2. Benches or other seating areas;
3. Tables, shelters, grills, and other picnicking facilities
4. Docks and other facilities for fishing;
5. Environmental education guides and exhibits;
6. Gazebos and other decorative structures;
7. Fountains or other water features;
8. Tot lots and play structures for children;
9. Gardens or seasonal planting areas; and
10. Swimming pools, athletic fields and courts, and associated clubhouses.

G. Ownership, Management, and Maintenance of Common Open Space. Required common open space area shall be managed and maintained as permanent open space through one or more of the following options:

1. Open space may be held in common ownership by the owner(s) of the development, who will be responsible for managing and maintaining the land for its intended open space purposes.
2. Open space areas may be conveyed to a property owners' or homeowners' association that holds the land in common ownership and will be responsible for managing and maintaining the land for its intended open space purposes.
3. Open space areas may be conveyed to a third-party beneficiary such as an environmental or civic organization that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended open space purposes.
4. Open space areas may be dedicated to the public and conveyed to the Town or other public agency that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended open space purposes.

Responsibility for managing and maintaining common open space areas lies with the owner of the land comprising the areas. Failure to maintain common open space areas in accordance with the approved development shall be a violation of this Ordinance. Identification of who bears responsibility for managing and maintaining common open space areas shall be shown on any recorded subdivision plat for the development.

5.2.2. Public Recreation Area

- A. Applicability. The standards in this Section shall apply to all new residential Major or Minor Subdivisions.
- B. Required Public Recreation Area. Any subdivision proposing to create lots designed and intended to serve as building sites for single-family detached, duplex, manufactured home, single-family attached, multifamily, live/work, congregate living facility, and continuing care retirement facility shall dedicate a portion of the subdivision site as public recreation area. The amount of land required to be dedicated shall equal 1/33 of an acre times the number of dwelling units proposed to be accommodated by subdivision lots as follows:
 1. For subdivisions creating lots for single-family detached, manufactured home, or single-family attached dwellings, this will equal the number of such lots;
 2. For subdivisions creating lots for duplex dwellings, this will equal twice the number of lots; and
 3. For subdivisions creating lots for multifamily dwellings, this will equal the number of dwelling units proposed on the lots.
 4. Active recreation facilities can be counted as Public Recreation Area.
- C. Credit Toward Other Standards. Public recreation areas and associated vegetation within such areas may be credited toward compliance with the following, to the extent they comply with applicable standards:
 1. Perimeter and street yard buffers (refer to Section 5.3.2, Required Buffer Type);
 2. Screening requirements (refer to Section 5.5, Screening); and
 3. Landscaping requirements (refer to Section 5.4, Landscaping).
- D. Design Standards for Required Public Recreation Area. Areas used as a required public recreation area shall meet the following design standards.
 1. Required public recreation area shall be compact and contiguous, forming a single area, unless multiple public recreation areas or a different configuration is needed to continue an existing trail or accommodate preservation of natural features.
 2. The size and shape of required public recreation area shall be sufficient to accommodate active recreation activities appropriate to the recreational needs of subdivision residents (e.g., public recreation area should be sufficiently large and rectangular to accommodate soccer or softball fields, tennis courts, swimming pools, etc.).
 3. Required public recreation area shall be located to be readily accessible and useable by occupants and users of the development.
 4. Required public recreation area shall have at least 50 feet of frontage on a public street or a public access easement at least 30 feet wide.
 5. No land dedicated as active public recreation area shall be located on slopes exceeding fifteen percent, unless area is intended to be used for recreation activity where slope is not a constraint, such as bike trails or disc golf.
 6. If the development site is adjacent to existing or planned parks, greenways, or other public open space, required public recreation area shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge the park, greenway, or other public open space.
- E. Dedicated Recreation Areas to be Shown on Recorded Plat. Dedicated recreation area shall be shown on the recorded final plat for Major and Minor Subdivisions (see 8.3.4, Subdivision) as appropriate.
- F. Conveyance of Dedication Recreation Area. Required public recreation area shall be dedicated to the public and conveyed to the Town or other public agency that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended open space purposes. The Town may sell or otherwise convey any public recreation area conveyed to the Town if the Town Board of Commissioners determines that development of the land for park and recreation purposes is no longer feasible or consistent with Town-adopted parks and recreation plans. Any proceeds from such transactions shall be deposited into the Town fund referenced in Subsection below.

5.2.3. Alternatives for Meeting Open Space and Public Recreation Requirements

- A. Off-Site Provision.
 1. On-site provision is the preferred method of meeting Open Space and Public Recreation Area Requirements.

2. In lieu of providing required common open space area or public recreation area on a development site in accordance with Section 5.2., Open Space and Recreation Areas, or Section 5.2.2, Public Recreation Area, the developer may, with the approval of the Town Board of Commissioners in accordance with the criteria in Subsection 5 below, provide all or some of required common open space or public recreation area on land outside the development site. No development application proposing off-site provision of required common open space or public recreation area shall be approved unless and until the Town Board of Commissioners approves such proposal (even where the application would normally be decided by Town staff or another board).
3. Where off-site provision of required common open space or public recreation area is proposed, the application shall include a map showing the location, boundaries, and topography of the off-site location, as well as any additional information necessary to ascertain the site's suitability as common open space or public recreation area, as appropriate.
4. Any approved off-site common open space shall be shown as reserved or dedicated open space on a plat of the property containing the common open space, located within Chatham County, and any approved off-site public recreation area shall be shown as dedicated recreation area on a plat of the property containing the public recreation area. The plat shall be recorded with the Register of Deeds for Chatham County.
5. The decision of the Town Board of Commissioners on whether to approve off-site provision of required common open space or public recreation area shall be based on the following criteria:
 - i. Whether the proposed off-site common open space or public recreation area would meet the design standards for required common open space (refer to Section 5.2.1.E, Design Standards for Common Open Space) or public recreation area (refer to Section 5.2.2.E, Design Standards for Required Public Recreation Area), as appropriate;
 - ii. Whether the proposed off-site common open space or public recreation area is located sufficiently close to the development site (within one-half mile, or as specific in Pittsboro's Parks System Master Plan) to meet the open space or recreation needs, as appropriate, of the occupants and users of the development;
 - iii. Whether the proposed off-site common open space or public recreation area would contribute more to meeting the open space or recreation needs, as appropriate, of the occupants and users of the development than on-site provision of the common open space or public recreation area or the Town's use of in-lieu payments to acquire and develop parks, greenways, and other open space areas in the vicinity of the development; and
 - iv. Whether it is demonstrated how resident's on-site needs will be met.

B. Payment in Lieu of Providing Required Common Open Space or Public Recreation Area.

1. In lieu of providing all or a portion of the required common open space area or public recreation area on a development site in accordance with Section 5.2.1, Open Space or Section 5.2.2, Public Recreation Area, the developer may make a payment to the Town with the approval of the appropriate decision-making body (refer to Section 10.4, Application-Specific Review Procedures).
2. The amount of such in-lieu payment shall be the product of the number of acres of required common open space area or public recreation area, as appropriate, that is proposed and approved for the in-lieu payment option multiplied by the pre-development fair market value per acre of land making up the development site. The development application shall include an appraisal or other documentation acceptable to the Town as showing the development site's predevelopment fair market value.
3. If the Town disagrees with the pre-development fair market value submitted by the applicant, such value shall be determined by a special appraisal committee made up of one professional appraiser appointed by the applicant, one professional appraiser appointed by the Town Manager, and one professional appraiser appointed by the initial two committee members. The committee shall view the site, hear the contentions of both the applicant and the Town, reach a conclusion by majority vote, and submit a written certification of its conclusion to the applicant and Town Manager within 30 days after the final member of the committee is appointed. The costs of the committee shall be borne by the applicant.
4. The developer shall make the in-lieu payment before recordation of any subdivision plat for the development or issuance of any Building Permit for the development—provided, however, that

the payments may be phased in accordance with an approved phasing plan for the development.

5. The Town shall deposit any in-lieu payment into a special Town fund that shall be used only for the acquisition or development of parks, greenways, and other open space areas that will serve occupants and users of the development. Such areas may also serve other developments in the immediate area.
6. The decision on whether to approve a payment in lieu of providing required common open space or public recreation area shall be based on the following criteria:
 - i. Whether the on-site provision, or any proposed off-site provision, of required common open space or recreation could be used to establish, expand, or extend an existing or planned public park, greenway, or other open space area identified in parks and recreation plans or other plans adopted by the Town;
 - ii. The extent to which the size, shape, topography, geology, soils, and public accessibility of the development site makes it impractical to provide required common open space or public recreation area that complies with Section 5.2.1.E, "Design Standards for Common Open Space," or Section 5.2.2.E, "Design Standards for Required Public Recreation Area," as appropriate;
 - iii. Whether the Town's use of an in-lieu payment to help acquire and develop parks, greenways, and other open space areas would better meet the open space and recreational needs of occupants and users of the development than on-site provision, or any proposed off-site provision, of the required common open space or public recreation area, as appropriate; and
 - iv. A financial analysis showing that a fee in lieu would be of greater value to the Town than the developer providing developed onsite facilities.

Section 5.3. Perimeter Buffers

5.3.1. Purpose

- A. New Development. All new development shall provide a perimeter buffer to separate it from an existing use on adjoining land, or from vacant adjoining property located in a less intense zoning district, in accordance with Section 5.3.2, "Required Buffer Type," and Section 5.3.3, "Buffer Type Standards." This requirement shall apply to new development within the Downtown District only where the development adjoins property outside the district that contains an existing residential development or adjoins property that is located within a Residential Base Zoning District. All new development outside the Downtown District shall provide a street yard buffer to separate it from an adjoining street, in accordance with Section 5.3.2, "Required Buffer Type," and Section 5.3.3, "Buffer Type Standards."
- B. Existing Development.
 1. Change in Use. Any change of the use of an existing development shall provide any additional buffer width to the maximum extent practicable and screening necessary to comply with the perimeter buffer required under Section 5.3.2, "Required Buffer Type," for the use type or category of the new use.
 2. Upgrading of Buffer Nonconformities. Where existing development is nonconforming in terms of compliance with this Section's standards for perimeter and street yard buffers, such development is subject to the limitations and upgrading requirements in Section 8.7, "Nonconforming Site Features."
- C. Credit Toward Other Standards. Perimeter and street yard buffer areas and associated vegetation within such areas may be credited toward compliance with the following, to the extent they comply with applicable standards:
 1. Tree preservation (PLACEHOLDER);
 2. Open space areas (refer to Section 4.3.1.D, "Required Open Space Area");
 3. Public recreation areas (refer to Section 5.2.2.B, "Required Public Recreation Area");
 4. Screening requirements (refer to Section 5.5, "Screening"); and
 5. Landscaping requirements (refer to Section 5.4, "Landscaping")

5.3.2. Required Buffer Type

Table 5.3.2, "Required Buffer Type," specifies the type of perimeter or street yard buffer that a new development shall provide between it and an adjoining, developed property or street. The type of buffer to be provided is indicated by a letter corresponding to one of the buffer types depicted in Table 5.3.3, "Buffer Type Standards." For perimeter buffers, the required buffer type shall be based on proposed use type on the development site and the existing use type on the adjoining property. If the adjoining property is vacant, the required buffer type shall be based on the zoning classification of the adjacent land. For street yard buffers, the required buffer type is based on the classification of the adjoining street.

Required Buffer Type

A, B, C, D, E = Type of Perimeter Buffer (refer to Section, Buffer Type Standards)

F, G, H, I, J, K = Type of Street yard Buffer

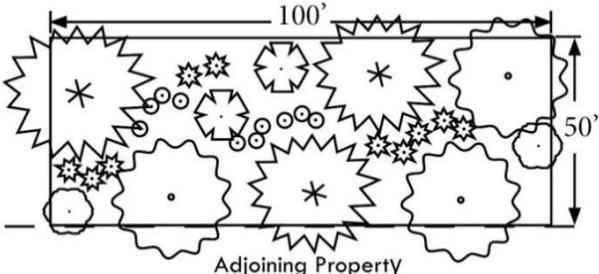
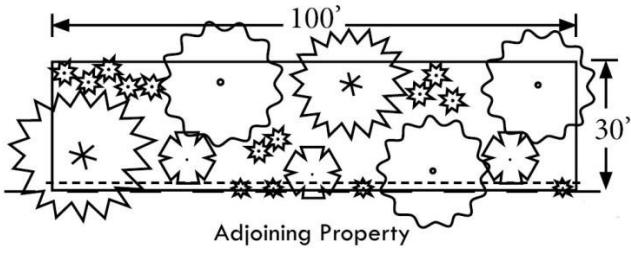
n/a = Not Applicable (no buffer required)

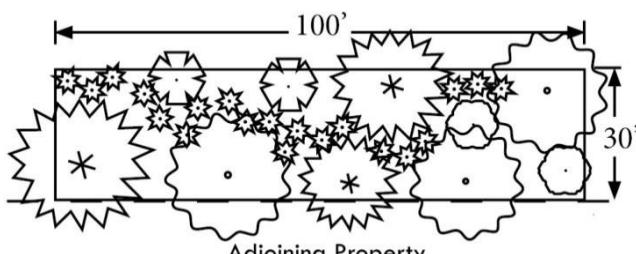
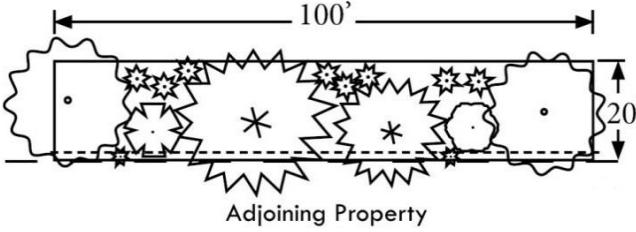
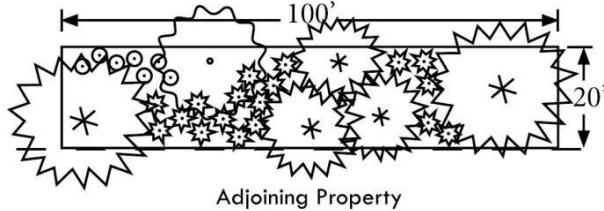
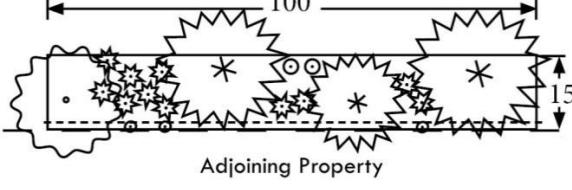
Existing Classification,/ Use Type or Category on Adjoining Land [2] or Classification of Adjoining Street [3]	Zoning of Vacant Land [2]	Proposed Classification Use Type or Category [1]					
		Single-Family Detached, Duplex, or Manufacture Home Dwelling	Single-Family Attached Dwelling	Multifamily Dwelling	Institutional Use	Commercial or Mixed-Use Development	Industrial Use
Perimeter Buffers							
Single-family detached, Single-family attached, duplex, or manufactured home dwelling	RA-5, RA-2, RA, R-15, R-12, R-10, R-5	N/A	N/A	C	C	B	A
Multifamily or manufactured home park	MR	C	C	D	C	B	A
Institutional use	OI	C	C	C	D	C	B
Commercial use, or mixed-use development	NMUC, CMUC	B	B	B	C	C	B
Industrial use	MI, M2	A	A	A	B	B	C
Major utility facility	n/a	E	E	E	E	E	E
Street yard Buffers							
Controlled Access Highway	n/a	F	F	F	F	F	F
Principal arterials and major arterials	n/a	G	G	G	G	G	G
Minor arterials and collector streets	n/a	H	H	H	H	H	H
Residential streets, loop streets and cul-de-sacs	n/a	K	K	J	J	J	J

Marginal access and service drives (nonresidential)	n/a	K	J	I	I	I	I	I
NOTES:								
[1] Where a development includes multiple buildings, buffer requirements shall apply to the zoning lot rather than to individual buildings or outparcels in the development.								
[2] Where the adjoining land is vacant and located within another zoning jurisdiction, the perimeter buffer type required shall be based on the Town zoning classification that, in the Planning Director's opinion, most closely matches the zoning classification given the land by the adjoining jurisdiction.								
[3] Classifications for all streets within Pittsboro's zoning jurisdiction are available from the Town's Engineering Department.								
[4] Applicable only to single-family detached and duplex dwellings along the perimeter of a residential subdivision.								

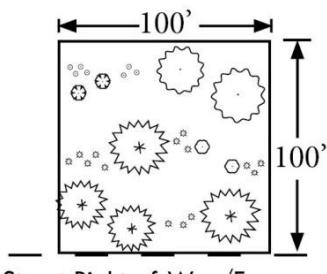
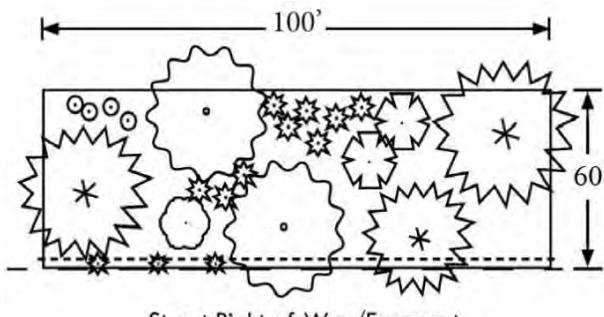
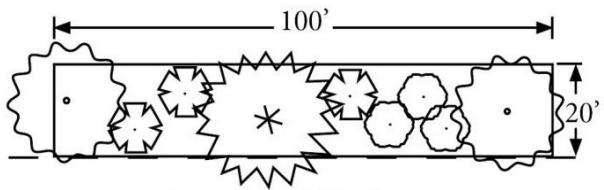
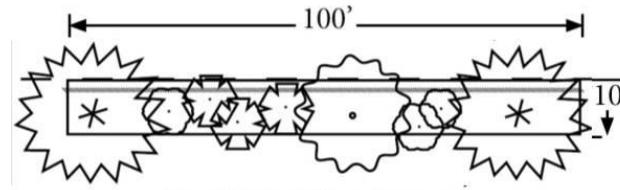
5.3.3. Buffer Type Standards

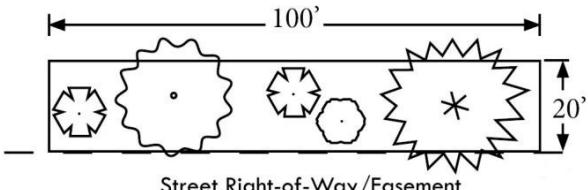
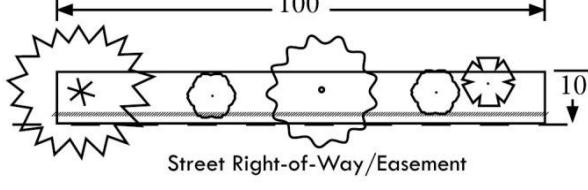
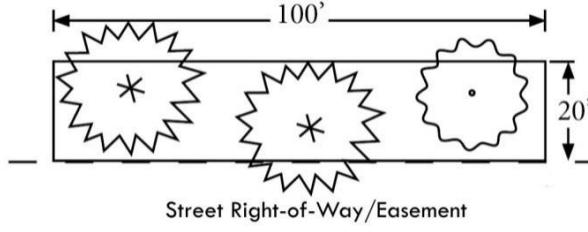
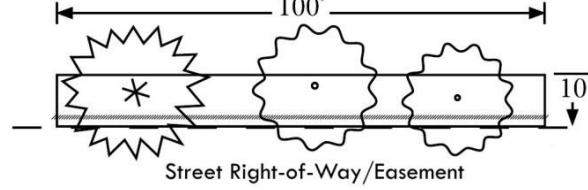
Table 5.3.3, "Buffer Type Standards," describes five types of perimeter buffer and six different types of street yard buffer in terms of their function, opacity, width, and screening requirements. Buffers shall comply with standards set forth in Table 5.3.3, "Buffer Type Standards" (including table notes).

Buffer Type Standards		
MINIMUM WIDTH AND SCREENING REQUIREMENTS		
<i>Also see general requirements for all buffer types at bottom of table.</i>		
Buffer Type A (Perimeter)		
<p>This perimeter buffer provides a continuous opaque screen to a height of at least six feet. It serves as a visual and noise barrier between developments on adjoining properties.</p>		
Option 1		<ul style="list-style-type: none"> Shade trees: 6 per 100 linear feet, with at least 5feet between mature canopies Understory trees: 4 per 100 linear feet Evergreen shrubs: 20 per 100 linear feet and at least6 feet high at maturity At least 50% of all trees must be evergreen
Option 2		<ul style="list-style-type: none"> Shade trees: 5 per 100 linear feet, with at least 5feet between mature canopies Understory trees: 3 per 100 linear feet Evergreen shrubs: 15 per 100 linear feet and at least3 feet high at maturity A solid fence or wall at least 6 feet high [3] At least 50% of all trees must be evergreen

Buffer Type B (Perimeter)		
This perimeter buffer provides a continuous opaque screen to a height of at least six feet. It serves as a visual and noise barrier between developments on adjoining properties, but less separation between developments than the Buffer Type A.		
Option 1	 <p>100'</p> <p>30'</p> <p>Adjoining Property</p>	<ul style="list-style-type: none"> Shade trees: 6 per 100 linear feet, with at least 5feet between mature canopies Understory trees: 4 per 100 linear feet Evergreen shrubs: 20 per 100 linear feet and at least6 feet high at maturity At least 50% of all trees must be evergreen
Option 2	 <p>100'</p> <p>20'</p> <p>Adjoining Property</p>	<ul style="list-style-type: none"> Shade trees: 4 per 100 linear feet, with at least 5feet between mature canopies Understory trees: 2 per 100 linear feet Evergreen shrubs: 10 per 100 linear feet and at least3 feet high at maturity A solid fence or wall at least 6 feet high [3] At least 50% of all trees must be evergreen
Buffer Type C (Perimeter)		
This perimeter buffer provides semi-opaque screening atop a continuous opaque screen to a height of at least three feet. It allows views between developments on adjoining properties.		
Option 1	 <p>100'</p> <p>20'</p> <p>Adjoining Property</p>	<ul style="list-style-type: none"> Shade trees: 6 per 100 linear feet, with at least 10feet between mature canopies Shrubs: 25 per 100 linear feet, at least 75% evergreen, and at least 3 feet high at maturity
Option 2	 <p>100'</p> <p>15'</p> <p>Adjoining Property</p>	<ul style="list-style-type: none"> Shade trees: 4 per 100 linear feet, with at least 10feet between mature canopies Shrubs: 15 per 100 linear feet, at least 75% evergreen, and at least 3 feet high at maturity A solid fence or wall at least 6 feet high [3]

Buffer Type D (Perimeter)		
This perimeter buffer provides a relatively open tree buffer between developments on adjoining properties. It is not intended to screenviews but to enhance visual appeal of the development.		
Option 1	<p>100'</p> <p>20'</p> <p>Adjoining Property</p>	<ul style="list-style-type: none"> Shade trees: 3 per 100 linear feet, with at least 20feet between mature canopies Understory trees: 3 per 100 linear feet
Option 2	<p>100'</p> <p>10'</p> <p>Adjoining Property</p>	<ul style="list-style-type: none"> Shade trees: 2 per 100 linear feet, with at least 20feet between mature canopies Understory trees: 3 per 100 linear feet A solid fence or wall at least 3 feet high or solid evergreen hedge at least 3 feet and 2 feet wide[3]
Buffer Type E (Perimeter)		
This perimeter buffer provides a continuous opaque screen to a height of at least six feet. It serves as a visual and noise barrier between a development and an adjoining major utility facility.		
Option 1	<p>100'</p> <p>80'</p> <p>Adjoining Property</p>	<ul style="list-style-type: none"> Shade trees: 6 per 100 linear feet, with at least 5feet between mature canopies Understory trees: 4 per 100 linear feet Evergreen shrubs: 20 per 100 linear feet and at least6 feet high at maturity At least 50% of all trees must be evergreen
Option 2	<p>100'</p> <p>40'</p> <p>Adjoining Property</p>	<ul style="list-style-type: none"> Shade trees: 5 per 100 linear feet, with at least 5feet between mature canopies Understory trees: 3 per 100 linear feet Evergreen shrubs: 15 per 100 linear feet and at least3 feet high at maturity A solid fence or wall at least 6 feet high [3] At least 50% of all trees must be evergreen

Buffer Type F (Street yard)		
This street yard buffer provides a continuous opaque screen to a height of at least six feet. It serves as a visual and noise barrier between the developments and an adjoining controlled access highway.		
Option 1	 <p>Street Right-of-Way/Easement</p> <ul style="list-style-type: none"> Shade trees: 6 per 100 linear feet, with at least 5feet between mature canopies [5] Understory trees: 4 per 100 linear feet [5] Shrubs: 20 per 100 linear feet, at least 75% evergreen, and at least 6 feet high at maturity At least 50% of all trees must be evergreen 	
Option 2	 <p>Street Right-of-Way/Easement</p> <ul style="list-style-type: none"> Shade trees: 5 per 100 linear feet, with at least 5feet between mature canopies [5] Understory trees: 3 per 100 linear feet [5] Evergreen shrubs: 15 per 100 linear feet, at least 75% evergreen, and at least 3 feet high at maturity A solid fence or wall at least 6 feet high [3] At least 50% of all trees must be evergreen 	
Buffer Type G (Street yard)		
This street yard buffer provides intermittent visual obstruction and creates the impression of spatial separation without eliminating visual contact between the street and the development.		
Option 1	 <p>Street Right-of-Way/Easement</p> <ul style="list-style-type: none"> Shade trees: 3 per 100 linear feet, with at least 25feet between mature canopies [5] Understory trees: 6 per 100 linear feet [5] 	
Option 2	 <p>Street Right-of-Way/Easement</p> <ul style="list-style-type: none"> Shade trees: 3 per 100 linear feet, with at least 25feet between mature canopies [5] Understory trees: 6 per 100 linear feet [5] A solid masonry wall at least 3 feet high with 15 evergreen shrubs per 100 linear feet between the wall and the street [3] 	

Buffer Type H (Street yard)		
This street yard buffer provides spacing and landscaping that strongly defines the boundary between the street corridor and the development.		
Option 1	 <p>100'</p> <p>20'</p> <p>Street Right-of-Way/Easement</p>	<ul style="list-style-type: none"> Shade trees: 2 per 100 linear feet [5] Understory trees: 3 per 100 linear feet [5]
Option 2	 <p>100'</p> <p>10'</p> <p>Street Right-of-Way/Easement</p>	<ul style="list-style-type: none"> Shade trees: 2 per 100 linear feet [5] Understory trees: 3 per 100 linear feet [5] A solid fence or wall at least 3 feet high or solid evergreen hedge at least 3 feet and 2 feet wide[3]
Buffer Type I (Street yard)		
This street yard buffer provides spacing and landscaping that moderately defines the boundary between the street corridor and the development.		
Option 1	 <p>100'</p> <p>20'</p> <p>Street Right-of-Way/Easement</p>	<ul style="list-style-type: none"> Shade trees: 3 per 100 linear feet [5]
Option 2	 <p>100'</p> <p>10'</p> <p>Street Right-of-Way/Easement</p>	<ul style="list-style-type: none"> Shade trees: 3 per 100 linear feet [5] A solid fence or wall at least 3 feet high or solid evergreen hedge at least 3 feet and 2 feet wide[3]

Buffer Type J (Street yard)		
This street yard buffer provides basic landscaping along the street corridor.		
Single Option	<p>Street Right-of-Way/Easement</p> <ul style="list-style-type: none"> • 2 trees (shade or understory) per every 3 dwelling units in buildings fronting the street [5] 	
Buffer Type K (Street yard)		
This street yard buffer provides minimal landscaping along the street corridor.		
Single Option	<p>Street Right-of-Way/Easement</p> <ul style="list-style-type: none"> • 1 tree (shade or understory) per dwelling fronting the street [5] 	
<p>% = percent</p> <p>NOTES:</p> <p>[1] Required shade trees shall generally be distributed evenly along the length of the buffer (e.g., 4 shade trees per 100 linear feet should result in shade trees spaced approximately every 25 feet of buffer length) and spaced to maximize their future health and effectiveness. Other required vegetation shall be distributed within the buffer as appropriate to the function of the buffer.</p> <p>[2] Where an adjacent existing development is designed for solar access, the Planning Director may allow understory trees to be substituted for any shade trees where necessary to ensure such solar access.</p> <p>[3] Fences or walls within a buffer shall comply with the standards of Fences and Walls</p> <p>[4] Berms may be used in conjunction with shrubs or fences or walls atop them to achieve required screening. Berms within a buffer shall comply with the standards of Section.</p> <p>[5] Trees in street yard buffers shall be of species and varieties appropriate to their location next to roadways and sidewalks. (See appropriate street tree species and varieties listed in the Administrative Manual.)</p> <p>[6] Deviations from the buffer width and screening standards may be authorized by an alternative landscaping plan approved in accordance with Section.</p>		

5.3.4. Location of Buffers

Required buffers shall be located along the outer perimeter of the lot containing the proposed development, just inside its boundary with the adjoining property or street right-of-way/easement. Where an access or utility easement runs along that boundary and the easement precludes or restricts provision of required screening, the required buffer shall be located along the interior boundary of the easement. Where a perimeter buffer meeting the standards in this Section has already been provided by the adjoining existing development, the proposed development is required to provide only 50 percent of the minimum buffer width and screening required for the requisite buffer type. The existing development may reduce the width and screening of the

buffer on the adjoining property to 50 percent of the minimum buffer width and screening required for the requisite buffer type, if there is a written recorded agreement documenting the buffer requirements for each property. The Planning Director may approve a written agreement between the owners of the adjoining properties establishing an alternative arrangement to share responsibility for providing a buffer in full accordance with the standards of this Section.

5.3.5. Development within Required Buffers

The required buffer shall not contain any development, impervious surfaces, or site features (except signs, fences or walls) that do not function to meet the standards of this Section, unless otherwise permitted or required in this Ordinance. Retaining walls are permitted within required buffer areas. Walkways, trails, and other elements associated with passive recreation, as well as overhead and underground utility lines and low-impact stormwater management facilities, may be located within a required buffer if:

1. All required landscaping is provided;
2. The element, line, or facility crosses the buffer as close to a right angle as practicable; and
3. The Planning Director and Town Engineer determine that installation or maintenance of such element, line, or facility will minimize impacts on to required vegetation to the maximum extent practicable.

5.3.6. Credit Towards Other Required Landscaping

The Required buffers, and the trees and other vegetation within such buffers, may be credited toward compliance with tree protection, common open space and public recreation area, landscaping, and screening requirements to the extent they comply with applicable standards in Section TBD, "Tree Preservation (PLACEHOLDER)," Section 5.2, "Open Space and Recreation Areas," Section 5.4, "Landscaping," and Section 5.5, "Screening."

Section 5.4. Landscaping

5.4.1. Applicability

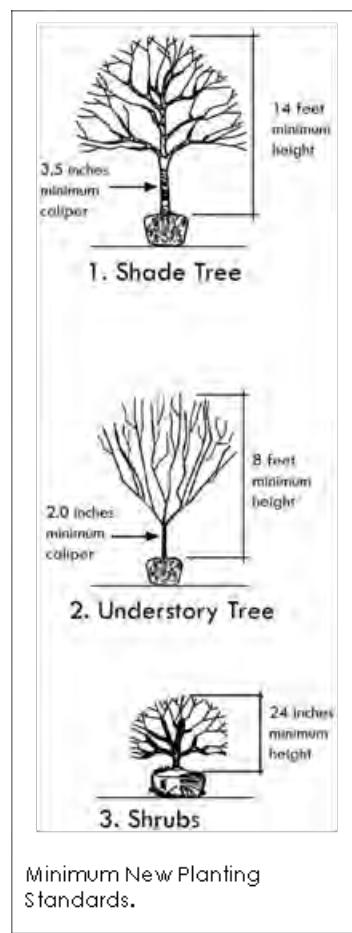
Landscaping shall be installed in accordance with this Section for the following:

1. All new construction, development, or any expansion in developed site area land uses; or
2. For all existing commercial development when more than 50 percent of the existing developed land area at the time of application for a Zoning Compliance Certificate (refer to Section 10.4.3, "Zoning Compliance Certificate") is proposed to be disturbed, altered, or reconstructed.
3. Where buffering requirements identified in Section 5.3, "Perimeter Buffers," conflict with any requirements of this Section, the more stringent requirements shall control, provided no wall, fence or berm is substituted for any requirements in this Section.

5.4.2. Credit Toward Other Standards

Landscaping areas and associated vegetation within such areas meeting the applicable standards of this Section may be credited toward compliance with the following, to the extent they comply with applicable standards:

1. Tree preservation (refer to Section TBD, "Tree Preservation (PLACEHOLDER)");
2. Public recreation areas (refer to Section 5.2.2.C, "Required Public Recreation Area"); and
3. Screening requirements (refer to Section 5.5, "Screening").



5.4.3. General Landscaping Standards

- A. New Planting Standards.
1. All plants, shrubs and trees shall be native non-invasive species (See Section 5.7.1.ATable of Recommended Plants, and Section 5.7.1.B, Table of Invasive Plants).
 2. Required vegetation shall be planted in accordance with American Standards of Nursery Stock guidelines.
 3. At the time of planting, vegetation included as part of required landscaping shall comply with the following size standards.
 - i. Shade trees shall have a caliper of at least two and one-half inches and be at least 14 feet in height above ground level. They shall be capable of attaining a height of at least 35 feet and a crown diameter of at least 30 feet at maturity.
 - ii. Understory trees shall have a caliper of at least two inches and shall be at least eight feet in height above ground level.
 - iii. Shrubs shall be upright in nature and at least 18 inches in height above ground level. They shall be capable of attaining a height of at least 30 inches within three years after planting.
 4. All landscape plant materials shall be of standard quality or better, true to name and type of species or variety.
 5. The use of drought-tolerant vegetation native to the Pittsboro area is strongly encouraged (see the list of acceptable native plant species in the Administrative Manual).
 6. Required landscaping areas shall be protected from vehicular damage by the installation of curbing, wheel stops, or extra width in the landscaping strip.
- B. Existing Vegetation. The use of existing healthy, well-formed canopy trees, understory trees, evergreen trees, and shrubs shall be maximized wherever practical to comply with these landscaping standards. The use of existing vegetation shall be credited toward meeting tree protection standards (refer to Section TBD, "Tree Preservation (PLACEHOLDER)," perimeter and streetyard buffer standards (refer to Section 5.3, Perimeter Buffers, Perimeter Buffers) and the landscaping standards in this Section provided the vegetation meets those standards, is protected before and during development of the site in accordance with Section TBD, "Tree Protection (PLACEHOLDER)." During Development Activity, and maintained thereafter in a healthy growing condition.
- C. Stabilization. All required landscape planting areas shall be stabilized and maintained with turf, ground covers, or other approved materials to prevent soil erosion and allow rainwater infiltration.
- D. Easements. Nothing except ground cover shall be planted or installed within any underground or overhead utility, drainage or gas easement, or within three feet of a fire protection system, except in accordance with the consent, standards, or guidelines of the utility provider, easement holder, or the Town, as appropriate.
- E. Berms. All berms shall comply with the following standards.
1. Berms shall be at least one and one-half feet high, with side slopes not exceeding a ratio of three horizontal feet to one vertical foot, and with a crown at least two feet wide.
 2. Berms proposed to be placed along street rights-of-way shall be designed and constructed to provide adequate sight distances at intersections and shall not impair safe operation of vehicles.
 3. In no case shall berms be located or designed so they damage the roots or trunks of existing healthy vegetation designated to be preserved.
 4. Berms shall not be located or designed so as to block or divert a natural drainage flow on to or off of any other land.
- F. Time for Installation of Required Landscaping
1. Installation Before Certificate of Compliance/Occupancy. All required landscaping (including ground cover) shall be installed in accordance with the required planting standards set forth in this Section prior to issuance of a Certificate of Compliance/Occupancy unless the Planning Director allows delayed installation in accordance with Subsection 2 below.
 2. Allowance of Deferred Installation. The Planning Director may, for good cause shown, allow installation of required landscaping to be deferred until after issuance of a Certificate of Compliance/Occupancy. Circumstances that may warrant an extension include, but are not limited to, the following:

- i. Unusual environmental conditions, such as drought, hurricanes, or over-saturated soil;
- ii. The inappropriateness of the current season for planting the approved plant species; or
- iii. Utility work occurring in a proposed landscaped area that is incomplete or delayed.
- iv. Unavailability of Nursery Stock within 50 miles of Pittsboro.

Any allowance of deferred installation shall be conditioned on the required landscaping being installed as soon as practicable after the circumstances warranting deferral cease to exist, but no later than six months after such time, and the provision of a performance guarantee, guaranteeing compliance with this Section.

G. Maintenance of Required Landscaping

1. The owner shall be responsible for maintaining, in perpetuity at a minimum, all required landscape areas and landscaping materials (including berms, walls, and fences as well as vegetation) in accordance with the approved landscape plan or alternative landscape plan and the standards of this Section.
 2. Required vegetation shall be maintained in a healthy condition and landscape areas shall be kept in an orderly appearance, free from refuse and debris.
 3. All required vegetation shall be maintained in their characteristic natural shape and shall not be severely pruned or sheared. Trees shall not be topped or shaped as shrubs. Vegetation that has been severely pruned, sheared, topped, or shaped shall be considered damaged and shall be replaced with healthy comparable plant material.
 4. Actions shall be taken to protect required landscaping materials from unnecessary damage during all facility and site maintenance operations.
 5. Landscaping materials shall be maintained in a way that does not obstruct sight visibility within intersection sight distance triangles (see Intersection Sight Distance Triangles), obstruct traffic signs or devices, or interfere with the use of bikeways and walkways.
 6. Landscaping shall comply with Building Code restrictions on placing or storing combustible materials near buildings.
 7. If landscaping materials used to meet the requirements of this Section die, are seriously damaged, or are removed, they shall be replaced with comparable landscaping materials meeting the standards of this Section within the next six months—or within the next year if the death, damage, or removal of the landscaping materials was due to an unusual weather occurrence or other act of nature. In determining the extent of replacement required, the Planning Director shall consider the type and location of the required landscaping materials as well as the propensity for natural re-vegetation.
- H. Alteration of Required Landscaping. Landscaping may be altered through replacement or relocation by a maximum of ten percent over the life of the development without submittal of a revised landscape plan provided that the overall landscaping remains in compliance with this Section. A revised plan shall not be required for plantings that exceed the requirements of this Section.
- I. Alternative Landscaping Plan. Alternative landscaping must be equivalent to standards set forth in this Section to the greatest extent practicable.

5.4.4. Parking Lot Landscaping

- A. Nonresidential parking lots shall be landscaped in accordance with this Section.
- B. The amount of plant materials required for parking lot landscaping shall be in addition to any plant materials required by the buffer requirements of this Ordinance (refer to Section 5.3, Perimeter Buffers).
- C. The following minimum number of plants (see Section 5.7, Recommended and Invasive Plant Lists) shall be required for each parking space (calculations resulting in a fraction shall be increased to the next whole number):
 - Large trees -- 0.10
 - Small trees – 0.125
- D. The following rules shall apply to the arrangement and installation of required parking lot landscaping.
 1. Small trees shall be planted so that no point of the tree's main trunk is closer than four feet from parking lot or driveway surfaces. To be counted for required parking lot landscaping a small tree must be planted within 10 feet of the parking lot or parking space.

2. If large trees are planted in an island peninsula or median, there shall be sufficient pervious planting area and infiltration area that drain into the plating area for viable growth. To be counted for required parking lot landscaping, a tree must be planted within ten feet of the parking lot or parking space.
 3. Small trees shall be planted so that no point of the tree's main trunk is closer than four feet from the parking lot or driveway surfaces.
 4. No shrubs shall be located within any vehicle overhang area.
 5. Required parking lot landscaping shall be distributed throughout the parking entranceways and on interior features such as islands, peninsulas, and medians.
- E. Each parking space shall be located within 75 feet of a tree. Any portion of the parking space within the required distance constitutes the entire parking space.
- F. All parking lot landscaped areas shall include ground cover or natural mulching materials. Areas subject to vehicle overhang may be covered with brick, stone, mulch or other inorganic material.

Section 5.5. Screening

5.5.1. Applicability

Except for single-family detached, duplex, and manufactured home dwellings, all new development, and expansions to principal structures shall screen the following exterior mechanical equipment and similar features from line of sight of adjacent streets, sidewalks, and public greenways in accordance with the standards of this Subsection, unless access is required for maintenance and repair:

1. Electrical and gas-powered mechanical equipment and power systems equipment (e.g., permanent electrical generators, refrigeration equipment and ductwork, swimming pool pumps, back-flow prevention devices)
2. Roof- or wall-mounted antennas, vent openings no more than eight inches wide, the tower and blades of a small wind energy system, or the solar panels or modules of a solar energy collection system shall not be considered exterior mechanical equipment for purposes of these screening standards.

5.5.2. Credit Towards Other Standards

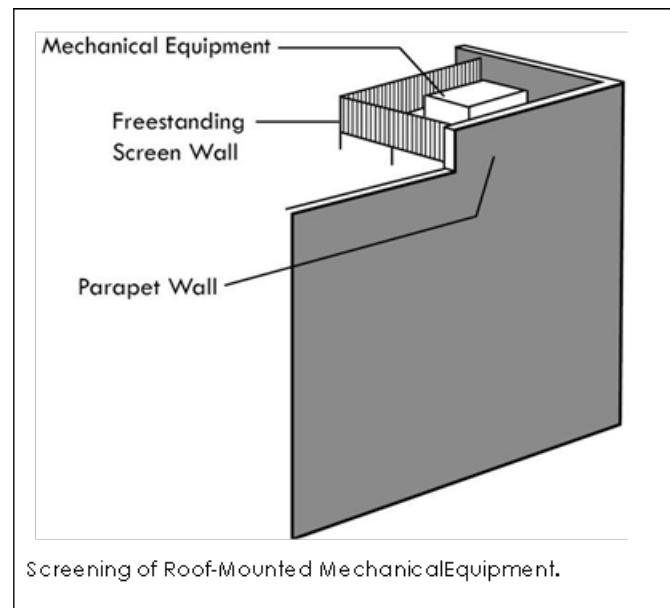
Screening areas and associated vegetation within such areas may be credited toward compliance with the following, to the extent they comply with applicable standards:

1. Tree preservation (refer to Section TBD, "Tree Preservation (PLACEHOLDER)");
2. Open space areas (refer to Section 5.2.1.D, "Required Open Space Area");
3. Public recreation areas (refer to Section 5.2.2.C, "Required Public Recreation Area");
4. Perimeter and street yard buffers (refer to Section 5.3.2, "Required Buffer Type"); and
5. Landscaping requirements (refer to "Section 5.4, Landscaping").

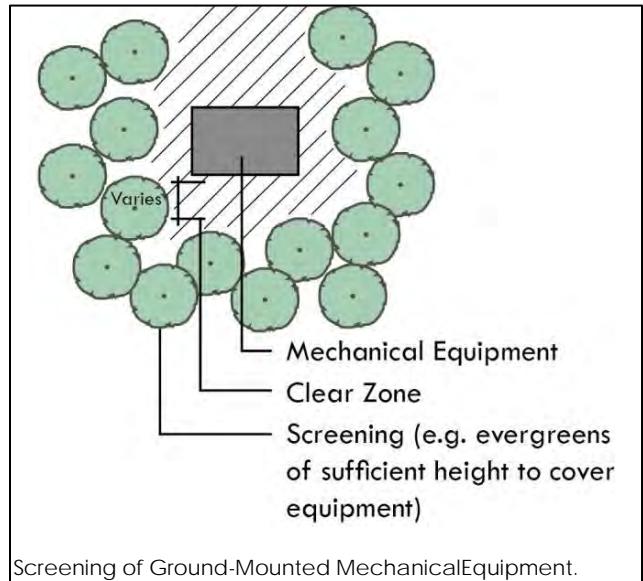
5.5.3. Screening Standards

- A. Roof-Mounted Mechanical Equipment. Mechanical equipment mounted on the roof of a building shall be screened from line of sight of adjacent streets, sidewalks, and greenways by a parapet wall, freestanding screen wall, or similar device (refer to Figure, "Screening of Roof-Mounted Mechanical Equipment").

1. The screening shall incorporate materials, colors, and design that are visually consistent with the building's architectural design.



2. The height of the screening shall equal or exceed that of the mechanical equipment being screened.
- B. Ground- or Wall-Mounted Mechanical Equipment. Mechanical equipment mounted on or near ground-level or on a building wall shall be screened from line of sight of adjacent streets, sidewalks, and greenways by any combination of adjacent buildings and durable and sight-obscuring walls, or in residential developments only, dense continuous hedges (refer to Figure, "Screening of Ground-Mounted Mechanical Equipment").
1. Screening walls shall incorporate at least one of the primary materials of the nearest wall of the primary structure on the lot.
 2. The height of the screening walls, fences, or hedges shall equal or exceed that of the mechanical equipment being screened.
- C. Deviation of Standards. The Planning Director may approve deviations from the screening standards in this Subsection on making one or more of the following findings:
1. The deviation is necessary to comply with overriding life safety requirements of other regulations.
 2. The design of the proposed building and/or mechanical equipment is equally or more effective in mitigating the negative impacts of the mechanical equipment as the required screening.
 3. The required screening itself creates a greater negative impact than the mechanical equipment it is intended to screen.
 4. The deviation is necessary to accommodate existing utility connections or utility easements.



Screening of Ground-Mounted Mechanical Equipment.

5.5.4. Screening of Off-Street Loading and Service Areas

- A. All exterior off-street loading areas and services areas (e.g., refuse or recyclables collection areas, equipment cleaning areas, and delivery truck areas) shall be located, oriented, and designed to reduce the adverse visual and acoustic impacts of their use on adjacent streets, sidewalks, and properties to the maximum extent practicable.
- B. Exterior off-street loading and service areas shall be screened from view from adjacent streets, sidewalks, and properties by any combination of adjacent buildings, durable and sight-obscuring walls or fences, or dense continuous hedges.
1. Points of vehicular access into or from the loading or service area need not be screened, provided they are located, oriented, and designed to minimize direct views into the service or loading area from adjacent streets and properties to the maximum extent practicable.
 2. Screening walls, fences, and hedges shall extend at least six feet above ground level.
 3. Screening walls and fences and shall incorporate materials, colors, and design that are visually consistent with those of the primary structure on the lot.

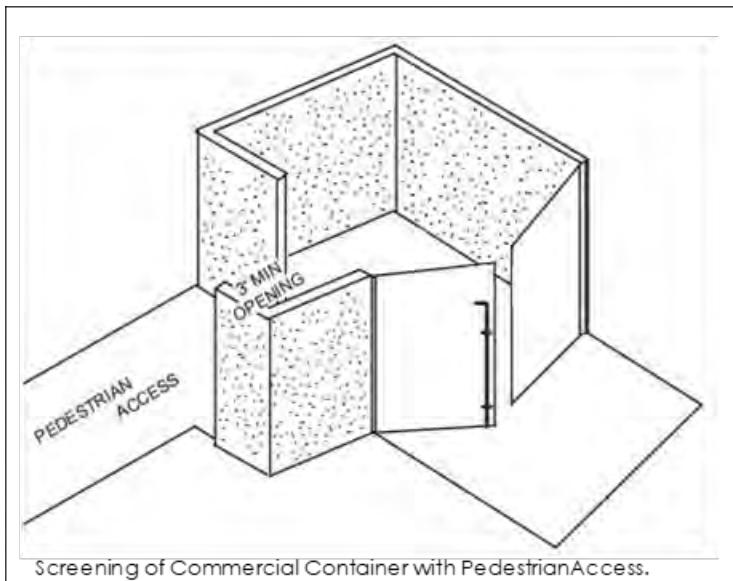
5.5.5. Location and Screening of Commercial Containers

- A. Applicability
1. General. Except as otherwise provided in Subsection 2 below, all exterior commercial containers shall be located and screened from line of view from adjacent streets and properties in accordance with the standards in this Subsection.
 2. Exemptions. These standards shall not apply to commercial containers placed by or on authority of the Town on a temporary basis or placed for the temporary purpose of disposing of waste generated during construction (e.g., construction waste bins) or demolition activity on the site.
- B. Location. Commercial containers shall not be placed in the following locations:

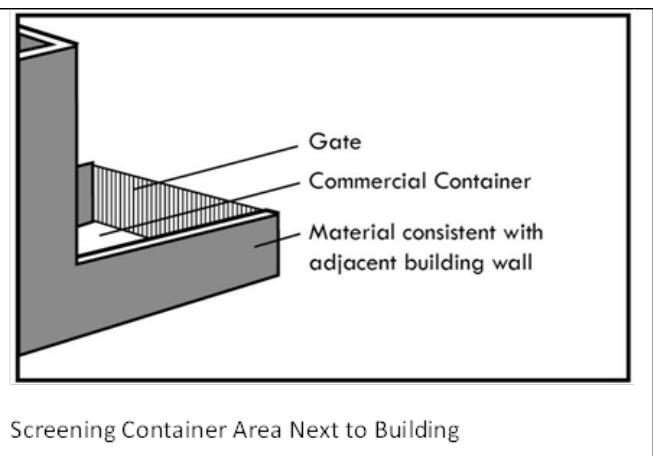
1. Any required tree protection area, buffer, or landscaped area;
2. Any front, corner side, or side yard in the Downtown District, or any front yard or corner side yard in all other districts, to the maximum extent practicable;
3. Any fire lane;
4. Any off-street parking space;
5. Any location that blocks vehicular, bicycle, or pedestrian traffic;
6. Any location that interferes with utility lines or facilities.

C. Screening of Commercial Containers

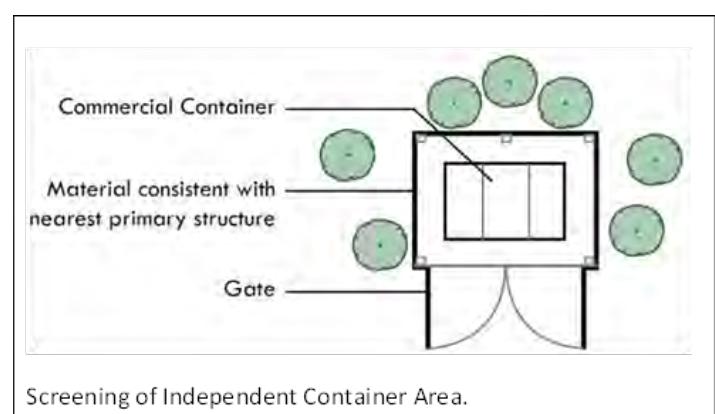
1. Commercial containers shall be screened on three sides by a durable, sight-obscuring wall, and enclosed on the fourth side by an opaque, secured gate.
2. If a container is one regularly accessed by pedestrians, the required screening walls shall include an opening at least three feet wide for pedestrian access. This pedestrian opening shall be screened from view by an "L"-shaped extension of a screening wall or a secured door. (Refer to Figure, "Screening of Commercial Container with Pedestrian Access.")
3. The height of the screening walls and the gate shall be at least six inches higher than the height of the container.
4. Where the container is located next to a building wall, the building wall may serve as a screening wall, and the other screening walls (including any extension from the building wall (e.g., "wing wall") shall incorporate materials, colors, and design that are visually consistent with that of the adjacent building wall. (Refer to Figure, "Screening of Container Area Next to Building.")
5. Where the container is not located next to a building, the screening walls shall be constructed of brick, stone, pre-cast or tilt-up concrete, or tinted or textured concrete masonry units. The external sides of the screening walls shall incorporate materials, colors, and design that are visually consistent.
6. With those of the nearest primary structure on the lot. (Refer to Figure, "Screening of Independent Container Area.")
7. Where practicable, the external sides of screening walls shall be landscaped to soften their visual impact in accordance with Section 5.6, "Fences and Walls."
8. The gate shall be constructed of metal or composite wood and shall incorporate colors and design that are visually consistent with those of the screening walls.



Screening of Commercial Container with Pedestrian Access.



Screening Container Area Next to Building



Screening of Independent Container Area.

Section 5.6. Fences and Walls

5.6.1. Applicability

This Section shall apply to all development, new fences or walls associated with the expansion of an existing principal structure, new fences or walls associated with a change in use, or replacement of fences or walls not required for support of a principal or accessory structure, or any other linear barrier intended to delineate different portions of a lot. If there is any inconsistency between the provisions of this Section and any screening standard in Section 5.5, Screening, the standards in Section shall control.

5.6.2. Exemptions

Residential fences are exempt from these standards if one (1) or more of the following circumstances apply:

1. Existing fences prior to May 24, 2021. Section 8.7 Nonconforming Site Features shall apply;
2. Located in the Extraterritorial Jurisdiction (ETJ);
3. Replacement of 16 linear feet or less, not to exceed more than one (1) time per calendar year.

5.6.3. Prohibited Fences and Walls

- A. Barbed Wire, Concertina Wire, and Above Ground Electrified Fences. Fences using barbed or concertina wire and above ground electrified fences shall be prohibited unless used in association with agricultural activities or allowed through an approved security plan (see Security Plan Fences and Walls). Underground electric fences designed for control of domestic animals are allowed.
- B. Debris, Junk, Rolled Plastic, Sheet Metal, Plywood, or Other Waste Materials. Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, pallets, or waste materials are prohibited unless such materials have been recycled and reprocessed for marketing to the general public as building materials that resemble new building materials (e.g., picket fencing made from recycled plastic and fiber).

5.6.4. Limited Fences and Walls Allowed in the Downtown District

To promote an integrated pattern of development and provide for frequent pedestrian connection, fences and walls in the Downtown District shall be limited to:

1. Fencing used for tree protection (refer to Section TBD, "Tree Protection, (PLACEHOLDER)");
2. Fences and walls used for required screening (refer to Section 5.3, "Perimeter Buffers," 5.4, "Landscaping," and the use-specific standards in Section 3.2.5, "Principal Use-Specific Standards," and Section 3.3.5, "Accessory Use-Specific Standards");
3. Decorative metal sectional fencing used to define outdoor dining areas;
4. Decorative metal sectional fencing used to define outdoor child play spaces; and
5. Fences required around swimming pools by the Building Code.

5.6.5. Temporary Fences

Temporary fences for construction sites or a similar purpose are exempt from this Section provided they comply with the requirements of the Building Code and all applicable standards of Section 3.4, "Temporary Uses and Structures."

5.6.6. General Requirements for Fences and Walls

- A. Location. Fences and walls are permitted along the perimeters of properties and within front, corner side, side, and rear yards except where expressly prohibited by this Ordinance, the Building Code, or other Town ordinances.

- B. Fences and Walls near Fire Hydrants. Fences and walls shall not be located where they would prevent immediate view of, or access to, fire hydrants or other fire-fighting water supply devices, in accordance with the Fire Prevention Code.
- C. Fences in Easements. Fences shall be prohibited within utility easements except to the extent approved by the Town Engineer as appropriate, after finding the fence would not impede the purpose or function of the easement, including access to the easement for maintenance purposes. The Town shall not be responsible for damage to, or the repair or replacement of, fences that must be removed to access such easements. Appropriate access gates may be required to allow maintenance of the easement.
- D. Blocking Natural Drainage Flow. No fence shall be installed so as to block or divert a natural drainage flow on to or off of any other land.
- E. Fences Around Swimming Pools. Fences and wall shall be provided around outdoor swimming pools in accordance with the Building Code's swimming pool barrier enclosure standards.

5.6.7. Height Requirements for Fences and Walls

- A. Applicability.
 - 1. General. Except where exempted by Subsection 2, fences or walls shall comply with the height limits in this Subsection. Fence or wall height is measured from natural grade. If a fence is constructed on top of a wall or berm, the combined height of the fence plus wall or berm shall not exceed the maximum height that would apply to the fence or wall alone.
 - 2. Exempt Required Screening. A fence or wall provided to meet the standards of Section 5.4, Landscaping, is exempt from the height standards of this Subsection.
 - 3. Exempt Recreational Fencing. Customary fencing provided as a part of a permitted tennis court, athletic field, or other recreational facility shall be exempt from the height restrictions of this Subsection.
- B. Fences and Walls Within Intersection Sight Distance Areas. The height of a fence or wall within an intersection sight distance triangle shall be limited as necessary to avoid obstructing sight visibility.
- C. Public Safety Use Fences and Walls. Major utilities, telecommunications towers, government facilities, and other public safety uses shall be allowed to increase maximum fence or wall heights to ten feet in front, corner side, side, and rear yards, unless further increased through an approved security plan—refer to Section 5.8.9, Security Plan Fences and Walls.
- D. Fences and Walls in Residential Base Districts. No solid fence or wall within a front yard shall exceed a height of four feet. No fence or wall within a corner side yard, side yard, or a rear yard shall exceed a height of eight feet.
- E. Fences and Walls in the Downtown District. Fences and walls in the Downtown District shall comply with the following standards.
 - 1. Fencing used to define outdoor dining areas shall not exceed a height of 3 ft. 6 inches.
 - 2. Fencing used to define outdoor child play spaces shall not exceed a height of six feet.

5.6.8. Appearance

- A. General. The following appearance standards shall apply to all fences and walls unless specifically stated otherwise.

B. Customary Materials. Except where otherwise provided in this Ordinance, fences shall be constructed of any combination of treated or composite wood posts and planks, rot-resistant wood (such as cypress or redwood), wrought iron, vinyl, or decorative metal materials. Walls shall be constructed of concrete, brick, stone, masonry materials, or products designed to resemble these materials. Where certain materials are specified for particular types of buffer or screening fences or walls, all other materials are prohibited.

C. Chain Link Fencing. Chain link fencing is allowed only:

1. In the Heavy Industrial District, as part of security fencing approved in accordance with Security Plan Fences and Walls provisions; or
2. In any district, around ball fields, telecommunications towers, pump stations, stormwater detention/retention ponds, and outdoor exercise runs associated with kennels—provided such fence is clad in vinyl.

D. Finished Side to Outside. Fences and walls located within 15 feet of a greenway, and fences and walls in a single-family attached, multifamily, or nonresidential development that are located within 15 feet of a public street right-of-way, shall have their "finished" side face the adjacent greenway or public street (refer to Figure, "Fence with Finished Side Out").

E. Compatibility of Materials Along a Single Lot Side. All fencing or wall segments located along a single lot side shall be composed of a uniform style and colors compatible with other parts of the fence and with any nearby primary buildings on the lot.

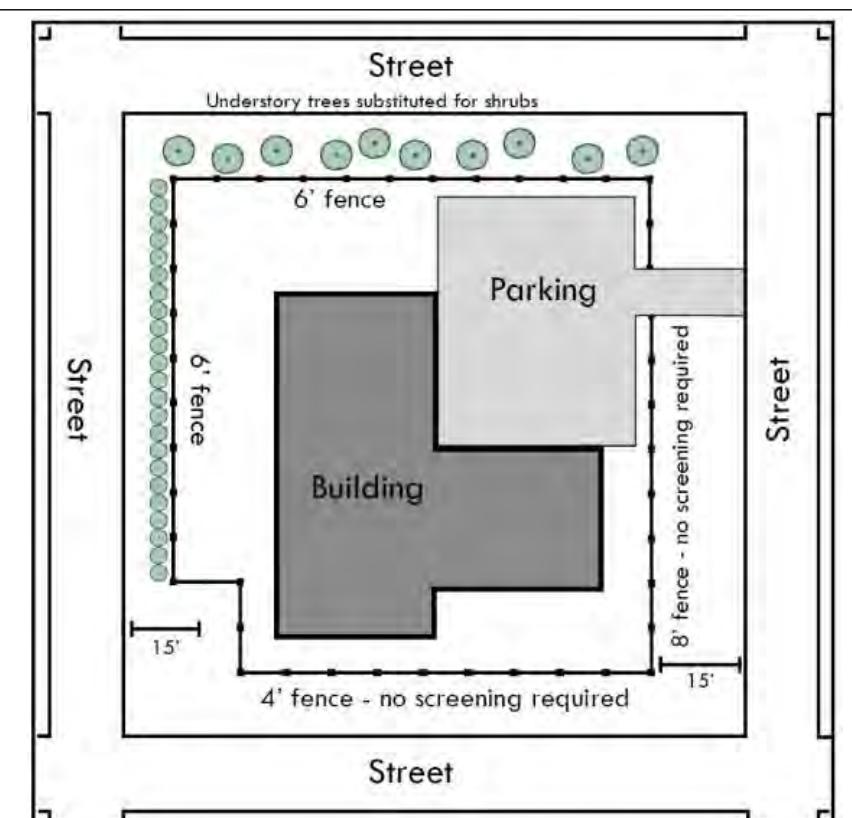
1. Fence and Wall Landscaping.

Except on lots containing single-family detached, duplex, or manufactured home dwellings, fences, and walls over four feet in height and located within 15 feet of a greenway or a street right-of-way or easement shall be supplemented with landscape screening to soften the visual impact of the fence, in accordance with the standards below (refer to Figure, "Fence and Wall Landscaping"). Evergreen shrubs shall be installed on the exterior side of the fence or wall at an average spacing of one per five linear feet of fence or wall length.

2. Shrubs shall meet the size standards of New Planting Standards, and may be installed in a staggered, clustered, grouped, or linear fashion.
3. One understory tree may be substituted for every three evergreen shrubs, provided the tree meets the size standards of New Planting Standards.



Fence with Finished Side Out.



Fence and Wall Landscaping.

4. Required fence and wall landscaping may be integrated into the plant materials provided to meet standards for perimeter or street yard buffers (refer to Section 5.3, Perimeter Buffers,) or vehicular use area screening (refer to Section 5.5.4, Screening of Off-Street Loading and Service Areas).

Section 5.7. Recommended and Invasive Plant Lists

5.7.1. Purpose & Applicability

The purpose of the following lists is to give developments a variety of species to select from in preparing landscaping plans. The list of invasive species will ensure that submitted landscaping plans do not contain said species.

A. Table of Recommended Plants

Scientific Name	Common Name	Native - N Native Cultivar - C Exotic - E	Mature Height	Mature Width	Sun Exposure	Evergreen - G	Drought Tolerant - D	Wet Soil Tolerant - W	Tough Urban Sites - U	Resistant to Deer - R	Edible - E
Large Trees (Height: > 50')											
<i>Acer rubrum</i>	Red Maple	N	40-120'	30-50'	●○			W		R	
<i>Acer rubrum 'Franksred'</i> and other cultivars	Red Sunset Maple	C	50-60'	35-40'	●○			W		R	
<i>Acer saccharum subsp. <i>floridanum</i></i>	Southern Sugar Maple	N	20-70'	20-30'	●●○			W		R	
<i>Aesculus flava</i>	Yellow Buckeye	N	40-60'	30-40'	●○					R	
<i>Betula nigra</i>	River Birch	N	40-90'	40-60'	●○			W		R	
<i>Betula nigra 'Dura Heat'</i>	Dura Heat River Birch	C	40-70'	40-60'	●○			W	U	R	
<i>Carpinus betulus</i>	European Hornbeam	E	40-60'	30-40'	●○		D		U		
<i>Carya glabra</i>	Pignut Hickory	N	60-80'	25-40'	●○		D			R	
<i>Carya illinoiensis</i>	Pecan Tree	N	70-100'	40-75'	●○		D	W			E
<i>Catalpa speciosa</i>	Northern Catalpa	N	40-70'	20-40'	●○		D	W			
<i>Celtis laevigata</i>	Sugar Hackberry	N	50-70'	30-60'	●○		D		U	R	
<i>Celtis occidentalis</i>	Hackberry	N	40-100'	40-60'	●●○		D	W	U		E
<i>Chamaecyparis obtusa</i>	Hinoki Falsecypress	E	50-75'	10-25'	●○	G					
<i>Chamaecyparis thyoides</i>	Altantic White Cedar	N	60-80'	30-40'	●○	G		W			
<i>Corylus colurna</i>	Turkish Filbert	E	40-80'	30-50'	●○		D		U		E
<i>Cryptomeria japonica</i>	Japanese Cedar	E	50-60'	20-30'	●○	G				R	

Scientific Name	Common Name	Native - N Native Cultivar - C Exotic - E	Mature Height	Mature Width	Sun Exposure	Evergreen - G	Drought Tolerant - D	Wet Soil Tolerant - W	Tough Urban Sites - U	Resistant to Deer - R	Edible - E
<i>Cupressus sempervirens</i> and other varieties	Italian Cypress	E	40-70'	3-6'	O	G	D		U		
<i>Diospyros virginiana</i>	Persimmon	N	30-80'	20-35'	OO		D				E
<i>Fagus grandifolia</i>	American Beech	N	60-80'	40-80'	OO					R	
<i>Ginkgo biloba</i> 'Autumn Gold' and other fruitless males only	Ginkgo	E	50-80'	30-40'	O		D		U	R	
<i>Gleditsia triacanthos</i>	Thornless Honeylocust	N	30-70'	30-50'	O		D		U	R	
<i>Gymnocladus dioicus</i>	Kentucky Coffeetree	N	60-75'	40-50'	O		D		U		
<i>Liquidambar styraciflua</i>	Sweetgum	N	60-100'	40-50'	OO		D	W	U	R	
<i>Liriodendron tulipifera</i>	Tulip Poplar	N	70-130'	30-60'	OO					R	
<i>Magnolia acuminata</i>	Cucumber Tree	N	50-80'	35-60'	OO						
<i>Magnolia grandiflora</i>	Southern Magnolia	N	60-80'	30-50'	OO	G			U	R	
<i>Nyssa Sylvatica</i>	Black Gum	N	30-100'	20-35'	OO		D	W	U	R	E
<i>Nyssa sylvatica</i> 'JFS-PN Legacy' and other cultivars	Gum Drop Black Gum	C	30'	20'	OO		D	W	U	R	E
<i>Pinus sylvestris</i>	Scotch Pine	E	30-70'	20-35'	O	G			U	R	
<i>Pinus taeda</i>	Loblolly Pine	N	60-90'	20-40'	O	G	D	W	U	R	
<i>Platanus occidentalis</i>	Sycamore	N	75-110'	75-100'	OO		D	W	U	R	
<i>Platanus x acerifolia</i>	London Planetree	E	75-100'	60-75'	O				U	R	
<i>Prunus serotina</i>	Black Cherry	N	60-80'	30-60'	O					R	
<i>Quercus alba</i>	White Oak	N	50-135'	50-80'	OO		D			R	
<i>Quercus coccinea</i>	Scarlet Oak	N	50-80'	45-78'	OO		D			R	
<i>Quercus falcata</i>	Southern Red Oak	N	60-100'	50-60'	OO		D			R	
<i>Quercus imbricaria</i>	Shingle Oak	N	50-70'	50-60'	OO		D	W		R	
<i>Quercus laurifolia</i>	Laurel Oak	N	40-60'	30-40'	OO			W			
<i>Quercus macrocarpa</i>	Bur Oak	N	70-80'	70-80'	OO		D			R	
<i>Quercus montana</i>	Chestnut Oak	N	50-70'	50-70'	OO		D			R	
<i>Quercus nigra</i>	Water Oak	N	50-100'	35-60'	OO			W		R	

Scientific Name	Common Name	Native - N Native Cultivar - C Exotic - E	Mature Height	Mature Width	Sun Exposure	Evergreen - G	Drought Tolerant - D	Wet Soil Tolerant - W	Tough Urban Sites - U	Resistant to Deer - R	Edible - E
<i>Quercus pagoda</i>	Cherrybark Oak	N	90-130'	30-70'	●○				R		
<i>Quercus palustris</i>	Pin Oak	N	70-90'	40-50'	●○			W		R	
<i>Quercus phellos</i>	Willow Oak	N	50-80'	30-40'	●○			W	U	R	
<i>Quercus rubra</i>	Northern Red Oak	N	60-90'	60-75'	●○		D			R	
<i>Robinia pseudoacacia</i>	Black Locust	N	50-70'	20-35'	●○		D		U		
<i>Sassafras albidum</i>	Sassafras	N	40-70'	25-40'	●○		D			R	
<i>Styphnolobium japonicum</i>	Japanese Pagoda Tree	E	50-75'	50-75'	●○		D		U	R	
<i>Taxodium distichum</i>	Baldcypress	N	50-100'	15-40'	●○		W	U	R		
<i>Tilia americana</i>	American Basswood, Linden	N	50-80'	30-50'	●○		D				
<i>Ulmus americana 'Lewis & Clark'</i>	Prairie Expedition® American Elm	C	55-60'	35-40'	●○		D		U	R	
<i>Zelkova serrata</i>	Japanese Zelkova	E	50-80'	50-80'	●○		D		U		
Medium Trees (Height: 30-50')											
<i>Acer buergerianum</i>	Trident Maple	E	25-35'	20-30'	○		D		U		
<i>Aesculus x carnea</i>	Red Horsechestnut	E	30-40'	25-35'	●○					R	
<i>Castanea mollissima</i>	Chinese Chestnut	E	35-40'	40-50'	○		D				E
<i>Cedrus deodara</i>	Deodar Cedar	E	30-50'	30-40'	●○	G	D		U	R	
<i>Celtis occidentalis 'Prairie Sentinel'</i>	Prairie Sentinel® Hackberry	C	36-42'	9-12'	●○		D		U	R	
<i>Cladrastis kentukea</i>	Yellowwood	N	30-45'	40-45'	●○		D				
<i>Hesperocyparis arizonica</i>	Arizona Cypress	E	40-60'	15-20'	○	G	D		U	R	
<i>Ilex opaca</i>	American Holly	N	40-60'	10-20'	●●○	G				R	
<i>Ilex opaca</i> cultivars	American Holly	C	40-60'	10-20'	●●○	G				R	
<i>Juniperus virginiana</i>	Eastern Red Cedar	N	30-40'	10-20'	●○	G	D		U	R	
<i>Koelreuteria paniculata</i>	Golden Raintree	E	30-40'	15-35'	●○		D		U	R	
<i>Parrotia persica</i>	Persian Ironwood	W	20-40'	15-30'	●○						
<i>Pistacia chinensis</i>	Chinese Pistache	E	25-40'	25-35'	○		D		U		
<i>Prunus x yedoensis</i>	Yoshino Cherry	E	30-40'	20-50'	●○		D		U		
<i>Quercus stellata</i>	Post Oak	N	40-50'	35-50'	○		D		U	R	

Scientific Name	Common Name	Native - N Native Cultivar - C Exotic - E	Mature Height	Mature Width	Sun Exposure	Evergreen - G	Drought Tolerant - D	Wet Soil Tolerant - W	Tough Urban Sites - U	Resistant to Deer - R	Edible - E
<i>Thuja occidentalis</i>	American Arborvitae	N	40-60'	10-15'	●○	G		W			
<i>Ulmus parvifolia</i>	Chinese Elm	E	40-60'	50-60'	●○		D		U		
Small Trees (Height: < 30')											
<i>Acer griseum</i>	Paperbark Maple	E	20-30'	15-25'	●○						
<i>Acer leucoderme</i>	Chalk Maple	N	20-30'	15-25'	●●○		D		U		
<i>Acer palmatum</i> varieties and cultivars	Japanese Maple	E	15-25'	10-25'	●●					R	
<i>Aesculus pavia</i>	Red Buckeye	N	15-25'	10-20'	●			W		R	
<i>Alnus serrulata</i>	Tag Alder	N	10-15'	8-15'	●○		D	W	U		
<i>Amelanchier</i>	Common Serviceberry	N	15-25'	15-25'	●●○						E
<i>Amelanchier x grandiflora</i>	Apple Serviceberry	C	15-25'	15-25'	●○					R	E
<i>Amelanchier arborea</i>	Downy Serviceberry	N	15-25'	10-15'	●○			W		R	E
<i>Asimina triloba</i>	Pawpaw	N	15-30'	15-30'	●●○					R	E
<i>Carpinus caroliniana</i>	American Hornbeam	N	20-30'	20-30'	●●			W			
<i>Castanea pumila</i>	Chinquapin	N	15-30'	10-20'	●○		D				E
<i>Cercis canadensis</i>	Eastern Redbud	N	20-30'	25-35'	●○					R	
<i>Cercis canadensis</i> cultivars	Redbud	C	20-30'	25-35'	●○					R	
<i>Chamaecyparis pisifera</i>	Japanese Falsecypress	E	20-30'	10-20'	●●○	G	D				
<i>Chionanthus retusus</i>	Chinese Fringetree	E	18-35'	10-25'	●○						
<i>Chionanthus virginicus</i>	American Fringetree	N	12-30'	12-20'	●○		D		U	R	
<i>Cornus alternifolia</i>	Pagoda Dogwood	N	15-25'	20-32'	●○					R	
<i>Cornus florida</i>	Flowering Dogwood	N	15-25'	15-30'	●○					R	
<i>Cornus florida</i> cultivars	Flowering Dogwood	C	15-25'	15-30'	●○					R	
<i>Cornus kousa</i>	Kousa Dogwood	E	20-30'	15-20'	●○					R	
<i>Cornus mas</i>	Cornelian Cherry Dogwood	E	20-25'	15-20'	●○					R	
<i>Cotinus coggygria</i>	Smoketree, Smokebush	E	10-15'	10-15'	○		D			R	
<i>Crataegus phaenopyrum</i>	Washington Hawthorn	N	25-30'	20-25'	●○		D		U	R	
<i>Crataegus viridis</i>	Green Hawthorn	N	20-35'	20-35'	○		D				

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<i>Crataegus viridis 'Winter King'</i>	Winter King Hawthorn	C	20-35'	20-35'	O		D				
<i>Euscaphis japonica</i>	Korean Sweetheart Tree	E	12-20'	10-15'	OO		D				
<i>Halesia carolina</i>	Carolina Silverbell	N	10-40'	25-35'	OO						
<i>Hamamelis virginiana</i>	Common Witchhazel	N	15-30'	15-20'	OO					R	
<i>Ilex x attenuata 'Fosteri'</i>	Foster's Holly	N	20-30'	10-20'	OO	G				R	
<i>Lagerstroemia indica</i>	Crapemyrtle	E	8-40'	15-25'	O		D		U	R	
<i>Magnolia tripetala</i>	Umbrella magnolia	N	15-40'	15-30'	OO						
<i>Magnolia virginiana</i>	Sweetbay Magnolia	N	10-20'	10-20'	OO	G		W		R	
<i>Magnolia soulangeana</i>	Saucer Magnolia	E	15-33'	15-25'	OO					R	
<i>Magnolia stellata</i>	Star Magnolia	E	15-24'	10-15'	OO						
<i>Malus hybrids</i>	Crabapple	E	15-26'	10-20'	O						E
<i>Ostrya virginiana</i>	Hop-Hornbeam	N	20-30'	10-15'	●OO		D		U	R	
<i>Oxydendrum arboreum</i>	Sourwood	N	20-30'	10-15'	●OO		D			R	
<i>Prunus Americana</i>	American Plum	N	10-20'	15-25'	OO						E
<i>Prunus caroliniana</i>	Carolina Cherry Laurel	N	15-35'	15-20'	OO	G	D			R	
<i>Prunus mume</i>	Flowering Apricot	E	10-20'	10-20'	O						
<i>Prunus virginiana</i>	Choke Cherry	N	20-30'	18-25'	O						
<i>Ptelea trifoliata</i>	Hoptree	N	15-20'	10-20'	OO		D				
<i>Stewartia ovata</i>	Mountain Stewartia	N	10-15'	10-15'	OO						
<i>Styrax japonicus</i>	Japanese Snowbell	E	20-30'	20-30'	OO						
<i>Syringa reticulata</i>	Japanese Tree Lilac	E	20-30'	15-20'	O				U	R	
Large Shrubs (Height: 10-20')											
<i>Aralia spinosa</i>	Devil's Walkingstick	N	10-35'	6-10'	OO		D		U	R	
<i>Camellia japonica</i>	Japanese Camellia	E	10-13'	5-10'	●	G				R	
<i>Chamaecyparis thyoides 'Rubicon'</i> and other cultivars	Rubicon White Cedar	C	15-25'	4-12'	OO	G		W		R	
<i>Clethra acuminata</i>	Cinnamonbark	N	8-20'	4-6'	●OO					R	
<i>Cleyera japonica</i>	Japanese Cleyera	E	10-15'	8-10'	OO	G	D				

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<i>Corylus americana</i>	Hazelnut	N	9-12'	8-13'	●○○						E
<i>Hesperocyparis arizonica</i> 'Limelight' and other cultivars	Yellow Arizona Cypress	C	15-20'	4-5'	○	G	D		U	R	
<i>Hamamelis virginiana</i>	Witchhazel	N	15-30'	15-20'	○○					R	
<i>Ilex cornuta</i> 'Needlepoint' Holly	Needlepoint Holly	E	15-20'	10-20'	○○	G	D		U	R	
<i>Ilex cornuta</i> 'Sizzler'	Sizzler Holly	E	10-15'	10-15'	○○	G	D		U	R	
<i>Ilex decidua</i>	Possumhaw	N	7-15'	5-12'	○○			W			
<i>Ilex latifolia</i>	Lusterleaf Holly	E	20-23'	7-12'	○○	G	D			R	
<i>Ilex x</i> 'Mary Nell'	Mary Nell Holly	E	10-25'	5-10'	○○	G	D			R	
<i>Ilex x</i> 'Nellie R. Stevens'	Nellie Stevens Holly	E	15-25'	8-15'	○○	G	D		U	R	
<i>Ilex verticillata</i>	Winterberry Holly	N	3-15'	3-12'	●○○			W		R	
<i>Ilex vomitoria</i>	Yaupon Holly	N	10-20'	8-12'	●○○	G	D	W	U	R	
<i>Ilex vomitoria pendula</i>	Weeping Yaupon Holly	N	15-30'	6-12'	○○	G	D	W	U	R	
<i>Juniperus scopulorum</i> 'Blue Arrow'	Blue Arrow Juniper	N	12-15'	2'	○	G	D		U	R	
<i>Juniperus scopulorum</i> 'Skyrocket'	Skyrocket Juniper	N	15-30'	6-8'	○	G	D		U	R	
<i>Juniperus chinensis</i> 'Torulosa'	Hollywood Juniper	E	10-15'	6-15'	○	G	D			R	
<i>Kalmia latifolia</i>	Mountain Laurel	N	4-15'	4-8'	○○	G				R	
<i>Lindera benzoin</i>	Spicebush	N	8-15'	6-15'	●		D	W	U		E
<i>Myrica cerifera</i>	Wax Myrtle, Bayberry	N	20-25'	8-10'	○○	G	D	W	U	R	
<i>Osmanthus fragrans</i>	Fragrant Tea Olive	E	10-20'	10-14'	●	G	D			R	
<i>Osmanthus heterophyllus</i>	Holly Leaf Tea Olive	E	6-21'	5-10'	○○	G	D		U	R	
<i>Podocarpus macrophyllus</i>	Chinese Podocarpus	E	15-50'	6-8'	○○	G	D			R	
<i>Rhus copallina</i>	Flameleaf Sumac	N	7-15'	10-20'	○○		D				
<i>Rhus glabra</i>	Smooth Sumac	N	9-15'	9-15'	○○		D				
<i>Thuja occidentalis</i> 'Degroot's Spire'	Degroot's Spire Arborvitae	C	15-30'	4-5'	○○	G					
<i>Vaccinium virgatum</i>	Rabbiteye Blueberry	N	10-15'	6-8'	○○			W			E
<i>Viburnum rufidulum</i>	Blackhawk Viburnum	N	10-20'	10-20'	○○		D			R	

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Medium Shrubs (Height: 6-10')											
<i>Aronia arbutifolia</i>	Red Chokeberry	N	6-10'	3-5'	●○		D	W			
<i>Aesculus parviflora</i>	Bottlebrush Buckeye	N	6-10'	8-15'	●○		D		U	R	
<i>Aucuba japonica</i>	Japanese Aucuba	E	6-10'	4-6'	●●	G	D				
<i>Calycanthus floridus</i>	Sweetshrub, Carolina Allspice, Bubby Bush	N	6-12'	6-12'	●●○					R	
<i>Camellia sasanqua</i>	Sasanqua Camellia	E	6-14'	5-7'	●●	G	D			R	
<i>Cephalanthus occidentalis</i>	Buttonbush	N	5-8'	3-6'	●○			W		R	
<i>Cephalotaxus harringtonia</i>	Japanese Plum Yew	E	5-10'	5-14'	●●	G	D			R	
<i>Chaenomeles speciosa</i>	Flowering Quince	N	6-10'	6-10'	●○						E
<i>Clethra alnifolia</i>	Sweet Pepperbush	N	5-10'	4-6'	●●○			W		R	
<i>Cornus amomum</i>	Silky Dogwood	N	6-12'	6-12'	●●○			W		R	
<i>Cornus sericea</i>	Red Twig Dogwood	N	5-9'	5-10'	●○		D	W		R	
<i>Ficus carica</i>	Fig	E	7-10'	6-10'	●○						E
<i>Forsythia x intermedia</i>	Forsythia	E	8-10'	10-12'	●○						
<i>Fothergilla latifolia</i>	Large Fothergilla	N	6-12'	6-10'	●			W			
<i>Hydrangea quercifolia</i>	Oakleaf Hydrangea	N	4-8'	4-10'	●○		D				
<i>Ilex crenata 'Soft Touch' and other cultivars</i>	Japanese Holly	E	2-3'	2-3'	○					R	
<i>Ilex crenata 'Sky Pencil'</i>	Sky Pencil Holly	E	4-10'	1-3'	●○	G					
<i>Ilex glabra</i>	Inkberry Holly	N	5-10'	5-8'	●○	G		W		R	
<i>Illicium floridanum</i>	Florida Anise Tree	N	6-10'	6-8'	●●	G		W		R	
<i>Illicium</i> cultivars	Anise Tree	C	6-10'	6-8'	●●	G		W		R	
<i>Itea virginica</i>	Virginia Sweetspire	N	4-8'	3-6'	●		D	W		R	
<i>Juniperus communis</i>	Common Juniper	N	5-10'	8-12'	○	G	D		U	R	
<i>Linnaea x grandiflora</i> and cultivars	Glossy Abelia	E	2-8'	3-6'	●○	G	D		U	R	
<i>Loropetalum chinensis</i> cultivars	Loropetalum	E	6-10'	6-10'	●○	G				R	
<i>Osmanthus heterophyllus</i> 'Goshiki'	Varigated False Holly	E	5-10'	4-8'	●○	G				R	
<i>Philadelphus inodorus</i>	Mock Orange	N	3-10'	4-6'	●○		D				

Chapter 6. Development Standards

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<i>Pieris japonica</i>	Japanese Pieris	E	9-13'	4-8'	●○	G				R	
<i>Rhododendron austrinum</i>	Florida Azalea	N	8-10'	8-10'	●		D				
<i>Rhododendron catawbiense</i>	Mountain Rosebay	N	6-10'	8-10'	●●○	G				R	
<i>Rhododendron maximum</i>	Rosebay Rhododendron	N	5-15'	5-12'	●●○	G				R	
<i>Rhododendron periclymenoides</i>	Pinxterbloom Azalea	N	4-10'	4-5'	●○		D				
<i>Salix sericea</i>	Silky Willow	N	6-13'	4-12'	●●○			W			
<i>Sambucus canadensis</i>	Elderberry	N	9-12'	6-12'	●○		D	W			E
<i>Vaccinium corymbosum</i>	Highbush Blueberry	N	3-12'	3-10'	●○			W			E
<i>Vaccinium stamineum</i>	Deerberry	N	5-15'	6-12'	●○		D				
<i>Viburnum cassinoides</i>	Blue Haw Viburnum	N	5-10'	5-8'	●○			W		R	
<i>Viburnum dentatum</i>	Arrowwood Viburnum	N	5-10'	6-10'	●○					R	
<i>Viburnum lantanoides</i>	Hobblebush	N	3-10'	6-12'	●					R	
<i>Viburnum nudum</i>	Possumhaw Viburnum	N	5-12'	5-12'	●○			W	U		
<i>Viburnum tinus 'Spring Bouquet' and other cultivars</i>	Spring Bouquet Tinus Viburnum	E	5-6'	5-6'	●○	G	D			R	
<i>Weigela florida</i>	Weigela	E	6-10'	6-12'	●○					R	
Small Shrubs (Height: 1-5')											
<i>Aronia melanocarpa</i>	Black Chokeberry	N	3-6'	3-6'	●○		D	W			
<i>Buddleja Lo & Behold® cultivars only</i>	Dwarf Butterfly Bush	E	1-2.5'	2-2.5'	○		D		U	R	
<i>Buxus microphylla</i>	Littleleaf Boxwood	E	3-4'	3-4'	●○	G				R	
<i>Buxus sinica</i>	Korean Boxwood	E	2-10'	4-20'	●○	G	D			R	
<i>Buxus sempervirens 'Suffruticosa'</i>	English Boxwood	E	2-3'	2-4'	●	G				R	
<i>Callicarpa americana</i>	American Beautyberry	N	3-8'	3-6'	●○						E
<i>Callicarpa americana</i> cultivars	American Beautyberry	C	3-8'	3-6'	●○						E
<i>Callicarpa dichotoma 'Issai' and other cultivars</i>	Purple Beautyberry	E	2-4'	2-4'	●○		D			R	
<i>Caryopteris x clandonensis</i>	Bluebeard	E	2-3'	2-3'	○		D			R	

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<i>Ceanothus americanus</i>	New Jersey Tea	N	2-3'	3-5'	●○		D		U		E
<i>Cephalotaxus harringtonia 'Prostrata'</i>	Prostate Plum Yew	E	2-6'	2-6'	●●	G	D			R	
<i>Daphne odora</i>	Fragrant Daphne	E	3-6'	2-4'	●○	G					
<i>Deutzia gracilis</i>	Slender Deutzia	E	2-5'	3-4'	●○		D		U	R	
<i>Diervilla sessilifolia</i>	Bush Honeysuckle	N	3-5'	3-5'	●○		D			R	
<i>Distylium</i>	Winter-hazel	E	2-10'	3-8'	●○	G	D	W			
<i>Edgeworthia chrysanthia</i>	Paper Bush	E	4-6'	4-6'	●○						
<i>Euonymus</i>	Strawberry Bush, Hearts-a-bustin'	E	4-6'	4-6'	●○		D				
<i>Fothergilla gardenii</i>	Dwarf Fothergilla	N	3-6'	2-6'	●○			W		R	
<i>Gardenia jasminoides</i>	Cape Jasmine Gardenia	E	4-8'	4-8'	●○	G	D			R	
<i>Hydrangea arborescens</i>	Smooth Hydrangea	N	3-5'	3-5'	●●					R	
<i>Hydrangea arborescens 'Annabelle' and other cultivars</i>	Annabelle Hydrangea	C	3-5'	3-5'	●●					R	
<i>Hydrangea macrophylla</i>	Bigleaf Hydrangea	E	3-6'	3-6'	●●						
<i>Hypericum densiflorum</i>	Bushy St. John's Wort	N	2-7'	3-6'	●○		D				
<i>Hypericum frondosum</i>	St. John's Wort	N	3-4'	3-4'	●○		D				
<i>Hypericum prolificum</i>	Shrubby St. Johnswort	N	1-5'	1-5'	●○		D		U		
<i>Ilex crenata 'Compacta'</i>											
<i>Ilex cornuta 'Carissa' and other cultivars</i>	Carissa Holly	E	3-4'	4-6'	●○	G	D		U	R	
<i>Ilex glabra 'Shamrock' and other cultivars</i>	Shamrock Inkberry Holly	C	3-5'	4-5'	●○	G		W		R	
<i>Ilex vomitoria 'Nana'</i>	Dwarf Yaupon Holly	C	3-5'	3-6'	●○	G	D		U	R	
<i>Itea virginica 'Henry's Garnet'</i>	Henry's Garnet Sweetspire	C	3-5'	3-6'	●○			W			
<i>Itea virginica 'Little Henry'</i>	Little Henry Sweetspire	C	2-3'	2-3'	●○			W			
<i>Jasminum nudiflorum</i>	Winter Jasmine	E	3-4'	4-7'	●○		D			R	
<i>Lavandula x intermedia</i>	French Lavender	E	2-3'	2-3'	○	G	D			R	E
<i>Lavandula stoechas</i>	Spanish Lavendar	E	1-1.5'	1.5-2'	○	G	D			R	E
<i>Leucothoe axillaris</i>	Leucothoe, doghobble	N	2-4'	3-6'	●●	G				R	

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<i>Myrica cerifera</i> var. <i>pumila</i> and other dwarf varieties	Dwarf Wax Myrtle	N	4-6'	4-6'	●○○	G				R	
<i>Nandina domestica</i> (dwarf, non-berried or sterile cultivars only)	Heavenly Bamboo	E	2-4'	3-5'	○○	G				R	
<i>Osmanthus heterophyllus</i> 'Rotundifolius'	Roundleaf Osmanthus	E	4-5'	4-5'	○○	G	D			R	
<i>Prunus laurocerasus</i> 'Otto Luyken'	Otto Luyken Cherry Laurel	E	3-4'	6-8'	●○	G	D		U		
<i>Rhododendron Encore®</i> and other dwarf cultivars	Azalea	C	2-5'	3-4'	○○						
<i>Rhododendron minus</i>	Carolina Rhododendron	N	3-6'	3-6'	●○	G				R	
<i>Rosa carolina</i>	Carolina Rose	N	3-6'	5-10'	○○						
<i>Rosa hybrida</i>	Knock out Rose	C	3-10'	3-10'	○○						
<i>Rosa palustris</i>	Swamp Rose	N	3-6'	3-6'	○○						
<i>Salvia rosmarinus</i>	Rosemary	E	2-6'	3-4'	○○	G	D			R	E
<i>Sarcococca hookeriana</i> var. <i>humilis</i>	Sweetbox	E	1-3'	2-3'	●○	G				R	
<i>Spiraea japonica</i>	Japanese Spirea	E	4-6'	4-7'	○○		D				
<i>Spiraea tomentosa</i>	Steeplebush	N	2-4'	3-5'	○			W		R	
<i>Spiraea x bumalda</i>	Bumald Spiraea	E	2-3'	3-5'	○		D			R	
<i>Symporicarpos</i> <i>orbiculatus</i>	Coralberry	N	2-4'	3-6'	●○○		D				
<i>Vaccinium pallidum</i>	Lowbush Blueberry	N	2-3'	2-3'	●○		D				
<i>Viburnum acerifolium</i>	Mapleleaf Viburnum	N	4-6'	2-6'	○					R	
<i>Viburnum obovatum</i> 'Mrs. Schiller's Delight'	Mrs. Schiller's Delight Viburnum	C	3-5'	3-5'	○○	G	D	W	U	R	
<i>Viburnum obovatum</i> 'Raulston Hardy'	Raulston's Hardy Viburnum	C	3-4'	3-4'	○○	G	D	W	U	R	
<i>Xanthorhiza simplicissima</i>	Yellowroot	N	2-3'	6-10'	○					R	
<i>Yucca filamentosa</i>	Adam's Needle Yucca	N	3-8'	3-5'	○○	G	D		U	R	E
Vines											
<i>Actinidia arguta</i> 'Issai'	Issai Hardy Kiwi	E	12-20'	3-5'	○○						E
<i>Aristolochia macrophylla</i>	Dutchman's Pipe	N	15-40'	15-20'	○○					R	

Scientific Name	Common Name	Native - N Native Cultivar - C Exotic - E	Mature Height	Mature Width	Sun Exposure	Evergreen - G	Drought Tolerant - D	Wet Soil Tolerant - W	Tough Urban Sites - U	Resistant to Deer - R	Edible - E
<i>Bignonia capreolata</i>	Crossvine, Trumpet Flower	N	30-50'	6-9'	●○○	G	D		U		
<i>Bignonia capreolata</i> 'Tangerine Beauty'	Tangerine Beauty Crossvine	C	30-50'	6-9'	●○○	G	D		U		
<i>Campsis radicans</i>	Trumpet Vine	N	30-40'	4-10'	○○		D		U	R	
<i>Clematis armandii</i>	Armand Clematis	E	15-30'	10-15'	○○	G				R	
<i>Clematis virginiana</i>	Woodbine	N	15-20'	3-6'	●○○					R	
<i>Ficus pumila</i>	Climbing Fig	E	8-15'	3-6'	○○	G	D			R	
<i>Gelsemium sempervirens</i>	Carolina Jasmine, Yellow Jessamine	N	10-20'	20-30'	○○	G				R	
<i>Hydrangea anomala</i>	Japanese Climbing Hydrangea	E	30-60'	5-6'	●○		D				
<i>Hydrangea barbara</i>	Climbing Hydrangea	N	12-36'	1-3'	●○○			W		R	
<i>Lonicera sempervirens</i>	Coral Honeysuckle	N	10-20'	3-6'	○○	G				R	
<i>Lonicera sempervirens</i> 'John Clayton'	John Clayton Coral Honeysuckle	C	10-20'	3-6'	○○	G				R	
<i>Parthenocissus quinquefolia</i>	Virginia Creeper	N	30-50'	5-10'	●○○		D		U	R	
<i>Passiflora incarnata</i>	Passion Flower	N	6-8'	3-6'	○○		D			R	E
<i>Rosa banksiae</i> 'Lutea'	Lady Banks' Rose	E	15-20'	6-10'	○					R	
<i>Trachelospermum asiaticum</i>	Yellow Star Jasmine	E	1-2'	10-12'	●○○	G	D			R	
<i>Trachelospermum jasminoides</i>	Confederate Jasmine	E	20'	4-5'	○○	G				R	
<i>Vitis rotundifolia</i>	Muscadine Grape	N	60-80'		○○						E
Grasses											
<i>Acorus calamus</i>	Sweet Flag	E	24-30"	18-24"	●○○	G		W		R	
<i>Acorus gramineus</i>	Grassy-leaved Sweet Flag	E	6-12"	6-12"	○○	G		W		R	
<i>Andropogon gerardii</i>	Big Bluestem	N	4-8'	2-3'	○		D		U	R	
<i>Andropogon virginicus</i>	Beard Grass	N	2-4'	1-2'	○○		D		U	R	
<i>Arundinaria gigantea</i>	River Cane, Switchcane	N	4-25'	8-25'	●○○	G		W		R	
<i>Calamagrostis x acutiflora</i> 'Karl Foerster'	Karl Foerster Feather Reed Grass	E	3-5'	1-3'	○○		D	W	U	R	

Scientific Name	Common Name	Native - N Native Cultivar - C Exotic - E	Mature Height	Mature Width	Sun Exposure	Evergreen - G	Drought Tolerant - D	Wet Soil Tolerant - W	Tough Urban Sites - U	Resistant to Deer - R	Edible - E
<i>Carex cherokeensis</i>	Cherokee Sedge	N	12-24"	12-18"	●○			W		R	
<i>Carex pensylvanica</i>	Pennsylvanica Sedge	N	1-8"	1-12"	●●○		D	W	U	R	
<i>Carex plantaginea</i>	Broad-Leaved Sedge	N	6-36"	10-12"	●●			W			
<i>Cenchrus alopecuroides</i>	Fountain Grass	E	2-4'	2-4'	●○					R	
<i>Cenchrus alopecuroides</i> 'Hameln' and other cultivars	Hameln Fountain Grass	E	2-3'	2-3'	●○		D	W	U	R	
<i>Chasmanthium latifolium</i>	River Oats	N	2-5'	1-2.5'	●		D	W	U	R	
<i>Elmus hystrix</i>	Bottle Brush Grass	N	2-4'	1-2'	●●		D				
<i>Iris cristata</i>	Dwarf Crested Iris	N	6-9"	6-12"	●○		D			R	
<i>Juncus effusus</i>	Common Rush	N	1-3'	1-3'	○	G		W			
<i>Juncus effusus</i> 'Spiralis'	Corkscrew Rush	C	12-18"	12-18"	●○	G		W			
<i>Mitchella repens</i>	Partridgeberry	N	1-3"	12-16"	●●○	G	D			R	
<i>Muhlenbergia capillaris</i>	Pink Muhly Grass	N	1-3'	16-36"	○		D		U	R	
<i>Nassella tenuissima</i>	Mexican Feather Grass	N	1-2'	1-2'	●○		D		U	R	
<i>Panicum virgatum</i>	Switchgrass	N	3-7'	2-3'	●○		D	W	U	R	
<i>Panicum virgatum</i> 'Heavy Metal' and other cultivars	Heavy Metal Switchgrass	C	4-5'	1-2'	○		D	W	U	R	
<i>Schizachyrium scoparium</i>	Little Bluestem	N	1-4'	18-24"	○		D		U	R	
<i>Sisyrinchium angustifolium</i>	Blue-Eyed Grass	N	18-24"	6-12"	●○						
<i>Sorghastrum nutans</i>	Indiangrass	N	5-7'	1-2'	○		D			R	
Groundcovers											
<i>Ajuga reptans</i> cultivars	Bugleweed, ajuga	E	6"-12"	6-12"	●●○	G				R	
<i>Antennaria plantaginifolia</i>	Pussytoes	N	4-6"	12-24"	●○	G	D				
<i>Asarum arifolium</i>	Arrowhead Wild Ginger	N	4-6"	12-24"	●	G	D			R	
<i>Asarum canadense</i>	Wild Ginger	N	4-6"	6-12"	●●	G		W		R	
<i>Chrysogonium virginianum</i>	Green and Gold	N	1-2"	12-24"	●●	G				R	
<i>Fragaria virginiana</i>	Wild Strawberry	N	3-9"	12-24"	●○		D			R	E

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<i>Gaultheria procumbens</i>	Wintergreen	N	4-8"	6-12"	●○	G	D				E
<i>Iberis sempervirens</i>	Candytuft	E	9-18"	1.5'	○	G	D			R	
<i>Liriope muscari</i>	Liriope, Liliy turf	E	1-1.5'	1-1.5'	●○○	G	D		U	R	
<i>Ophiopogon japonicus 'Nana'</i>	Dwarf Mondo Grass	E	3-6"	4-6"	○	G				R	
<i>Pachysandra procumbens</i>	Allegheny Spurge	N	6-12"	12-24"	●○	G	D				
<i>Phlox stolonifera</i>	Creeping Phlox	N	6-12"	9-18"	○○	G	D		U	R	
<i>Rubus hayata-koidzumii 'Emerald Carpet'</i>	Emerald Carpet Creeping Raspberry	E	9-12"	3-5'	○○	G	D			R	
<i>Salvia lyrata</i>	Lyreleaf Sage	N	12-24"	6-12"	●○○		D	W	U	R	
<i>Stachys byzantina</i>	Lamb's Ear	E	12-18"	12-18"	○○	G	D		U	R	
<i>Thymus pulegioides 'Foxley' and other cultivars</i>	Broad-Leaved Thyme	E	8-12"	16-36"	○	G	D			R	E
<i>Thymus vulgaris</i> cultivars	Common Thyme	E	12"	1.5'	○	G	D			R	E
Ferns											
<i>Athyrium asplenioides</i>	Southern Lady Fern	N	2-3'	2-3'	●○					R	
<i>Hemionitis lanosa</i>	Hairy Lipfern	N	6-12"	15-18"	○○		D			R	
<i>Osmunda regalis</i>	Royal Fern	N	5-6'	2-3'	●○			W		R	
<i>Osmundastrum cinnamomea</i>	Cinnamon Fern	N	2-6'	2-4'	●○			W		R	
<i>Polystichum acrostichoides</i>	Christmas Fern	N	1-3'	1-3'	●○	G				R	
Perennials											
<i>Achillea</i>	Yarrow	E	2-3'	2-3'	○○		D			R	
<i>Achillea filipendulina 'Coronation Gold' and other cultivars</i>	Fernleaf Yarrow	E	3-4'	2-3'	○		D		U	R	
<i>Agastache 'Blue Fortune' and other cultivars</i>	Hummingbird Mint	E	2-3'	18-24"	○		D			R	
<i>Allium 'Millenium'</i>	Millenium Allium	E	15-20"	10-15"	○○		D		U	R	
<i>Allium schoenoprasum</i>	Chives	E	12-18"	12-18"	○○	G	D			R	E
<i>Ampelaster carolinianus</i>	Climbing Aster	N	6-12'	3-6'	○○		D	W		R	

Chapter 6. Development Standards

Scientific Name	Common Name	Native - N Native Cultivar - C Exotic - E	Mature Height	Mature Width	Sun Exposure	Evergreen - G	Drought Tolerant - D	Wet Soil Tolerant - W	Tough Urban Sites - U	Resistant to Deer - R	Edible - E
<i>Amsonia hubrichtii</i>	Threadleaf Blue Star	N	2-3'	2-3'	●○					R	
<i>Amsonia tabernaemontana 'Blue Ice' and other cultivars</i>	Blue Ice Blue Star	C	12-18"	12-24"	●○		D			R	
<i>Asclepias incarnata</i>	Swamp Milkweed	N	3-5'	2-3'	●○			W		R	
<i>Asclepias tuberosa</i>	Butterfly Weed	N	12-24"	12-18"	●○		D			R	
<i>Baptisia</i>	Wild Indigo	N	3-4'	3-4'	●○		D		U	R	
<i>Baptisia 'Cherries Jubilee' and other cultivars</i>	Cherries Jubilee False Indigo	C	2-3'	1-3'	●○		D		U	R	
<i>Coreopsis auriculata</i>	Mouse-Eared Coreopsis	N	12-24"	12-18"	●○		D			R	
<i>Coreopsis verticillata</i>	Threadleaf Coreopsis	N	2.5-3'	1.5-2'	●○		D		U	R	
<i>Coreopsis verticillata 'Moonbeam' and other cultivars</i>	Moonbeam Coreopsis	C	12-18"	12-24"	●○		D		U	R	
<i>Echinacea purpurea</i>	Purple Coneflower	N	3-4'	1-2'	●○		D		U	R	
<i>Eryngium yuccifolium</i>	Rattlesnake Master	N	4-6'	3-6'	●○		D	W	U	R	
<i>Eupatorium perfoliatum</i>	Boneset	N	4-6'	3-4'	●○			W		R	
<i>Eutrochium dubium</i>	Coastal Plain Joe Pye Weed	N	3-6'	2-4'	●○			W		R	
<i>Eutrochium maculatum</i>	Joe Pye Weed	N	4-7'	3-4'	●○			W		R	
<i>Gaillardia aestivalis</i>	Lance Leaf Blanketflower	N	12-18"	8-12"	○		D			R	
<i>Gaillardia x grandifolia</i>	Blanket Flower	C	1-3'	2'	○		D		U	R	
<i>Heuchera</i>	Coral Bells	N	12-18"	12-18"	●○	G				R	
<i>Hemerocallis 'Stella de Oro' and other cultivars. No <i>Hemerocallis fulva</i> (Orange Daylilies).</i>	Stella de Oro Daylily	E	12-18"	12-18"	●○		D		U		
<i>Hibiscus moscheutos</i>	Rose Mallow	N	4-7'	2-4'	●○			W			
<i>Hylotelephium 'Herbstfreude'</i>	Autumn Joy Sedum	E	18-24"	18-24"	○		D		U	R	
<i>Kniphofia uvaria</i>	Red-Hot Poker	E	3-4'	2-3'	●○					R	
<i>Liatris spicata</i>	Blazing Star	N	3-6'	3-18"	○					R	
<i>Liatris spicata 'Kobold'</i>	Kobold Blazing Star	C	1-3'	1-2'	○					R	
<i>Lobelia siphilitica</i>	Great Blue Lobelia	N	3-4'	12-18"	●●○			W		R	

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<i>Monarda didyma</i>	Beebalm	N	2-4'	2-3'	○					R	
<i>Monarda punctata</i>	Spotted Horsemint	N	1-3'	1-2'	●○		D			R	
<i>Penstemon 'Dark Towers'</i>	Dark Towers Beardtongue	C	36-42"	30-36"	○	G	D			R	
<i>Perovskia atriplicifolia</i>	Russian Sage	E	3-4'	3-4'	○		D		U	R	
<i>Pycnanthemum</i>	Mountain Mint	N	1-3'	1-3'	●○					R	
<i>Rudbeckia fulgida</i>	Black-Eyed Susan	N	2-3'	1-2'	●○		D		U	R	
<i>Rudbeckia fulgida</i> 'Goldsturm'	Goldsturm Coneflower	C	23-29"	18-23"	●○		D		U	R	
<i>Salvia nemorosa</i>	Meadow Sage	E	18"-36"	6-24"	●○		D		U	R	
<i>Salvia officinalis</i>	Garden Sage	E	2-3'	3'	●○		D		U	R	E
<i>Salvia x ligustrina</i>	Hybrid Sage	E	2-3'	12-18"	○		D		U	R	
<i>Solidago rugosa</i>	Goldenrod	N	3-4'	2-3'	●○			W		R	
<i>Solidago rugosa</i> 'Fireworks'	Fireworks Goldenrod	C	30-42"	30-36"	○		D	W		R	
<i>Stokesia laevis</i>	Stoke's Aster	N	12-24"	12-18"	●○	G	D			R	
<i>Stokesia laevis</i> 'Peachie's Pick'	Peachie's Pick Stoke's Aster	C	12-18"	18-24"	●○	G	D			R	
<i>Tiarella cordifolia</i>	Foamflower	N	5-12"	12-18"	●●					R	
<i>Tradescantia virginiana</i>	Spiderwort	N	17"-36"	12-18"	●●						
<i>Verbena hastata</i>	Blue Vervain	N	2-5'	12-30"	●○			W			
<i>Vernonia noveboracensis</i>	New York Ironweed	N	5-8'	3-4'	●○			W		R	
<i>Veronicastrum virginicum</i>	Culver's Root	N	4-7'	2-4'	○			W		R	
<i>Zizia aurea</i>	Golden Alexander	N	1-2'	1-2'	●○		D				

B. Table of Invasive Plants

Scientific Name	Common Name		
Trees			
<i>Ailanthus altissima</i>	Tree-of-Heaven	<i>Cyperus entrerianus</i>	Deep-Rooted Sedge
<i>Albizia julibrissin</i>	Mimosa	<i>Microstegium vimineum</i>	Japanese Stilt Grass
<i>Melia azedarach</i>	Chinaberry	<i>Miscanthus sinensis</i>	Chinese Silvergrass
<i>Paulownia tomentosa</i>	Princess Tree	<i>Oplismenus hirtellus subsp. undulatifolius</i>	Wavyleaf Basketgrass
<i>Pyrus calleryana</i>	Bradford Pear	<i>Phalaris arundinacea</i>	Reed Canarygrass
<i>Triadica sebifera</i>	Chinese Tallowtree Tree	<i>Phragmites australis</i>	Common Reed
Shrubs		<i>Phyllostachys aurea</i>	Golden Bamboo
<i>Berberis (Mahonia) bealei</i>	Leatherleaf Mahonia	Ferns	
<i>Berberis thunbergii</i>	Japanese Barberry	<i>Sorghum halepense</i>	Johnson Grass
<i>Buddleja davidii</i>	Butterfly Bush	Perennials	
<i>Eleagnus angustifolia</i>	Russian Olive	<i>Alliaria petiolata</i>	Garlic Mustard (biennial herb)
<i>Eleagnus pungens</i>	Thorny Olive	<i>Ficaria verna</i>	Fig Buttercup
<i>Eleagnus umbellata</i>	Autumn Olive	<i>Glechoma hederacea</i>	Ground Ivy
<i>Euonymus alata</i>	Burning Bush	<i>Heracleum mantegazzianum</i>	Giant Hogweed
<i>Ligustrum japonicum</i>	Japanese Privet	<i>Imperata cylindrica</i>	Cogongrass
<i>Ligustrum sinense</i>	Chinese Privet	<i>Iris pseudacorus</i>	Yellowflag Iris
<i>Lonicera fragrantissima</i>	Fragrant Honeysuckle	<i>Lespedeza bicolor</i>	Bicolor/Shrub Lespedeza
<i>Lonicera maackii</i>	Bush Honeysuckle	<i>Lespedeza cuneata</i>	Chinese Lespedeza
<i>Nandina domestica</i>	Heavenly Bamboo	<i>Lythrum salicaria</i>	Purple Loosestrife
<i>Poncirus trifoliata</i>	Trifoliate Orange	<i>Perilla frutescens</i>	Beefsteak Plant (annual)
<i>Rosa multiflora</i>	Multiflora Rose	<i>Reynoutria japonica</i>	Japanese Knotweed
<i>Tamarix ramosissima</i>	Salt Cedar	<i>Solanum viarum</i>	Tropical Soda Apple
Vines		<i>Stellaria media</i>	Common Chickweed (annual)
<i>Akebia quinata</i>	Chocolate Vine	<i>Youngia japonica</i>	Asiatic Hawksbeard (annual herb)
<i>Ampelopsis brevipedunculata</i>	Porcelain Berry	Aquatic Plants	
<i>Cayratia japonica</i>	Bushkiller	<i>Alternanthera philoxeroides</i>	Alligatorweed
<i>Celastrus orbiculatus</i>	Oriental Bittersweet	<i>Egeria densa</i>	Brazilian Waterweed
<i>Clematis terniflora</i>	Sweet Autumn Virgin's Bower	<i>Hydrilla verticillata</i>	Hydrilla
<i>Euonymus fortunei var. radicans</i>	Wintercreeper	<i>Ludwigia hexapetala</i>	Creeping Water Primrose
<i>Hedera helix</i>	English Ivy	<i>Myriophyllum aquaticum</i>	Parrot Feather
<i>Lonicera japonica</i>	Japanese Honeysuckle	<i>Nymphoides cristata</i>	Crested Floating Heart
<i>Persicaria perfoliata</i>	Mile-A-Minute Vine	<i>Salvinia molesta</i>	Giant Salvinia
<i>Pueraria montana</i>	Kudzu		
<i>Tribulus terrestris</i>	Puncturevine		
<i>Wisteria floribunda</i>	Japanese Wisteria		
<i>Wisteria sinensis</i>	Chinese Wisteria		

CHAPTER 6. DEVELOPMENT STANDARDS

Section 6.1. Purpose

The purpose of this Chapter is to ensure that developments include or contribute to the provision of common open space for the use and enjoyment of the development's occupants and users. Open space serves numerous purposes, including preservation and protection of natural areas and features, providing opportunities for passive and active recreation, enhancing management of stormwater runoff to protect water quality and reduce flooding, and mitigating the heat island effect of developed areas. The purpose of this Section is to ensure that new residential subdivisions include or contribute to the provision of public recreation area sufficient to meet the passive and active recreation needs of residents of the subdivision, as well as the surrounding neighborhood. The purpose of this Chapter is also to enhance the visual quality of non-residential development, soften the appearance of expansive paved areas and building mass, and create and maintain a pleasing appearance in the community, reduce the effects of glare and heat caused by parking areas and to reduce visual clutter along commercialized streets. Perimeter buffers are intended to provide spacing and landscaping between proposed development and adjoining property to help mitigate potential negative impacts on or from development activities on adjoining properties. Street yard buffers are intended to provide spacing and landscaping between proposed development and adjoining streets to mitigate potential adverse impacts from traffic on the adjoining street, provide a transition between public and private realms, and create an attractive edge along the street for motorists and pedestrians.

Section 6.2. General Site Layout and Design

6.2.1. Purpose & Applicability

Development in all zoning districts shall comply with the following standards:

1. The general location, character, and extent of new, extended, or widened or expanded streets, public utilities and service facilities, and parks and other public areas shall be generally consistent with the Comprehensive Plan.
2. Developments shall be laid out and designed to functionally and visually integrate their design elements (open spaces, buildings, parking, utilities, stormwater management facilities, etc.)—both within the development and in relationship to surrounding developments.
3. The layout of streets, lots, building sites, and other elements of development shall be designed to minimize alteration of natural and historic site features to be preserved.
4. Developments shall minimize impacts to sensitive natural resources and other unique and fragile site elements—including, but not limited to, streams, wetlands, steep slopes, and significant strands of mature trees where practicable.
5. All new lots shall be located wholly outside any riparian buffer required in accordance with Section 4.2, "Riparian Buffers."
6. Streets, building sites; and the buildable areas of lots should be located outside floodways and non-encroachment areas, this provision does not prohibit crossings at those areas.

6.2.2. Block and Lot Design Standards

A. Blocks

1. Blocks shall be laid out to provide a functional street pattern and circulation and connectivity in accordance with the standards in Access and Circulation.
2. Blocks shall have sufficient width to provide for two back-to-back rows of street-fronting lots of appropriate depth for the zoning district, excluding any water bodies, public alleys, or other public rights-of-way. Exceptions shall be permitted in blocks adjacent to arterials, railroads, or waterways, or due to limiting topographical conditions, the size or configuration of the site, or for approved through lots.

3. Blocks shall be at least 400 feet long and no more than 1,200 feet long except as necessary to secure efficient use of land or desired features of the street pattern, or to reflect the size and configuration of the site.
 - a. The lengths, widths, and shapes of blocks shall be determined based on the following:
 - b. Lot area and width standards;
 - c. Needs for convenient access, circulation, control, and safety of vehicular, bicycle, and pedestrian traffic;
 - d. Relationship to existing utilities;
 - e. Layout of the water system with regard to eliminating stagnant water, providing adequate fire flow, appropriately placing fire hydrants, and meeting minimum pressure requirements.;
 - f. Layout of the sanitary sewer system with regard to utilizing gravity sewer system wherever possible and minimizing the use of sewer force mains;
 - g. Layout of the stormwater management system with regard to utilizing natural outfalls adjacent to the land being subdivided, and effectively using existing public stormwater or drainage systems;
 - h. Location of existing and proposed easements; and
 - i. Environmental or topographical limitations.

B. Lots

1. Each lot shall meet the applicable lot area and width standards set forth in Chapter 2, "Zoning District," and otherwise be developable in accordance with the standards in this Ordinance.
2. Lots shall be arranged in relationship to topography, flood hazards, tree protection requirements, or other site conditions to minimize difficulties in providing a reasonable building site and yard area in accordance with requirements of this Ordinance.
3. Lots shall be configured so that buildings and general flood sensitive site facilities are not located in drainage ways.
4. Lots shall include at least 20 feet of frontage on a public or private street right-of-way for each of the following dwelling types:
 - a. Single-family detached (Pocket Neighborhoods Exempt from Standard);
 - b. Single-family attached;
 - c. Duplex; and
 - d. Manufactured home (on an existing lot).
5. Lots shall include at least 20 feet of frontage on a public or private street with a right-of-way or easement that is at least 50 feet wide, for any of the following:
 - a. Multifamily dwellings;
 - b. Nonresidential uses; and
 - c. Mixed-use development.
6. Creation of through lots shall be avoided except where necessary to provide access to residential development from a street other than a major or minor arterial, or to overcome specific disadvantages of existing, pre-development topography and lot configuration.
7. A lot shall be of a regular shape based on lot lines that intersect a fronting street right-of-way (or easement) in a substantially perpendicular manner, or radially to curves or cul-de-sacs. Variation in lot shape is allowed to account for natural features such as streams and ridgelines. The creation of new flag lots within municipal Town limits, is prohibited.
 - a. Within the Extraterritorial Jurisdiction, flag lots are permitted and shall meet all of the following requirements:
 - i. Have existing frontage on a public or private street right-of-way;
 - ii. The flag lot 'pole' must be at least 20 feet wide and must run the entire length of the easement. The remaining road frontage of the existing lot shall be a minimum of 50 feet;
 - iii. The maximum length of a flag or access strip shall be 1,500 feet;
 - iv. Only one flag lot per parcel is permitted;
 - v. No more than two (2) flag lots shall be adjacent to each other.
8. Where land is subdivided into parcels large enough to be further divided into ordinary sized building lots, such parcels shall be arranged to allow for the opening of future streets and logical further subdivision.

9. The size, shape, and orientation of nonresidential lots shall be suitable for anticipated building and use types.

6.2.3. Conservation Subdivision

- A. Purpose. Conservation subdivisions allow for buildings to be grouped in suitable locations within a site in order to protect sensitive environmental features and provide for innovative project design. required for Major and Minor Subdivisions shall comply with minimum
- B. Applicability. Conservation subdivisions are allowed in all zoning districts. Conservation subdivisions are required in the NRCO District.
- C. Development Standards. Conservation subdivisions shall comply with the following standards.
 1. Lot size. Minimum lot sizes may be reduced for single-family conservation subdivision projects, however, the total number of lots shall not exceed four dwelling units per acre.
 2. Built-upon Area. Maximum built-upon area shall be 25 percent of the total project site.
 3. Stormwater Management. All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.
 4. Open Space. The remainder of the tract not built upon shall remain in a vegetated or natural state and comply with Allowable Common Open Space Areas. 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.
 5. Utilities. Conservation subdivisions shall be served by public water and sewer facilities.

Section 6.3. Access and Circulation

6.3.1. Purpose & Applicability

Except as otherwise provided in this Ordinance, the standards in this Section shall apply to all development. The purpose of this Section is to ensure that development is served by a coordinated, multimodal transportation system that, to the extent practicable, permits the safe and efficient movement of motor vehicles, emergency vehicles, transit, bicyclists, and pedestrians within the development and between the development and external transportation systems, neighboring development, and local destination points such as places of employment, schools, parks, and shopping areas. Such a multimodal transportation system is intended to:

1. Provide transportation options;
2. Increase the effectiveness of local service delivery;
3. Reduce emergency response times;
4. Promote healthy walking and bicycling;
5. Facilitate use of public transportation;
6. Contribute to the attractiveness of the development and community, connect neighborhoods and increase opportunities for interaction between neighbors;
7. Reduce vehicle miles of travel, travel times and greenhouse gas emissions;
8. Improve air quality, minimize congestion and traffic conflicts; and
9. Preserve the safety and capacity of community transportation systems.

6.3.2. Consistency with Plans

The design and construction of access and circulation systems associated with a development shall be consistent with the transportation goals, objectives, and actions in the Comprehensive Plan, and other Town-adopted plans addressing transportation.

6.3.3. Multimodal Transportation System

Access and circulation systems associated with a development shall provide for multiple travel modes (vehicular, transit, bicycle, and pedestrian), as appropriate to the development's size, character, and relationship to existing and planned community transportation systems. Vehicular, transit, bicycle, and pedestrian access and

circulation systems shall be coordinated and integrated as necessary to offer the development's occupants and visitors improved transportation choices while enhancing safe and efficient mobility throughout the development and the community.

6.3.4. Vehicle Access and Circulation

A. Circulation Plan

1. Circulation plans shall be included for the following development applications (refer to Section 10.4, Application-Specific Review Procedures):
 - i. Major or Minor Subdivisions; and
 - ii. Major or Minor Site Plans.
 2. Circulation plans shall address:
 - i. Street connectivity;
 - ii. Emergency and service vehicle access;
 - iii. Designated parking areas and circulation;
 - iv. Loading areas and circulation;
 - v. Turning radii;
 - vi. Traffic calming measures; and
 - vii. Any other related issues.
- B. The Planning Director may waive the requirement for a circulation plan on determining that a proposed development is expected to have no impact on circulation or proposes no change in existing circulation patterns. This provision shall not be construed to exempt development that includes additional parking, driveways, or substantial modifications to the existing pedestrian network.

6.3.5. Vehicular Connectivity

- A. Purpose. The purpose of the following vehicular connectivity standards is to enhance safe and convenient mobility within and between developments that helps integrate and connect neighborhoods, allow people to conveniently access activity centers without compromising the capacity of the Town's streets to accommodate through traffic, improve opportunities for comprehensive and convenient transit service, enhance efficient provision of public services, improve the speed and effectiveness with which emergency services and police and fire protection can be provided to Town residents and properties, and implement other connectivity objectives and policies in the Comprehensive Plan.
- B. Required Vehicular Access and Circulation. A development shall be served by an internal system of vehicular accessways (including alleys, fire lanes, and parking lot lanes) that permits safe, convenient, efficient, and orderly movement of vehicles among origin and destination points within the development in accordance with the following standards for the type of vehicle:
- C. Public transit and school buses shall be provided access to designated or planned bus stops and shelters.
- D. Large delivery trucks shall be provided access to off-street loading spaces.
- E. Small delivery trucks, service vehicles, and passenger motor vehicles, with the exception of pocket parks, shall be provided access to points within 100 feet of the following:
1. Single-family detached dwellings;
 2. Duplex dwellings;
 3. Manufactured home dwellings (on an existing lot)
 4. The development's internal system of vehicular accessways shall also permit safe, convenient, efficient, and orderly movement of vehicles between the development's internal origin and destination points and the external roadway system and adjacent transit stations.

F. Required Multiple Means of Vehicular Access. In order to enhance safe and convenient mobility within and between developments, all developments including proposed subdivisions, shall provide at least two separate means of vehicular access meeting Fire Code requirements for fire apparatus roads if the development includes:

1. More than 50 single-family detached, duplex, or manufactured home dwellings, or subdivision lots designed to contain more than 50 such dwellings; or more than 60 single-family attached or multifamily dwelling units.
2. A nonresidential or mixed-use development shall provide at least two separate means of vehicular access to each building or facility that has a height exceeding 30 feet or three stories to each building or facility that has a gross floor area exceeding 62,000 square feet.
3. Where two fire apparatus roads are required, they shall be placed a distance apart equal to no less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.
4. When more than one access point is required a minimum of one of those two points must be constructed to Town of Pittsboro and NCDOT roadway standards.
5. The required two means of vehicular access shall be provided before issuance of a Building Permit authorizing the 31st single-family detached, duplex, or manufactured home dwelling, or the 61st single-family attached or multifamily dwelling unit.
6. These requirements may be modified and/or waived by the Board of Commissioners, after approval from the Fire Code Official.

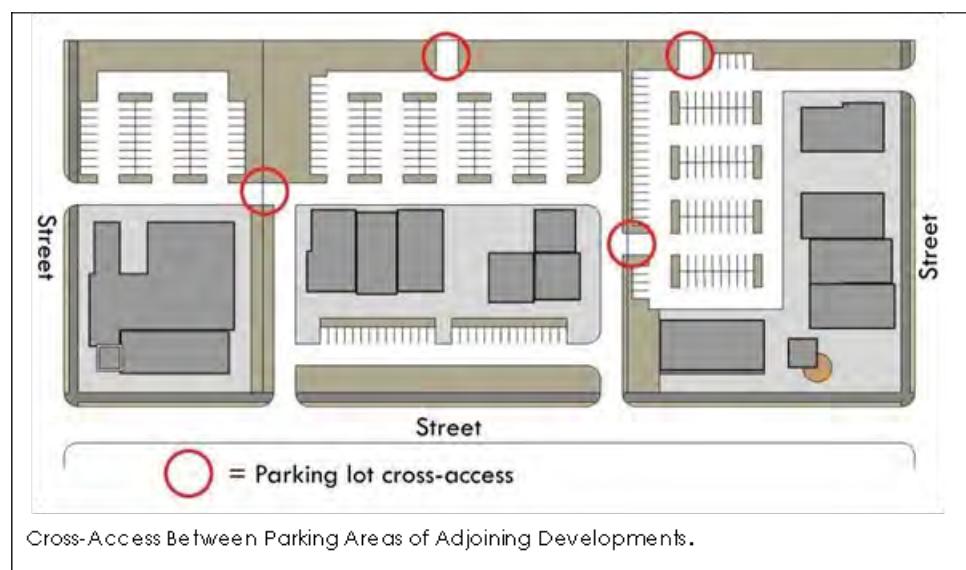
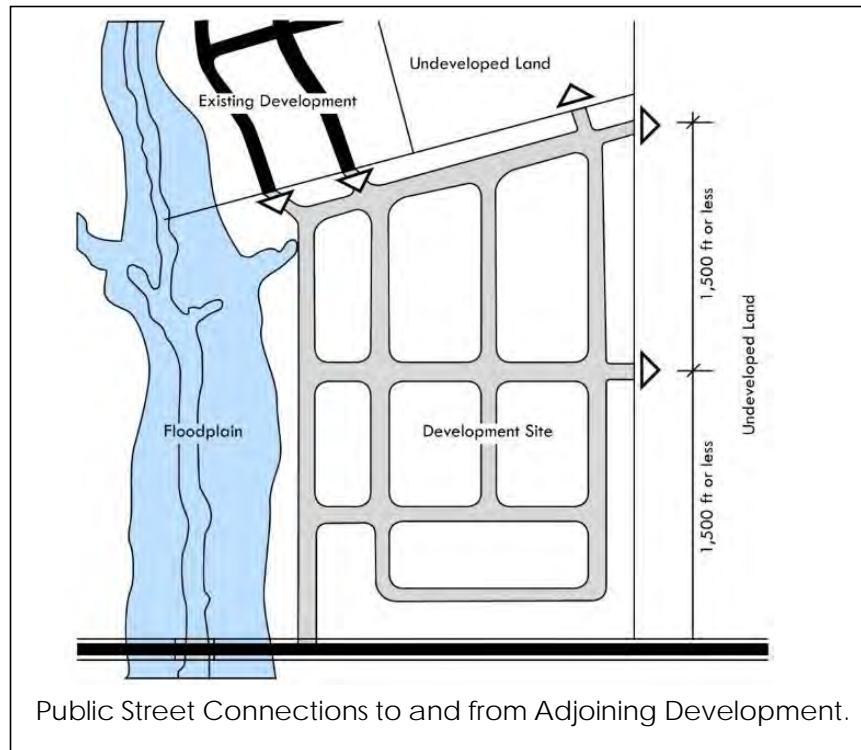
G. Public Street Connectivity.

1. The vehicular access and circulation for a development shall incorporate the continuation and connection of public street roadways and associated rights-of-way that have been extended or connected to the boundary of the development site from existing or approved adjoining developments.
2. The vehicular access and circulation for a development shall provide for the extension or connection of proposed internal public street roadways and associated rights-of-way to those boundaries of the development site that adjoin potentially developable or re-developable property whenever such extensions or connections are or may be necessary to ensure that the development site or the adjoining property will have:
 - a. At least two vehicular access points to and from an external through street system, plus one additional vehicular access point for each additional 2,000 vehicles per day, or fraction thereof, expected to be generated by the proposed development or by the maximum allowable development of the adjoining property;
 - b. Convenient and efficient access by vehicles needed to provide police, fire, and emergency services; and
 - c. Convenient and efficient access by vehicles needed to provide other public services.
3. An extension or connection of a public street roadway and right-of-way to an adjoining property shall also include the extension or connection of associated bikeways or sidewalks.
4. The Planning Director may require the provision of a temporary turnaround at the end of a roadway extension on determining that the turnaround is needed to facilitate traffic flow or accommodate emergency vehicles pending the roadway's connection to other roadways.
5. The Planning Director may waive or modify the requirements or standards for extension or connection of a public roadway from or to adjoining property on determining that such extension is impractical or undesirable because it would:
6. Require crossing a significant physical barrier or environmentally sensitive area (e.g., railroads, watercourses, floodplains, wetlands, steep slopes);
7. Require the extension or connection of a proposed internal public street to an adjoining property with existing development whose design makes it unlikely that the street will ever be part of a network of public streets (e.g., the adjoining existing development has no public streets, or there are no 'stubbed-out' street rights of way or open corridors between the proposed development site and public streets in the adjoining development to accommodate a current or future extension or connection);

8. Require the extension or connection of a proposed internal public street to an adjoining property owned by a government or public utility to which vehicular access is restricted, or other property to which vehicular access is restricted by a conservation easement; or
9. Require the extension or connection of a proposed internal public street to an adjoining property that is developed or zoned for a use whose level and type of generated traffic would be incompatible with the proposed development—provided, however, that residential, institutional, and commercial uses shall generally be deemed compatible.
10. Roadway extension signs and final plats referenced in Subsection F, above, shall include information notifying the public of the intent to extend the roadway.

H. Cross Access Between Adjoining Development.

1. New single-family attached dwellings, multifamily dwellings, nonresidential, and mixed-use development, or redevelopment shall comply with the following standards.
2. Internal vehicular circulation systems shall be designed to allow for vehicular cross-access between the proposed development's common vehicle use areas and existing common vehicle use areas for the following types of adjoining development (refer to Figure, "Public Street Connections to and from Adjoining Development"):
 - a. Single-family attached dwellings;
 - b. Multifamily dwellings;
 - c. Nonresidential development; and
 - d. Mixed-use development.
3. Vehicular cross access between adjoining lots shall be provided through the use of a frontage or service street (if the lots front on a major arterial right-of-way), a single two-way driveway or drive aisle, or two one-way driveways or aisles that are sufficiently wide to accommodate traffic by automobiles, service vehicles, loading vehicles, and emergency vehicles.
4. Cross-access between parking areas of adjoining developments shall be provided. (Refer to Figure, "Cross-Access Between Parking Areas of Adjoining Developments.")
5. The Planning Director, in conjunction with the Town Engineer, may waive or modify the requirement for vehicular cross access



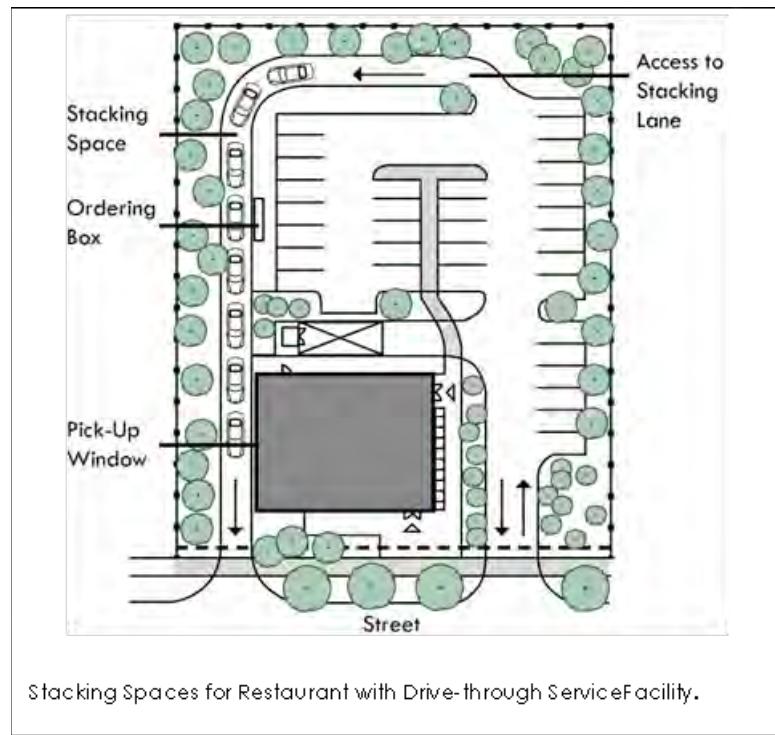
- on determining that such cross access is impractical or undesirable because it would require crossing a significant physical barrier or environmentally sensitive area (e.g., railroad, watercourse, floodplain, wetlands, steep slopes), or would create unsafe conditions.
6. Easements allowing cross access to and from properties served by a vehicular cross-access, along with agreements with the owner of the adjoining property owner defining maintenance responsibilities of property owners, shall be recorded with the Register of Deeds for the county in which the properties are located before issuance of a Building Permit for the development.

6.3.6. Vehicular Access Management

- A. Purpose. The purpose of the access management standards in this Subsection is to control vehicular access to developments from adjacent streets in a way that preserves the safe and efficient flow of the traffic on the streets while providing property owners a right to reasonable access to a general system of streets and highways. Specifically, the standards are intended to limit the number of traffic conflicts, separate basic conflict areas, separate turning volumes from through movements, and maintain progressive speeds along arterials.
1. Intersections of driveways along a residential street shall be spaced at least 40 feet from any street intersection, as measured from the point of tangency of the radius curvature of the intersecting street.
- B. Intersection Sight Distance Triangles. Intersection sight distance triangles shall be established at each corner of all intersections of streets, as well as intersections of driveways and streets.
- C. Fire Lanes. Fire lanes shall be installed where deemed necessary by the Fire Chief to provide the Fire Department firefighting access and comply with the Fire Code.
- D. Vehicular Accessway Design Standards. All vehicular accessways (including streets, alleys, driveways, and fire lanes) and intersections of such accessways shall be designed and constructed in accordance with standards in the Town's Infrastructure and Utility Construction Standard Specifications manual.
- E. Vehicle Stacking Space for Drive-Through and Related Uses.
 1. Required Number of Stacking Spaces. For uses with drive-through facilities and other auto-oriented uses where vehicles queue up in a driveway or drive aisle to access a service facility, the driveway or drive aisle shall include the minimum number of stacking spaces established in Table 6.3.6.1, "Minimum Stacking Spaces for Drive-Through and Related Uses."

Minimum Stacking Spaces for Drive-Through and Related Uses		
Use	Minimum Number of Vehicle Stacking Spaces	Measured From
Automobile Service Station	1 per pump island	Each end of the outermost gas pump island
Car Wash/Detailing, Self-Wash	1 per bay	Bay entrance
Car Wash/Detailing, Auto Wash	2 per bay	Bay entrance
Restaurant with Drive-Through Service Facility	3 per lane [1]	Window
School, Elementary, Middle or High	40 [2]	Building entrance
Retail Sales and Service Uses with Drive-Through Service Facility	3 per lane	Window
All Other Uses	Uses not specifically listed are determined by the Planning Director based on standards for comparable uses, or alternatively based on a parking demand study	
NOTES: [1] Restaurants with drive-through service facilities shall provide at least four additional stacking spaces between the order box and the pick-up window— refer to Figure, "Stacking Spaces for Restaurants with Drive-through Service Facility." [2] Drop-off/pick-up spaces for schools may include the temporary, supervised use of dual stacking lanes. NCDOT Municipal School Transportation Assistance Program may require additional stacking spaces.		

2. Design and Layout. Required stacking spaces are subject to the following design and layout standards:
- Stacking spaces shall be a minimum of ten feet wide and 20 feet long.
 - Stacking spaces shall not impede on-site or off-site vehicular traffic movements or movements into or out of required off-street parking spaces.
 - Stacking spaces shall not impede on-site or off-site bicycle or pedestrian traffic movements.
- F. Transit Facilities. No bus stop shall be located less than 100 feet from street intersections, as measured between centerlines.



G. Bicycle Connectivity.

- Bicycle Connections to/from Adjoining Development and Developable Land.
 - Where a public street is extended to or from a development's boundary in accordance with Section 6.3.5.G, Public Street Connectivity, such extension shall include the extension of any bike lanes within the right-of-way of the street.
 - The pedestrian access and circulation system for a development shall incorporate the continuation and connection of public bike paths and associated rights-of-way or easements that have been extended or connected to the boundary of the development site from existing or approved adjoining developments.
 - The pedestrian access and circulation system for a development shall provide for the extension or connection of proposed internal public bike paths and associated rights-of-way or easements to those boundaries of the development site that adjoin potentially developable or redevelopable land.
 - The Planning Director may waive or modify the requirements or standards for extension of a public bikeway from or to adjoining property on determining that such extension is impractical or undesirable because it would:
 - Require crossing a significant physical barrier or environmentally sensitive area (e.g., railroads, watercourses, floodplains, wetlands); or
 - Require the extension or connection of a proposed public bike path to an adjoining existing development whose design makes it unlikely that the bike path will ever be part of a network of public bikeways.
- Cross Access Between Adjoining Development. To facilitate vehicular access between adjoining developments, new single-family attached dwellings, multifamily dwellings, nonresidential, and mixed-use development, or redevelopment shall comply with the following standards.
 - Any internal bicycle circulation system shall be designed to allow for bicycle cross access between it and any internal bicycle circulation system in an adjoining single-family attached, multifamily, nonresidential, and mixed-use development, or to the boundary of adjoining vacant land that is zoned to allow such single-family attached, multifamily, nonresidential, and mixed-use development.
 - The Planning Director, in conjunction with the Town Engineer, may waive or modify the requirement for bicycle cross access on determining that such cross access is impractical or

undesirable because it would require crossing a significant physical barrier or environmentally sensitive area (e.g., railroad, watercourse, floodplain, wetlands), or would create unsafe conditions.

- c. Easements allowing cross-access to and from properties served by a bicycle cross-access, along with agreements defining maintenance responsibilities of property owners, shall be recorded with the Register of Deeds for the county in which the properties are located before issuance of a Building Permit for the development easement.

6.3.7. Pedestrian Access and Circulation

A. General Pedestrian Access. All new development except individual single-family detached, duplex, or manufactured home (on an existing lot) dwellings on an existing lot shall be served by a system of pedestrian walkways (including sidewalks, pedestrian paths, and/or trails) that permits safe, convenient, efficient, and orderly movement of pedestrians among the following origin and destination points within the development:

1. The primary entrance(s) of principal buildings (or the buildable area of lots, for subdivisions); Off-street parking lots (including any parking serving on-site transit stations or facilities);
2. Any designated or planned bus stops and shelters; and
3. Recreation facilities and other common use area and amenities.

The development internal pedestrian circulation system shall also provide safe, convenient, efficient, and orderly movement of pedestrians between the development's internal pedestrian origin and destination points and adjoining parts of an existing or planned external, community-wide pedestrian circulation system as well as any adjoining transit stations, bus stops and shelters, public parks, greenways, schools, community centers, and shopping areas.

B. Greenway Paths Required. All new development except individual lot development of a single-family detached, duplex, or manufactured home (on an existing lot) dwellings shall incorporate into its required open space any greenway path or multi-use path called for across the development site by the Parks and Recreation Master Plan. Such incorporation shall include installation of the path and recording of an associated pedestrian access easement, if applicable.

C. Pedestrian Connectivity.

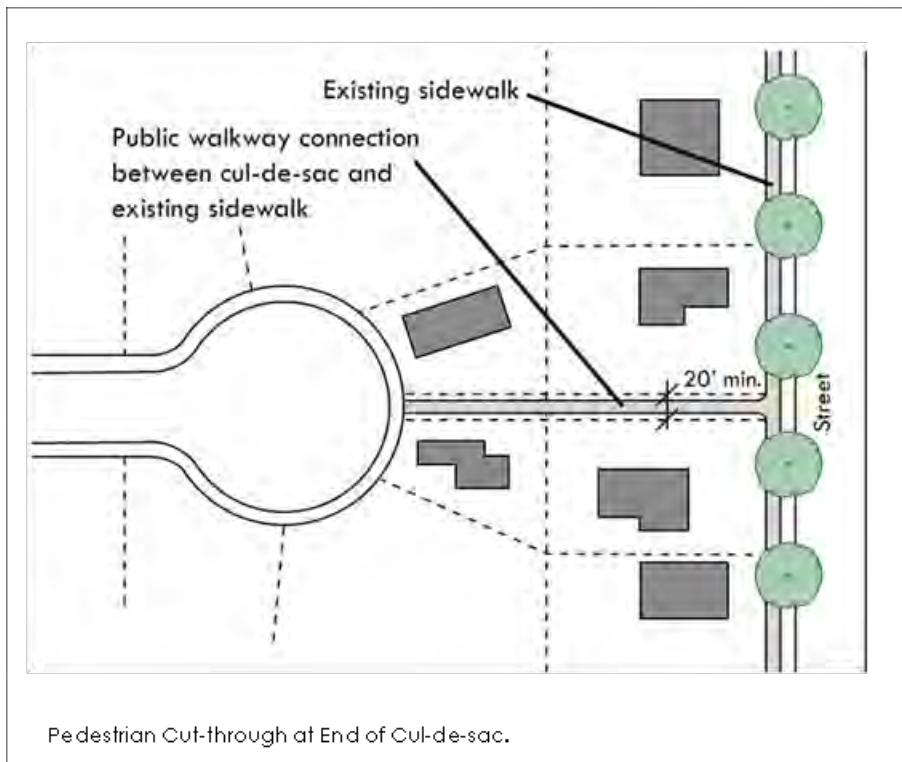
1. Walkway Connections to/from Adjoining Development and Developable Land
 - a. Where a public street is extended to or from a development site's boundary in accordance with Public Street Connectivity, such extension shall include the extension of any sidewalks within the right-of-way of the street.
 - b. The pedestrian access and circulation system for a development shall incorporate the continuation and connection of public walkways and associated rights-of-way or easements that have been extended or connected to the boundary of the development site from existing or approved adjoining developments.
 - c. The pedestrian access and circulation system for a development also shall provide for the extension or connection of proposed internal public walkways and associated rights-of-way or easements to those boundaries of the development site that adjoin potentially developable or re-developable land.
 - d. The Planning Director may waive or modify the requirements or standards for extension of a public walkway from or to adjoining property on determining that such extension is impractical or undesirable because it would:
 - i. Require crossing a significant physical barrier or environmentally sensitive area (e.g., railroads, watercourses, floodplains, wetlands); or
 - ii. Require the extension or connection of a proposed public walkway to an adjoining existing development whose design makes it unlikely that the walkway will ever be part of a network of public walkways (e.g., the adjoining existing development has no public walkways or there are no open corridors between the proposed development site and public walkways in the adjoining development to accommodate a current or future extension or connection).

2. Pedestrian Cut-Throughs.

- a. On determining that such connection is necessary to provide convenient pedestrian access within a development or to adjacent schools, transit facilities, recreation facilities, or commercial developments, the Planning Director may require pedestrian walkways to be provided between the ends of cul-de-sacs and the nearest existing or proposed public walkway (e.g., sidewalk, pedestrian path, or trail). (Refer to Figure, "Pedestrian Cut-through at End of Cul-de-sac.")
- b. On determining that such connection is necessary to provide convenient pedestrian access within a development or to adjacent schools, transit stations, recreation facilities, or commercial developments, the Planning Director may require a pedestrian walkway to be provided through approximately the centers of blocks more than 900 feet long.
- c. These pedestrian cut-through walkways shall be located within a right-of-way or a public access easement within common open space. The easement shall be at least 20 feet wide.

3. Cross Access Between Adjoining Development.

- a. To facilitate pedestrian access between adjoining developments, new single-family attached dwellings, multifamily dwellings, nonresidential, and mixed-use development shall comply with the following standards:
- b. The internal pedestrian circulation system shall be designed to allow for pedestrian walkway cross-access between the development's buildings and parking areas and adjoining properties with single-family attached dwellings, multifamily dwellings, nonresidential, mixed-use development, or zoning that would allow for such development.
- c. The Planning Director, in conjunction with the Town Engineer, may waive or modify the requirement for pedestrian cross-access on determining that such cross-access is impractical or undesirable due to the presence of topographic conditions, natural features, or safety factors.
- d. Easements allowing cross-access to and from properties served by a pedestrian cross-access, along with agreements defining maintenance responsibilities of property owners, shall be recorded with the Register of Deeds for the county in which the properties are located no later than recordation of the Final Plat.



Section 6.4. Parking and Loading

6.4.1. Purpose & Applicability

The purpose of this Section is to ensure provision of off-street parking and loading facilities in proportion to the generalized parking and loading demand of the different uses allowed by this Ordinance. The standards in this Section are intended to provide for adequate off-street parking and loading while allowing the flexibility needed to accommodate alternative solutions. The standards are also intended to achieve Town policies of supporting development and redevelopment of transit-oriented development and commercial corridors, accommodating appropriate infill development, and encouraging pedestrian-oriented development while avoiding excessive paved surface areas, promoting low impact development, and safeguarding historic resources.

The following in this section applies to:

1. New Development
2. Existing Development:
 - a. change in use that results in the minimum and maximum number of required off-street parking spaces changing per table 6.4.3.A.
 - b. expansion resulting in either an increase or decrease in the minimum and maximum number of required off-street parking spaces per table 6.4.3.A.
3. Developments with Multiple Uses

6.4.2. Parking and Loading

- A. New Development. All new development shall provide off-street parking and loading areas in accordance with the standards of this Section, except for development in the Downtown District.
- B. Existing Development.
 1. Change in Use. Any change in use of an existing development shall be subject to these parking and loading standards to the maximum extent practicable.
 2. Expansion. If an existing structure or use is expanded or enlarged in terms of the size unit used in this Section to determine the minimum number of off-street parking spaces or loading spaces required for the applicable use (e.g., number of dwelling units, floor area, number of employees, seating capacity) such expansion or enlargement shall be accompanied by provision of any additional off-street parking and loading spaces needed to make up the difference between the minimum number of spaces required by this Section for the existing development and the minimum number of spaces required by this Section for the expanded or enlarged development.
 3. Upgrading of Parking and Loading Nonconformities. Where existing development is nonconforming in terms of compliance with this Section's standards for off-street parking and loading, such development is subject to the limitations and upgrading requirements in Section 8.7, Nonconforming Site Features.

6.4.3. Off-Street Vehicle and Bicycle Parking Space Requirements

- A. Minimum Number of Off-Street Vehicle and Bicycle Parking Spaces. Except as otherwise provided in this Ordinance, new development shall provide the minimum number of off-street vehicle and bicycle parking spaces in accordance with Table 6.4.3.A, "Minimum Number of Off- Street Vehicle and Bicycle Parking Spaces," based on the principal use(s) involved and the extent of development. Interpretation of the off-street vehicle parking space requirements for uses with variable parking demands or unlisted uses is provided in Section 6.4.3.B, "Uses with Variable Vehicle Parking Demand Characteristics and Unlisted Uses."

Minimum Number of Off-Street Vehicle and Bicycle Parking Spaces [1]			
Use Classification, Category	Use Type	Minimum Number of Vehicle Parking Spaces [2][3][4][5][6]	Minimum Number of Bicycle Parking Spaces
Agricultural and Animal Related Uses			
Agriculture	Community Garden	2	n/a
	Farm	n/a	
	Garden Center	1 per 375 sf of sales and service area	
	Forestry	n/a	
	Game Preserves, Fish Hatcheries, and Ponds	2	
	Greenhouse/ Nursery	1 per 375 sf of sales and service area	
Agricultural Support Services	Equestrian Facility	2 per 2 stalls	n/a
	Grain Storage Facility	2	
	Sawmill	2	
Animal Related Uses	Kennel, Indoor and Outdoor	1 per 300 sf of sales, grooming, or customer waiting area plus 2/3 employees on the largest shift	2
	Stable	1 per 5 stalls	n/a
	Veterinary Clinic/Hospital	4 per doctor plus 1 per employee including doctors	2
Residential Uses			
Household Living	Dwelling, Duplex	2 parking spaces per dwelling unit on the same lot	n/a
	Dwelling, Live/Work[7]		
	Dwelling, Manufactured Home		
	Dwelling, Multifamily	1 bedroom	Greater of 4 per building or 1 per 25 du
		2 bedrooms	
		3+ bedrooms	
	Dwelling, Single-Family Detached	2 parking spaces per du on the same lot	n/a
	Townhouse	2 per du plus .25 per unit for guest parking	n/a
	Family Care Home		2
	Group Care Home	1 per 4 bed plus 1 per employee and visiting specialist plus 1 per vehicle used in operation	2 per building
Group Living	Pocket Neighborhood[7]	2 parking spaces per dwelling unit	n/a
	Congregate Living Facility	1 per 3 bedrooms + 1 per 300 sf of office area	2 per building
	Rehabilitation Center	1 per resident staff member, plus 2/3 nonresidential staff member and/or volunteers on the largest shift, plus 1 per each vehicle used in operation	

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	Continuing Care Retirement Community	Sum of minimum for component parts	
	Dormitory	1 space per 5 beds	4 per building
	Rooming House	1 per guest room	2
	Manufactured Home Park	2 parking spaces per dwelling unit on the same lot	n/a
Institutional Uses			
Community and Governmental Service Uses	Clubs, Lodges, and Banquet Halls	1 per 120 sf of assembly space	Greater of 2 or 1 per 50 vehicle parking spaces
	College, University, or Vocational School	7 per classroom plus $\frac{1}{4}$ beds on main campus dorms plus 1/250 sf of office space plus 1/5 fixed seats in assembly halls and stadiums	1 per 20 students and employees
	Community Center	1 per 450 sf of gross floor area for public use plus 2 per 3 employees on largest shift	Greater of 6 or 1 per 25 vehicle parking spaces
	Correctional Facility	1 per 10 inmates plus 2/3 employee on largest shift plus 1 per vehicle used in the operation	n/a
	Cultural Facility	1 per 450 sf of gross floor area for public use plus 2 per 3 employees on largest shift	Greater of 6 or 1 per 25 vehicle parking spaces
	Day Care Center	1 per employee plus 1 per 10 children with parking located on site	2
	Emergency Services	1 per employee on largest shift	2
	Government Services, Administrative	1 per 150 sf of public service area plus 2 per 3 employees on largest shift	Greater of 2 per building or 1 per 25,000 sf
	Government Maintenance, Storage, or Distribution Facility	1 per 600 sf	2
	Place of Worship	1 per 4 seats in main chapel	1 per 50 vehicle parking spaces
	Public Park or Recreation Facility	Refer to Section 6.4.3.B	Greater of 6 or 1 per 25 vehicle parking spaces
	School, Elementary	3 per room used for offices plus 3 per classroom	1 per 20 students above 2nd grade and all employees
Health Care	School, High	3 per room or offices plus 7 per classroom	1 per 20 students and employees
	School, Middle	3 per room used for offices plus 3 per classroom	
	Hospital	1 per 4 in-patient or out-patient beds plus 2/3 employees on largest shift plus 1 per staff doctor	Greater of 2 per building or 1 per 25,000 sf
	Nursing Home	1 per 4 beds plus 1 per employee and visiting specialist plus 1 per	2 per building
	Urgent Care Facility	vehicle used in the operation	

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	Office, Medical/ Dental	3 per examining room plus 1 per employee including doctor	Greater of 2 per building or 1 per 25,000 sf
	Office Park, Medical/ Dental	1 per 300 sf	
Transportation, Communication, and Utility Uses	Broadcasting Station	1 per 1,000 sf	Greater of 2 per building or 1 per 25,000 sf
	Broadcast Studio		n/a
	Airport Facilities	1 per 4 seats plus 2 per 3 employees on the largest shift	n/a
	Office, Utility	1 per 300 sf	Greater of 2 per building or 1 per 25,000 sf
	Park and Ride Terminal	n/a	1 per 20 vehicle parking spaces
	Parking Deck or Lot (as a principal use)		n/a
	Railroad Yard		
	Solar Energy Collection System (as a principal use)		
	Telecommunications Facility	No required parking	
	Transit Station	1 per 400 sf of passenger waiting area	1 per 20 vehicle parking spaces
	Utility Facility, Major	Refer to Section 6.4.3.B	n/a
	Utility Facility, Minor		

Commercial Uses

Eating and Drinking Establishments	Restaurant	1 per 3 seats plus 2 per 3 employees on the largest shift plus curbside pick-up 1 space per 1,000 sf of total floor area	Greater of 2 or 1 per 50 vehicle parking spaces
	Specialty Food Service	1 per 200 sf plus 2 per 3 employees on the largest shift plus curbside pick-up 1 space per 1,000 sf of total floor area	
	Bar or Nightclub	1 per 3 persons based upon the design capacity of the building plus 2/3 employees on the largest shift	
Office Uses	Office Building	1 per 300 sf	Greater of 2 per building or 1 per 25,000 sf
	Office Park	1 per 400 sf	
Recreation and Entertainment	Adult Establishment	1 per 300 sf	Greater of 2 or 1 per 50 vehicle parking spaces
	Country Club	1 per tee	
	Golf Course	1 per tee	
	Fairgrounds	1 per 200 sf of activity area	
	Theatre, Indoor	1 per 4 seat	
	Theatre, Outdoor	1 per 5 persons based upon the design capacity of the building	Greater of 6 or 1 per 50 vehicle parking spaces
	Private Recreation / Entertainment Facility, Indoor	Basketball facility	
		2 per basket	
		Bowling alley	
		4 per lane	
	Health exercise facility	1 per 200 sf gross floor area	
	Racquet sports facility	3 per court	

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		Skating rink	1 per 500 sf		
		Sport shooting range	1 per firing point		
		Swimming pool	1 per 100 sf of water and deck space		
		Other	Refer to Section 6.4.3.B		
Private Recreation / Entertainment Facility, Outdoor	Basketball facility		2 per basket		
	Racquet sports facility		3 per court		
	Swimming pool		1 per 100 sf of water and deck space		
	Other		Refer to Section 6.4.3.B		
	Gaming Operation		1 per 200 sf		
Funeral Related Uses	Funeral Home or Crematorium		1 per 4 seats in main chapel plus 2/3 employees on the largest shift plus 1 per vehicle used in the largest operation	2	
	Cemetery		1 per 500 sf of office area plus 1 per 5 seats in assembly area	n/a	
Retail Sales and Services Uses	Convenience Store		1 per 200 sf gross floor area	2	
	Farmers' Market		1 per 500 sf of sales area		
	Retail Store		1 per 300 sf	Greater of 2 or 1 per 50 vehicle parking spaces	
	Service Establishment		3 per operator		
	Service Establishment, Personal				
	Shopping Center		1 per 250 sf	Greater of 2 per building or 1 per 25,000 sf	
Vehicle Service, Sales, and Related Uses	Automobile Repair, Major	3 per service bay plus 1 per wrecker or service vehicle plus 2/3 employees on the largest shift	n/a		
	Automobile Repair, Minor				
	Automobile Repair, Commercial				
	Automobile Sales or Rental	1 per 400 sf of indoor display area and office space	Greater of 2 or 1 per 50 vehicle parking spaces		
	Automobile Sales or Rental, Commercial	5 spaces plus 1 per 10,000 sf of display area plus 2/3 employees on shift	n/a		
	Automobile Service Station	2 + 1 per pump	2		
	Car Wash/Detailing	Full service: Stacking for 30 vehicles or 10 per approach lane whichever is greater plus 3 spaces in the manual drying area plus 2/3 employees on the largest shift.	n/a		
	Tire Capping and Retreading	1 per 500 sf	n/a		
Lodging	Vehicular Fleet Storage	2 per 3 employees on the largest shift plus 1 per vehicle used in the operation			
	Bed and Breakfast	1 per bedroom plus 2/3 employees on the largest shift	2		
	Hotel/Motel	1.1 or 1.25 per rental unit			

Industrial Uses			
Industrial and Service Uses	Construction-Related Activities	1 per 400 sf of office space	2
	Industrial Park	1 per 1,000 sf	
	Industrial and Large Equipment Sales and Rental	1 per 200 sf gross floor area	
	Mini-Storage	1 space per 5,000 sf devoted to storage	
	Outdoor Equipment Performance Testing Facility	2/3 employees on the largest shift plus 1 per 250 sf of office space	2
	Research Laboratory		
	Warehousing and Distribution	2 per 3 employees on the largest shift plus 1 per vehicle used in operation	2
	Wholesale Food Preparation	1 per 1,000 sf	
	Wholesale Establishment	2 per 3 employees on the largest shift plus 1 per 200 sf of retail sales or customer service area plus 1 per vehicle used in the operation	
Manufacturing	Fuel Oil Sales	2 per 3 employees on largest shift plus 1 per vehicle used in the operation	n/a
	Brewery	1 per 300 sf of accessory public retail sales, restaurant, or tasting room space plus 1 per 1,000 sf of other space	2
	Manufacturing, Light		
	Manufacturing, Medium		
	Manufacturing, Heavy		
	Micro-Brewery		
	Micro-Winery		
Extraction and Landfill Uses	Winery		
	Composting Facility	Refer to Section 12.8.1	2
	Excavation		n/a
	Landfill, Debris	No required parking	n/a
	Landfill, Sanitary / Transfer Station / Recycling Center	1 per employee	2
	Recycling Drop-off Station		

sq ft = square feet du = dwelling unit

NOTES:

- [1] Refer to Sections 5.4.5, General Standards for Off-Street Vehicle Parking and Loading Areas, Section 5.4.6, Off-Street Parking Arrangement and Design, and Section 5.4.8, Off-Street Bicycle Parking Arrangement and Design, for applicable design standards.
- [2] When computation of the number of required parking spaces results in a fraction, the result shall be rounded upward to the next highest whole number.
- [3] Except as otherwise provided in this section, where the minimum off-street parking space requirement is based on square feet of floor area, all computations shall be based on gross floor area.
- [4] Except as otherwise provided in this section, where the minimum off-street parking space requirement is based on the number of seats, all computations shall be based on the design capacity of the areas used for seating.
- [5] Except as otherwise provided in this section, where the minimum off-street parking space requirement is based on the maximum occupancy capacity, all computations shall be based on the occupant load of the building or facility as established in accordance with the Building Code.
- [6] Except as otherwise provided in this section, where the minimum off-street parking space requirement is based on the number of employees, students, or residents, all computations shall be based on the largest number of persons working on any single shift (for employees), or the maximum enrollment (for students), or the fire-rated capacity (for residents), as appropriate.
- [7] Off-street parking spaces may be provided on the lot containing the dwelling unit or within common parking areas, provided such off-lot spaces serving the resident or guest parking needs of the unit are located within convenient walking distance of the unit.

- B. Uses with Variable Vehicle Parking Demand Characteristics and Unlisted Uses. For some listed uses, Table 6.4.3.A refers to this Section because the use has widely varying vehicle parking and loading demand characteristics, making it difficult to establish a single appropriate off-street vehicle parking or loading standard. On receiving an application proposing such a use, or proposing a use not expressly listed in Table 6.4.3.A, "Minimum Number of Off-Street Vehicle and Bicycle Parking Spaces," the Planning Director is authorized to:
 - 1. Apply the minimum off-street parking space requirement specified in Table 6.4.3.A for the listed use that is deemed most similar to the proposed use; or
 - 2. Establish the minimum off-street parking space requirement by reference to standard parking resources published by the National Parking Association or the American Planning Association; or
 - 3. Establish the minimum off-street parking space requirement based on a parking demand study prepared by the applicant that estimates parking demand based on the recommendations of the Institute of Traffic Engineers or other acceptable source of parking demand data, and that includes relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.
- C. Requirements for Developments with Multiple Uses. Developments containing more than one principal institutional or commercial use shall provide vehicle parking spaces in an amount equal to the total of the requirements applied to all individual principal uses. This provision shall not limit the opportunity to reduce the minimum number of required off-street vehicle parking spaces through approval of an alternative parking plan that justifies the feasibility of shared parking (See Shared Parking.)
- D. Maximum Number of Off-Street Vehicle Parking Spaces. The number of off-street vehicle parking spaces shall not exceed 125 percent of the minimum number of parking spaces, unless allowed in accordance with Section 6.4.8.A, "Provision Over Maximum Allowed."
- E. Compact Vehicle Parking Spaces.
 1. Up to 20 percent of the required number of off-street vehicle parking spaces may be designed to accommodate compact vehicles.
 2. Compact vehicle parking spaces may only be used where the parking angle is 90 degrees.
 3. Compact vehicle parking spaces shall consist as one or more group(s) of contiguous spaces located where they can be readily identified by vehicle drivers through signage and/or pavement marking.
- F. Electric Vehicle (EV) Charging Stations.
 1. Up to ten percent of the required number of off-street vehicle parking spaces may be used and designated as electric vehicle (EV) charging stations, subject to the use-specific standards in Table 6.4.3.A and Subsection 2 below. Such spaces may include one required accessible parking space

(see Subsection K below). The Planning Director shall have authority to approve the use and designation of additional required parking spaces as electric vehicle charging stations, provided that such additional spaces shall count as only one-half of a parking space when computing the minimum number of parking spaces required.

2. Vehicle parking spaces used as electric vehicle charging stations shall consist as one or more group(s) of contiguous spaces located where they can be readily identified by electric vehicle drivers (e.g., through directional signage), but where their use by non-electric vehicles is discouraged (e.g., not in locations most convenient to the entrances of the buildings served).
- G. On-Street Vehicle Parking. Except as authorized as part of an alternative parking plan in Section 6.4.8, "Off-Street Parking Alternatives," on-street vehicle parking on streets or driveways shall not be used to satisfy the off-street vehicle parking standards of this Section.
- H. Shared Parking. Parking spaces shall not be counted toward a building or use if similarly included for a separate building or use unless authorized by Section 6.4.3.H, "Shared Parking."
- I. Off-site Parking. Unless authorized by Section 6.4.8.G, "Off-Site Parking," Off-street parking spaces shall be located on the same lot as the use, or on a separate lot if:
 1. The parking area is located within 500 feet of the use's principal entrance; and
 2. The lot and use is owned by the same owner.
- J. Driveways Used to Satisfy Off-Street Vehicle Requirements. For single-family detached, duplex, manufactured home, and single-family attached dwellings, only driveways may be used to satisfy minimum off-street vehicle parking space requirements, provided sufficient space is available outside a street right-of-way or easement to satisfy the standards of this Section and this Ordinance.
- K. Accessible Parking Spaces for Physically Disabled Persons. In each off-street parking area, a portion of the total number of off-street vehicle parking spaces shall be spaces specifically designated, located, and reserved for use by persons with physical disabilities ("accessible parking spaces"), in accordance with the standards of the current North Carolina Building Code and applicable ANSI Standards and applicable federal requirements.

6.4.4. Off-Street Loading Space Requirements

- A. Minimum Number of Off-Street Loading Spaces.
 1. New development involving the routine vehicular delivery or shipping of goods, supplies, or equipment to or from the development site shall provide a sufficient number of off-street loading spaces to accommodate the delivery and shipping operations of the development's uses in a safe and convenient manner.
 2. Table 6.4.4.A, "Minimum Number of Off-Street Loading Spaces," sets forth the minimum number of loading spaces that presumptively satisfies the loading space needs of medium-sized and large-sized delivery/shipping trucks based on the use classification or category of the principal use and the size of the development. It is assumed that the needs of small delivery/shipping trucks can be met through the temporary use of parking spaces or vehicle use areas, without impeding or blocking the use of adjacent driveways or fire lanes.
 3. The Planning Director may require a higher or lower number of loading spaces than called for by Table 6.4.4.A, "Minimum Number of Off-Street Loading Spaces," on determining that the characteristics of the particular development warrant such an increase or decrease and the general standard in Subsection 1 is met.

Minimum Number of Off-Street Loading Spaces [1]A1:C23				
Gross Floor Area (GFA)	Minimum Number of Loading Spaces			
	Medium-Sized Trucks	Large-Sized Truck		
Institutional and Office Uses [2]				
Up to 10,000 sf	0	0		
10,001 to 50,000 sf	1	0		
50,001 to 500,000 sf	2	0		
Over 500,000 sf	2 medium-sized truck spaces; additional spaces based on development-specific assessment			
Commercial Uses other than Office Uses [2]				
Up to 5,000 sf	0	1		
5,001 to 20,000 sf	0	1		
20,001 to 50,000 sf	1	1		
50,001 to 100,000 sf	1	2		
100,001 to 200,000 sf	2	2		
Over 200,000 sf	3 medium-sized truck spaces and 2 large-sized truck space; additional spaces based on development-specific assessment			
Industrial Uses				
Up to 5,000 sf	0	0		
5,001 to 10,000 sf	1	0		
10,001 to 50,000 sf	0	1		
50,001 to 100,000 sf	0	2		
100,001 to 150,000 sf	0	3		
Over 150,000 sf	3 large truck spaces; additional spaces based on development-specific assessment			
sf = square feet NOTES:				
1. See Sections 5.4.5, General Standards for Off-Street Vehicle Parking and Loading Areas, and Section 5.4.7, Off-Street Loading Area Arrangement and Design, for applicable design standards.				
2. For mixed-use developments, gross floor area devoted to residential uses is excluded.				

6.4.5. General Standards for Off-Street Vehicle Parking and Loading Areas

- A. Use of Parking and Loading Area. Off-street vehicle parking areas required by this Section shall be used solely for the parking of licensed motorized vehicles in operating condition, and for use during temporary uses such as fairs and festivals. Required off-street vehicle parking spaces and loading spaces for nonresidential uses other than hotels shall not be used for:
1. Overnight parking of vehicle or containers—including, but not limited to, semi-trailer trucks, semi-trailers, or recreational vehicles, mobile homes, and other vehicles providing transient residency, or similar uses;
 2. The display or storage of goods for sale or lease (except storage of vehicles as part of an automobile or recreational vehicle sales or rental use, or a temporary portable storage unit);
 3. The dismantling or service of any motor vehicles, recreational vehicles, or manufactured homes; or
 4. Other vehicles or containers used for storage of building materials, equipment, or supplies.
- B. Surfacing. All off-street vehicle parking, loading areas, fire lanes, vehicle fleet storage, and permanent fire access roads/areas shall be surfaced with asphalt, concrete, brick, pavers, or an equivalent hard, dustless,

and bonded surface material. Use of surfacing that includes recycled materials is encouraged. These surfaces shall be maintained in a smooth, well-graded, clean, orderly, and dust-free condition. The use of gravel is only allowed when there will be ten or less required parking spaces.

- C. Safe and Convenient Access. Off-street vehicle parking and loading areas shall be arranged for convenient access between an adjacent street and all parking spaces and loading spaces to facilitate ease of mobility, ample clearance, and safety of vehicles and pedestrians. Each off-street parking space and loading space shall have adequate, unobstructed means for the ingress and egress of vehicles. Except for driveways serving as off-street vehicle parking areas for single-family detached, duplex, manufactured home, and single-family attached dwellings, off-street vehicle parking and loading areas shall:

1. Include painted lines, wheel stops, or other methods of identifying individual parking spaces and loading spaces and distinguishing such spaces from aisles;
2. Be arranged so that no vehicle maneuvering incidental to parking or loading shall occur on a public street or sidewalk (but such maneuvering may occur on an alley or driveway);
3. Provide suitable maneuvering room so that vehicles may enter an abutting public street in a forward direction; and
4. Be arranged so an automobile may be parked or unparked without moving another automobile (unless within an automated or mechanical parking deck or garage or part of valet or tandem parking in accordance with Section 6.4.7.M, "Valet and Tandem Parking."

Driveways that may serve as off-street vehicle parking areas for single-family detached, duplex, manufactured home, and single-family attached dwellings shall provide at least 20 feet of separation between the street right-of-way or easement and the entrance into any garage or carport (to accommodate the outside parking of at least one vehicle on the driveway without it encroaching into the street right-of-way or easement). Off-street loading areas shall be arranged so that no loading space extends into the required aisle of a parking lot.

- D. Markings. Except for driveways serving as off-street vehicle parking areas for single-family detached, duplex, manufactured home, and single-family attached dwellings, each required vehicle off-street parking area and space, and each off-street loading area and space, shall be identified by surface markings that are arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Such markings shall include 4-inch-wide striping, directional arrows, lettering on signs and in handicapped- designated areas, labeling of the pavement. One- and two-way entrance driveways into required vehicle parking facilities shall be identified by directional arrows. Any two-way entrance driveway located at any angle other than 90 degrees to a street shall be marked with a traffic separation stripe running the length of the access. This requirement does not apply to aisles within parking bays.

- E. Exterior Lighting. Lighted off-street vehicle parking and loading areas shall comply with the standards of Section 6.6, "Outdoor Lighting."

- F. Landscaping. Except for driveways serving as off-street vehicle parking areas for single-family detached, duplex, manufactured home, and single-family attached dwellings, all off-street vehicle parking and loading areas shall comply with the standards of Section 5.5, "Landscaping."

- G. Maintained in Good Repair. All off-street vehicle parking and loading areas shall be maintained in safe condition and good repair at all times so as not to constitute a hazard to public safety or a visual or aesthetic nuisance to surrounding land. All off-street vehicle parking and loading areas shall be periodically painted or otherwise restored to maintain a clear identification of separate parking spaces or loading spaces.

- H. Vehicle Stacking Space for Parking Area Entrance Driveways.

1. Driveway openings shall not exceed 25 feet in width unless the Planning Director determines a greater width is necessary.
2. No off-street parking stall shall be located in a manner that would require a vehicle to back onto a public right-of-way.
3. Except for driveways serving as off-street vehicle parking areas for single-family detached, duplex, manufactured home, and single-family attached dwellings, the length of a driveway serving as the vehicular entrance to any off-street surface vehicle parking area shall comply with the minimum stacking lane distance established in Table 6.4.5.H, "Minimum Stacking Lane Distance for Parking Lot

Entrance Driveways" (refer to Section 6.4.5.J, "Minimum Dimensions for Vehicle Parking Spaces and Aisles").

Minimum Stacking Lane Distance for Parking Lot Entrance Driveways	
Number of Off-Street Parking Spaces [1]	Minimum Stacking Lane Distance (feet) [2,3]
1 – 49	25
50 – 249	50
250 – 499	100
500 or more	100 + 15 ft for every additional 50 spaces beyond 500

NOTES:

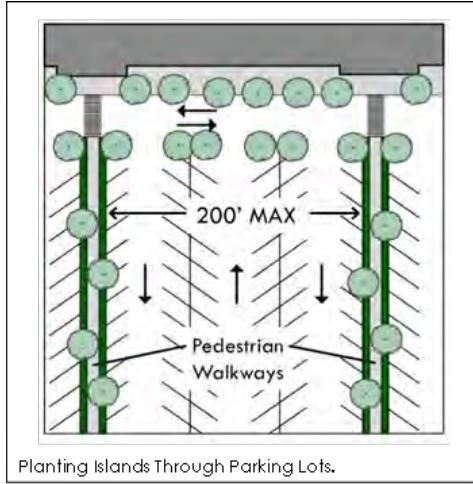
[1] Entrances into parking structures may be credited toward the stacking lane distance requirement provided the parking structure entrance is accessed from a development driveway and not a primary drive aisle.

[2] Stacking lane distance is measured from the intersection of the driveway with the street right-of-way, along the centerline of the stacking lane, to its intersection with the centerline of the first entrance into a parking area or other internal intersecting driveway.

[3] If the parking area is served by more than one entrance driveway, the Planning Director can approve a reduction or increase in the stacking distance for any one entrance driveway in order to allow the minimum requirement to be allocated to other driveway(s). The sum of all driveways must meet or exceed the minimum stacking lane distance requirement in this table.

I. Pedestrian Walkways through Large Vehicle Parking Areas.

1. All vehicle parking lots and parking structures containing more than 100 parking spaces shall provide a clearly identified pedestrian route between parking areas and the primary pedestrian entrance(s) to the building(s) served by the parking areas, or to a pedestrian walkway providing direct access to the primary building entrance(s).
2. A vehicle parking lot containing more than 100 parking spaces shall provide a planting island between at least every three parking bays. The planting island shall comply with Section 5.4.4, Parking Lot Landscaping (see Figure, "Planting Islands Through Parking Lots").
3. Where a vehicle parking lot containing more than 100 parking spaces has parking bays running parallel to the front of the building(s) served by the parking, a pedestrian walkway shall be provided connecting landscaped islands along or at the ends of the parking bays as necessary to provide walkways through the parking lot at intervals of 200 feet or less.
4. Crosswalks shall be provided where pedestrian walkways through large parking lots cross a drive aisle within the parking bays or between them and the building(s) served by the parking.
5. Walkways providing pedestrian access between parking areas and associated buildings may be extended to provide the connections to abutting street sidewalks or to adjoining development required by Section 6.3.7.A, "General Pedestrian Access," and Section 6.3.7.C, "Greenway Paths Required."



J. Minimum Dimensions for Vehicle Parking Spaces and Aisles.

1. Aisles. The minimum width of a drive aisle through a parking bay shall be in accordance with that shown in Table 6.4.5.J, "Minimum Dimensions for Vehicle Parking Spaces and Aisles, for the proposed parking space/drive aisle angle. The other dimensions in Table 6.4.5.J, "Minimum Dimensions for Vehicle Parking Spaces and Aisles," are representative of minimum standard parking space and

parking bay dimensions for the arrangement shown in Table 6.4.5.J, "Minimum Dimensions for Vehicle Parking Spaces and Aisles."

Minimum Dimensions for Vehicle Parking Spaces and Aisles						
Parking Angle (degrees) [1]	Minimum Parking Space Width (feet) [2]	Minimum Parking Row Depth (feet) [2]	Minimum Aisle Width (feet) [3][4][5]		Minimum Double Row Parking Bay Width (feet)	
			One-Way	Two-Way	One-Way	Two-Way
A [6]	B	C	D	D	E	E
Parallel	20	9	12	23	30	41
30	9	17	14	n/a	48	57
45	9	19	15	n/a	53	61
60	9	20	16	n/a	56	63
90	9	18	20	23	56	59
No Parking	n/a	n/a	20	24	n/a	n/a

NOTES:

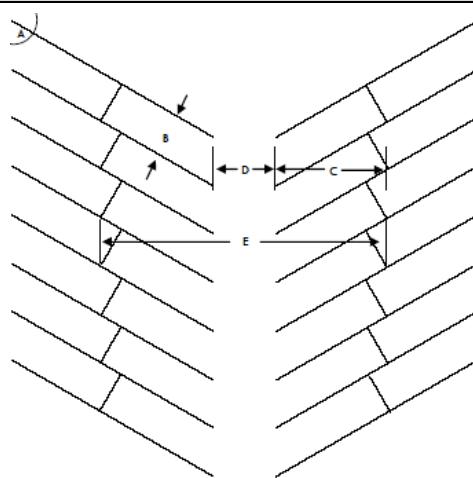
The same angle shall be used along the full length of one side of a parking bay, though different angles may be used on each side of a double-loaded parking bay.

Where the angle is other than 90 degrees or 0 degrees (parallel), the drive aisle shall be designed for one-way traffic.

A greater aisle width may be necessary to meet Fire Prevention Code requirements.

Where each side of a double loaded parking bay uses different parking space/drive aisle angles, the drive aisle shall comply with the greater applicable minimum drive aisle width standard.

Letters correspond to dimension measurement lines in Figure, "Minimum Dimensions for Vehicle Parking Spaces and Aisles."



Minimum Dimensions for Vehicle Parking Spaces and Aisles.

2. Vertical Clearance. All off-street parking spaces shall have a minimum overhead clearance of seven feet.
- K. Curbs and Wheel Stops. Except for driveways serving as off-street vehicle parking areas serving single-family detached, duplex, manufactured home, and single-family attached dwellings, each off-street vehicle parking space shall be bounded by curbing as necessary to prevent vehicles from overhanging a public right-of-way, walkway, landscaped areas, or adjoining property. Where the development uses depressed landscaping island, rain gardens, or other techniques to catch, store, and filter stormwater runoff, curbing shall be designed, or wheel stops installed, to allow stormwater runoff to flow into such areas.

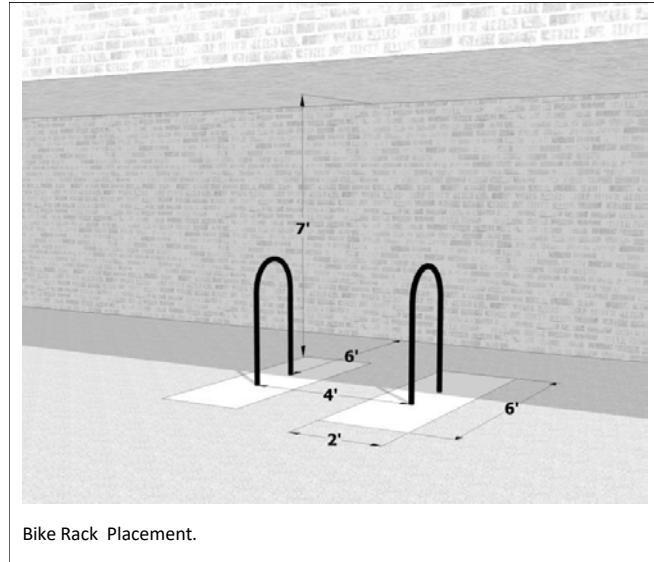
6.4.6. Off-Street Loading Area Arrangement and Design

- A. Location of Loading Areas. Where possible, a loading area shall be located to the rear of the principal building(s) it serves. In addition, the loading area shall be located adjacent to the building's loading doors, in an area that promotes its practical use.
- B. Dimensional Standards for Loading Areas
 1. Each loading space shall be of sufficient size to accommodate the types of delivery/shipping vehicles likely to use the loading area.
 2. The size of a loading space that presumptively satisfies the needs of a medium-sized truck is at least 12 feet wide and 35 feet long, and has at least 13 feet of vertical clearance.
 3. The size of a loading space that presumptively satisfies the needs of a large-sized truck is at least 12 feet wide and 75 feet long, and has at least 14 feet of vertical clearance.
 4. The Planning Director may require larger or smaller loading spaces than called for by Subsections 2 and 3 above upon determining that the characteristics of the particular development warrant such a variation and the general standard in Subsection 1 is met.

6.4.7. Off-Street Bicycle Parking Arrangement and Design

Off-street bicycle parking spaces required by Section 6.4.3.A, "Minimum Number of Off-Street Vehicle and Bicycle Parking Spaces," shall be provided with bike racks, bike lockers, or similar parking facilities that comply with the following standards:

1. The parking facility shall be located in a visible, well-lit ground-level area that
 - i. Is conveniently accessible to the primary entrances of a development principal building(s);
 - ii. Does not interfere with pedestrian traffic; and
 - iii. Is protected from conflicts with vehicular traffic.
2. Each bicycle parking space within a bicycle parking facility shall be at least two feet wide and six feet long. (Refer to Figure, "Bike Rack Placement").
3. The parking facility shall have an overhead clearance of at least seven feet.
4. The parking facility shall be securely anchored and designed to support parked bicycles securely and enable them to be locked.
5. Bike lockers or other indoor parking spaces shall be clearly demarcated.



6.4.8. Off-Street Parking Alternatives

- A. Provision Over Maximum Allowed. An alternative parking plan may propose to exceed the maximum number of off-street vehicle parking spaces allowed by Section 6.4.3, "Off-Street Vehicle and Bicycle Parking Space Requirements," in accordance with the following standards:
 1. Parking Demand Study. The alternative parking plan shall include a parking demand study demonstrating how the maximum number of parking spaces specified by Section 6.4.3, "Off-Street Vehicle and Bicycle Parking Space Requirements," is insufficient for the proposed development.
 2. Minimum Exceedance Required. The number of additional off-street vehicle parking spaces allowed beyond that specified by Section 6.4.3, "Off-Street Vehicle and Bicycle Parking Space Requirements," shall be limited to the minimum number of additional spaces recommended as needed by the required parking demand study.
- B. Shared Parking. An alternative parking plan may propose to meet a portion of the minimum number of off-street parking spaces required for a use with shared parking—i.e., use of parking spaces used or proposed to be used to meet the minimum number of off-street parking spaces required for one or more

other uses—in accordance with the following standards. This alternative and these standards (except Section 6.4.7.D, "Signage Directing Public to Parking Spaces" may also be applied to bicycle parking.

1. Maximum Shared Spaces. Up to 50 percent of the number of parking spaces required for a use may be used to satisfy the number of parking spaces required for other uses that generate parking demands during different times of the day or different days of the week.
 2. Location. Shared parking spaces shall be located within 500 feet walking distance of the primary pedestrian entrances to the uses served by the parking. Shared parking spaces shall not be separated from the use they serve by a major or minor thoroughfare unless pedestrian access across the thoroughfare is provided by a grade-separated pedestrian walkway or appropriate traffic controls (e.g., signalized crosswalk).
- C. Pedestrian Access. Adequate and safe pedestrian access shall be provided between the shared parking areas and the primary pedestrian entrances to the uses served by the parking.
- D. Signage Directing Public to Parking Spaces. Signage complying with the standards of Section 6.7, Signage, shall be provided to direct the public to the shared parking spaces.
- E. Justification. The alternative parking plan shall include justification of the feasibility of shared parking among the proposed uses. Such justification shall address, at a minimum, the size and type of the uses proposed to share off-street parking spaces, the composition of their tenants, the types and hours of their operations, the anticipated peak parking and traffic demands they generate, and the anticipated rate of turnover in parking space use.
- F. Shared Parking Agreement. An approved shared parking arrangement shall be enforced through written agreement among all the owners or long-term lessees of lands containing the uses proposed to share off-street parking spaces. The agreement shall provide all parties the right to joint use of the shared parking area for as long as the shared parking spaces are needed to comply with this Ordinance, and shall be binding on subsequent owners or long-term lessees. The agreement shall be submitted to the Planning Director for review and approval. An attested copy of an approved and executed agreement shall be recorded with the Register of Deeds for the county in which the site is located before issuance of a Certificate of Compliance/Occupancy for any use to be served by the shared parking area. Any termination of the agreement does not negate the parties' obligations to comply with parking requirements and thus shall constitute a violation of this Ordinance. No use served by the shared parking may be continued if the shared parking becomes unavailable to the use unless substitute off-street parking spaces are provided in accordance with this Section.
- G. Off-Site Parking. An alternative parking plan may propose to meet a portion of the minimum number of off-street vehicle parking spaces required for a use with off-site parking (i.e., off-street parking spaces located on a lot separate from the lot containing the use) in accordance with the following standards. This alternative and these standards may also be applied to bicycle parking.
1. Zoning Classification. The zoning district classification of the off-site parking area shall be one that allows the use served by off-site parking (and thus off-street parking is accessory to such use) or that allows parking as a principal use.
 2. Location. Off-site parking spaces shall be located within 500 feet walking distance of the primary pedestrian entrances to the uses served by the parking. Off-site parking spaces shall not be separated from the use they serve by a major or minor thoroughfare unless safe pedestrian access across the street is provided by a grade-separated pedestrian walkway or appropriate traffic controls (e.g., signalized crosswalk).
- H. Pedestrian Access. Adequate and safe pedestrian access shall be provided between the off-site parking areas and the primary pedestrian entrances to the use served by the parking.
- I. Off-Site Parking Agreement. If land containing the off-site parking area is not under the same ownership as land containing the principal use served, the off-site parking arrangement shall be established in a written agreement between the owners or long-term lessees of land containing the off-site parking area and land containing the served use. The agreement shall provide the owner or long-term lessee of the served use the right to use the off-site parking area for as long as the shared parking spaces are needed to comply with this Ordinance, and shall be binding on subsequent owners or long-term lessees. The agreement shall be submitted to the Planning Director for review and approval. An attested copy of an approved and executed agreement shall be recorded with the Register of Deeds for the county in which the site is located before issuance of a Certificate of Compliance/Occupancy for any use to be served

by the shared parking area. Any termination of the agreement does not negate the landowner's obligation to comply with parking requirements and thus shall constitute a violation of this Ordinance. No use served by the off-site parking may be continued if the off-site parking becomes unavailable unless substitute off-street parking spaces are provided in accordance with this Section.

- J. Deferred Parking. An alternative parking plan may propose to defer construction of up to 20 percent of the number of off-street vehicle parking spaces required by Section "Minimum Number of Off-Street Vehicle and Bicycle Parking Spaces," in accordance with the following standards:

1. Justification. The alternative parking plan shall include a study demonstrating that because of the location, nature, or mix of uses, there is a reasonable probability the number of parking spaces actually needed to serve the development is less than the minimum required by Section 6.4.3.A, "Minimum Number of Off-Street Vehicle and Bicycle Parking Spaces."
2. Reserve Parking Plan. The alternative parking plan shall include a reserve parking plan identifying: (a) the amount of off-street parking being deferred, and (b) the location of the area to be reserved for future parking, if future parking is needed.
3. Parking Demand Study. The alternative parking plan shall provide assurance that within 18 months after the initial Certificate of Compliance/Occupancy is issued for the proposed development, an off-street parking demand study evaluating the adequacy of the existing parking spaces in meeting the off-street parking demand generated by the development will be submitted to the Planning Director.

If the Planning Director determines that the study indicates the existing parking is adequate, then construction of the remaining number of parking spaces shall not be required. If the Planning Director determines that the study indicates additional parking is needed, such parking shall be provided consistent with the reserve parking plan and the standards of this Section, and shall be provided within 12 months after the Planning Director's determination.

- K. Limitations on Reserve Areas. Areas reserved for future parking may remain undisturbed.
- L. Landscaping of Reserve Areas Required. Areas reserved for future off-street parking shall be landscaped with an appropriate ground cover, and if ultimately developed for off-street parking, shall be landscaped in accordance with Section 5.4.4, "Parking Lot Landscaping."
- M. Valet and Tandem Parking. An alternative parking plan may propose to use valet and tandem parking to meet a portion of the minimum number of off-street vehicle parking spaces required for a development with commercial uses in accordance with the following standards:

1. Number of Valet or Tandem Spaces. No more than 30 percent of the total number of parking spaces provided shall be designated for valet or tandem spaces except for hotels, where up to 100 percent of parking spaces may be designated for valet parking.
2. Drop-Off and Pick-Up Areas. The development shall provide a designated drop-off and pick-up area. The drop-off and pick-up area may be located adjacent to the building served, but may not be located in a fire lane or where its use would impede vehicular and/or pedestrian circulation or cause queuing in a public street or internal drive aisle serving the development.
3. Valet Parking Agreement. Except where associated with a hotel, valet parking may be established and managed only in accordance with a valet agreement. The agreement shall include provisions ensuring that a valet parking attendant will be on duty during hours of operation of the uses served by the valet parking. The agreement shall be submitted to the Planning Director for review and approval. An attested copy of an approved and executed agreement shall be recorded with the Register of Deeds for the county in which the site is located before issuance of a Zoning Compliance Certificate for any use to be served by the shared parking area.

- N. On-Street Parking. An alternative parking plan may propose to meet a portion of the minimum number of off-street vehicle parking spaces required for a use with on-street vehicle parking spaces, in accordance with the following standards. This alternative and these standards may also be applied to bicycle parking, where bicycle parking facilities are provided within the street right-of-way or easement:

1. The use shall be located within a Mixed-Use and Nonresidential Base District, Planned Development District, or Mixed-Use Planned Development District;
2. The on-street parking spaces are located along the development site's street frontage or within 150 linear feet of walking distance from the primary entrance of the proposed use;

3. The on-street parking spaces are not counted toward meeting the off-street parking requirement for any other development;
4. No more than 25 percent of the off-street parking requirement is met through the use of on-street parking; and
5. There is no negative impact to existing or planned traffic circulation patterns.

Section 6.5. Utilities and Services

6.5.1. General

- A. Compliance with Provider Standards. All utility lines and facilities—such as, but not limited to, those providing sewage disposal, drinking water, non-potable reclaimed water, electric power, natural gas, telecommunication, or cable television service—shall be located, designed, and constructed or installed in accordance with the standards of the utility entity providing the utility service.
- B. Installation.
1. General Standards.
 - a. All utility lines and facilities shall be installed in such a manner and at such a time as to minimize interference with other utility lines and facilities, disruption of roadways or other infrastructure improvements, and disruption of vehicular or pedestrian traffic, and to facilitate maintenance of the utility lines and facilities without undue damage to infrastructure improvements.
 - b. Utility easements shall be provided for utilities along lot lines where necessary to provide utilities to all platted lots. Easement widths shall be based on the service provider's standards.
 - c. Public infrastructure improvements and utility facilities shall be located and constructed to minimize exposure to flood hazards.
 - d. Monuments shall be installed to delineate new lots for all Minor and Major Subdivisions.
 - C. Underground Installation Required. In all new development, electric distribution feeder lines and all other utility lines located on the development site and/or along the public right-of-way abutting the site shall be installed underground. The Town Engineer may waive this requirement in response to demonstration that undergrounding the line will be detrimental to the overall safety and/or reliability of the circuit or utility system, or because the development involves the adaptive reuse of an existing structure.

6.5.2. Public Water and Sewer Systems

- A. Sanitary sewers, reclaimed water distribution systems, and water supply systems shall be installed in such a manner as to serve adequately all lots with connection to the public system, and shall comply with Table 6.5.2, "Public Sewer and Water System Applicability." When a proposed development is located within the service area of a public sewage system and public water system or a reclaimed water distribution system and within the distance of an existing line as specified in Table 6.5.2, "Public Sewer and Water System Applicability," sanitary sewers and reclaimed water distribution systems shall be installed in such a manner as to serve adequately all lots with connection to the public system.

Public Sewer and Water System Applicability

Number of Lots	Distance to Existing Water or Sewer Line
1 – 5	300 ft, plus 50 ft for each additional lot over one
6 – 20	300 ft, plus 75 ft for each additional lot over six
21 – 50	1,375 ft, plus 100 ft for each additional lot over 21
50+	4,375 ft, plus 125 ft for each additional lot over 51
ft = feet	

- B. Sewer lines shall be installed according to the standards and regulations of the Chatham County Health Department and/or the Town of Pittsboro.

- C. Water supply lines shall conform with accepted standards of good practice for water systems, as specified in the regulations of the Town of Pittsboro water system extension policy.
- D. For Major Subdivisions, where an adequate public water supply system is available, the developer shall install fire hydrants in accordance with the following standards.
 1. The subdivision shall be afforded adequate fire protection or as provided in the Town of Pittsboro water system extension policy.
 2. Fire hydrants shall be located so that no lot is further than 500 feet from a hydrant.
 3. Water lines on which fire hydrants are to be installed shall not be less than eight inches in diameter.
 4. There shall be no closed or dead-end lines servicing fire hydrant locations, unless, in consultation with the Engineer, is approved by the Planning Director.
- E. When located outside the service area of a public water supply system and/or outside the distance of an existing line as specified in Table 6.5.2, "Public Sewer and Water System Applicability," lot sizes may be allowed to be reduced for having water available, provided adequate water is available for domestic use in the community water system to be installed by the developer; and provided eight-inch water lines are installed to service fire hydrant locations such that no lot is farther than 500 feet from such a location, and stub-outs with gate valves are provided at said fire hydrant locations. If the subdivision does not meet these provisions, it shall be considered a subdivision that does not have public water available.
- F. Where, in the opinion of the Board of Commissioners and the utility agency, lots cannot be economically connected with a sewage system or water supply system they must contain adequate area (based on soil survey, percolation tests, source of water supply, etc.) for the installation of approved septic tanks and disposal fields, or installation of private water supply systems, and must be approved in writing by the Chatham County Health Department or State Agency having jurisdiction.

6.5.3. Public Water and Sewer Capacity

- A. Development with public sewer and potable and reclaimed water are conditioned on the availability of sufficient sewer or water capacity in the Town sewer and/or water systems to serve the proposed development.
- B. If sufficient sewer and/or water capacity for the proposed development is available, then sewer and/or water lines and facilities for the development shall be connected to the Town sewer and/or water system. Public sewer and/or water lines and facilities shall be constructed to the standards, sizes, and specifications of the Town, and dedicated to the Town for operation and maintenance.
- C. If sufficient sewer and/or water capacity for the proposed development is not available, then the developer may request Town approval of plans for the construction of alternative public sewer and/or water systems. Sewer and/or water lines for an alternative community sewer or water system shall be built to the standards, sizes, and specifications of the Town.
- D. Oversized sewer and/or water improvements shall be provided where required by the Town in accordance with its policies and regulations.
- E. For development located outside the corporate limits of the Town and proposing service by a public sewer and/or water system, the owner of the development site shall submit a petition for voluntary annexation of an area that includes the development site before submitting development applications for the following permits types (refer to Section 10.4, Application-Specific Review Procedures): Major Site Plan, Minor Site Plan, Special Use Permit, Major Subdivision Preliminary Plat, and Minor Subdivision.

6.5.4. Storm Drainage

Storm drainage shall comply with Section 4.4, Stormwater Management.

6.5.5. Easements, Dedications, and Reservations

- A. Utility Easements. Easements shall be provided for utilities along lot lines where necessary to provide utilities to every platted lot. The subdivider and the utility companies shall agree on the width of easements needed.

- B. Pedestrian Easements. In such cases and at such locations as the Board of Commissioners deems advisable, sewer easements and easements not exceeding 20 feet in width may be required for pedestrian or bicycle traffic to and from schools, neighborhood parks, and other public places and facilities.
- C. Drainage Easements. In cases in which a subdivision is traversed by a stream or drainage channel there shall be provided a storm water easement of such width along each side of the stream as the Board of Commissioners deems necessary. Other drainage easements may be required for the proper drainage of all lots.
- D. Sight Distance Easements at Intersections. Sight distance easements shall be in accordance with the requirements of this Ordinance, and shall remain free of all structures, trees, shrubbery, driveways, and signs, except utility poles, fire hydrants, and traffic control signs in accordance with this Ordinance.
- E. Dedication of Waterways. Lakes, ponds, creeks, and similar areas will be accepted by the Town for maintenance only if sufficient land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the drainage control system. The suitability of such dedicated areas shall be evaluated by the Planning Board prior to being considered for acceptance by the Town Board of Commissioners.
- F. Waste Disposal. The Board of Commissioners may require easements or garbage dumpster sites in subdivisions when appropriate. Such a requirement may take into consideration the number of lots in the subdivision or the availability of other sites in close proximity to the subdivision.

6.5.6. Compliance with Standards for Utility Providers

Development within utility easements shall comply with the standards and restrictions of the appropriate utility service provider(s).

6.5.7. Solid Waste Removal

The purpose of this Section is to minimize the impact that noise associated with the removal of solid waste may have on adjacent residential development. Solid waste shall not be collected from exterior commercial containers located within a residential development or within 500 feet of a residential dwelling between the hours of 9:00 PM and 7:00 AM. Notice of this limitation shall be posted on the gate screening the container.

Section 6.6. Outdoor Lighting

6.6.1. Purpose & Applicability

The purpose of this Section is to control light trespass, pollution and glare so as not to adversely affect motorists, pedestrians, and land uses of adjacent properties inside the town limits and within the ETJ planning jurisdiction of the Town of Pittsboro. Lighting standards are also intended to preserve and protect the nighttime use and enjoyment of all property. Levels of illumination (light) to achieve a certain function or desired effect should also reduce or eliminate the hazardous aspects and nuisance of glare and lighting trespass for all exterior lighting installations. This includes but is not limited to:

1. Façade building lighting;
2. Recreation and sports areas;
3. Public and private streets; and
4. Parking areas and signs

Except as otherwise provided in this Ordinance, the standards in this Section shall apply to all development.

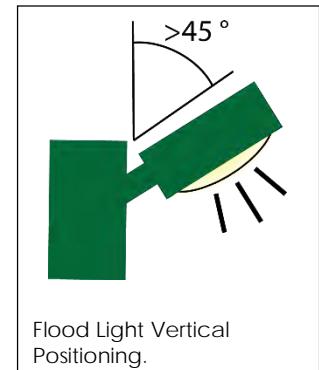
6.6.2. Light Measurement

Refer to Section "Lighting Standards for Bikeways, Walkways, and Parks."

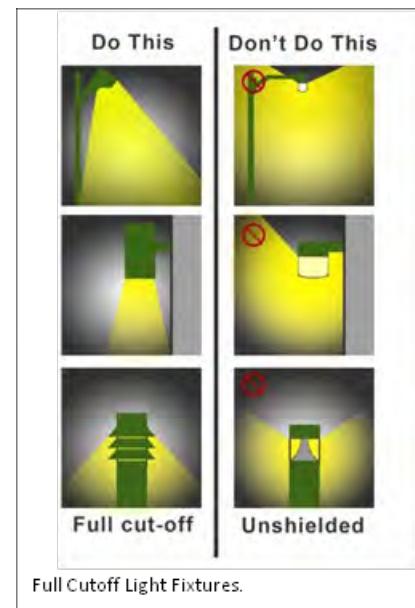
6.6.3. General Lighting Standards

Outdoor lighting shall comply with the following standards unless specifically stated otherwise.

- A. Perimeter Light Levels. The maximum light level shall be 0.5 maintained footcandles at any property line in a Residential Base District, or on a lot occupied by a dwelling unit. Floodlights shall not be directed toward residential property.
- B. Lighting Type. Lighting fixtures of more than 2,000 lumens shall be full cutoff fixtures. Nighttime security lighting must be fully shielded to provide full cutoff light distribution.
- C. Lighting Height. The mounting height of all outdoor lighting shall not exceed thirty-seven feet above finished grade, except for outdoor sports venue lighting. The Planning Director may approve greater mounting heights if no adverse impact would occur.
- D. Floodlights. Flood lights shall be aimed down at least forty-five degrees from vertical. (Refer to Figure, "Flood Light Positioning.") Any flood light located within fifty feet of a right-of-way shall be mounted perpendicular to the right-of-way. The side-to-side horizontal positioning shall not exceed an orientation greater than 15 degrees from perpendicular to the right-of-way. All flood lamps emitting 1,000 or more lumens shall be aimed at least 60 degrees down from horizontal or shielded such that the main beam from the light source is not visible from adjacent properties or the public street right-of-way.
- E. Lighting Performance. All exterior lighting fixtures shall produce at least 80 lumens per watt of energy consumed, as documented by manufacturer's specifications or the results of an independent testing laboratory.
- F. Shielding. All exterior lighting fixtures shall be full cutoff (refer to Figure, "Full Cutoff Light Fixtures").
- G. Remedies for Light Trespass. The Planning Director may require the following remedies if compliance with this section would still cause light trespass, for example to account for different land elevations:
 1. Installation of internal or external shields;
 2. Adjusting the aim of offending fixtures;
 3. Adjusting the location and/or mounting height or the offending poles;
 4. Adjusting the light distribution pattern and/or fixture type; or
 5. Remove the offending poles and fixtures from the site.
- H. Lighting Color. The same or similar light source color temperature must be used on any one site that is part of a Planned Development District. This applies to:
 1. All streetlight fixtures; and
 2. Area and parking lot light fixtures that are mounted on a pole or to the side of a building.



Flood Light Vertical Positioning.



Full Cutoff Light Fixtures.

6.6.4. Lighting Standards for Specific Areas and Site Features

- A. Open Parking Facilities.
 1. Illumination. For residential parking lots, the range of maintained footcandles shall be 0.2 to 0.7. For nonresidential parking lots, the range of maintained footcandles shall be 0.2 to 0.9.
 2. Lighting Type and Height. Non-cutoff decorative post-mounted fixtures shall be equipped with a solid top. Mounting heights lower than 18 feet are allowed when the maximum initial lumens generated by each fixture does not exceed 9500 initial lamp lumens. All metal halide, mercury vapor, fluorescent, induction, white high-pressure sodium, and color improved high-pressure sodium lamps 9500 lumens and less used in non-cutoff fixtures shall be coated with an internal white frosting inside the outer lamp

envelope. All metal halide solid-top decorative post fixtures equipped with a medium base socket must use an internal refractive lens, a diffuse outer lens, or a wide-body refractive globe.

3. Modification of Standards. The Planning Director may require or allow higher light levels based on the following criteria:
 - a. Safety and security;
 - b. Special events;
 - c. Existing lighting conditions on adjacent property; and If use of full cutoff fixture does not provide ample lighting.
- B. Covered Parking Facilities. Lighting for covered parking facilities shall comply with the IESNA Handbook, 9th Edition.
- C. Vehicular Canopies. Areas under a vehicular canopy shall have an average maximum horizontal illuminance of 20 maintained footcandles. The maximum shall be 15 maintained footcandles for LED lighting. Lighting under vehicular canopies shall be designed so as not to create glare off-site. Acceptable methods to reduce glare include:
 1. Installing a lens cover that is either recessed or flush with the bottom surface (ceiling) of the vehicular canopy, and provides a full cutoff or fully-shielded light distribution; or
 2. Installing flat glass that provides a full cutoff or fully-shielded light distribution.
- D. Outdoor Sports and Performance Areas. The mounting height of outdoor sports field and outdoor performance area lighting fixtures shall not exceed 80 feet from finished grade unless approved by the Town Board of Commissioners. All outdoor sports field and outdoor performance area lighting fixtures shall be equipped with a glare control package (louvers, shields, or similar devices). The fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area. The maximum light level shall be 0.5 maintained footcandle at any property line in a Residential Base District, or on a lot occupied by a dwelling unit. The hours of operation for the lighting system for any game or event shall not exceed one hour after the end of the event.
- E. Outdoor Display and Sales Area. All Lighting for outdoor display areas shall not exceed 20 maintained footcandles. The maximum shall be 15 maintained footcandles for LED lighting. If adjacent to any residential use, the maximum shall be 15 maintained footcandles and the fixtures shall be full cutoff.
- F. All light fixtures shall be full cutoff fixtures or directional fixtures such as floodlights. The mounting height of outdoor display area fixtures shall not exceed 37 feet above finished grade, unless the Planning Director determines that no adverse effect would occur. Glare from any surface may not exceed a maximum average-maintained illuminance of 20 footcandles. Car dealership parking lot lighting shall comply with the following standards.
 1. Only cutoff or full cutoff fixtures shall be used.
 2. The maximum mounting height shall be 35 feet, in addition to a two-foot raised base for parking areas.
 3. Glare from the car bumper in the first row closest to the right-of-way may not exceed a maximum average-maintained illuminance of 20 footcandles.
 4. Lighting at the first row or closest paved display area adjacent to a public right-of-way.
 5. Lighting in the non-merchandising areas of the parking lot shall be a maximum average-maintained illuminance of five footcandles.
- G. Building Facades. Lighting fixtures shall be focused exclusively on the building façade, plantings, and other intended site features, and away from adjoining properties and the public street right-of-way. Illumination on any vertical surface or angular roof shall not exceed a maximum average-maintained illuminance of five footcandles. Where possible, lighting fixtures shall be directed downward. The Planning Director may allow lighting to be aimed upward, if a downward orientation is impractical. In such case, low-wattage fixtures with shields (as needed) shall be used, and located close to the building to minimize reflected light from windows and other surfaces.
- H. Signs and Billboards. Lighting fixtures that externally illuminate signs shall comply with Section 5.10, Signage. Lighting for outdoor advertising signs shall be lighted from the top and oriented downward.

6.6.5. Lighting Standards for Bikeways, Walkways, and Parks

Ground areas along bikeways, walkways, and lighted areas in parks shall be illuminated between 0.2 and 0.5 average maintained footcandle.

6.6.6. Exemptions

When determined necessary for reasons of public safety, security lighting shall be exempted from these requirements.

Section 6.7. Signage

6.7.1. Purpose & Applicability

The purpose of this Section is to:

1. Ensure that signs are designed, constructed, installed, and maintained so that public safety and traffic safety are not compromised;
2. Minimize distractions and view obstructions;
3. Encourage a high standard for signs so that they are appropriate to and enhance the aesthetic appearance and attractiveness of the community;
4. Create an aesthetic environment that contributes to the ability of the community to attract sources of economic development and growth; and
5. Allow for adequate and effective signs for communicating information while preventing signs from dominating the visual appearance of the area in which they are located.

The following in this section applies to:

1. New Signage
2. Existing Signage that is one (1) or more of the following situations:
 - i. being completely removed and replaced;
 - ii. enlarging in width, and/or length, and/or depth;
 - iii. relocation of signage

6.7.2. Sign Types

Sign types identified in this Section are defined in Section 12.12, Terms and Uses Defined (immediately following the entry for "sign").

6.7.3. General Sign Standards

The following standards apply to all sign types.

- A. Construction. All signs shall be constructed and installed in accordance with the applicable provisions of the North Carolina State Building Code.
- B. Electricity. 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.
- C. Maintenance. 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.
- D. Substitution of Noncommercial Content. The replacement of commercial content with noncommercial content on any sign allowed under this Section is expressly allowed.
- E. Changeable Copy. The following regulations shall apply to all changeable copy signs in districts where they are permitted:
 1. Either computer-driven or manually changeable copy is permitted.
 2. Changeable copy signs shall be limited to one change per day.
 3. No more than 25 percent of the area of a single sign shall be usable for changeable copy.
 4. In residential zoning districts, changeable copy signs are prohibited.
- F. Illumination.

1. Signs may be illuminated from within or from an external source, and shall avoid glare or reflection. 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.
 2. In all Residential Base 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.
 3. All business signs shall not be illuminated between the hours of 12:00p.m. 6:00a.m. except for businesses which are open for business during these hours.
- G. Sight Distance Triangle. Signs with a vertical clearance less than 10 feet between grade and the bottom of the sign face are prohibited within sight distance triangles.
- H. Proximity to Residential Base Districts. Signs located in a Mixed-Use and Nonresidential Base District shall be located at least 20 feet from the property line if the adjoining property is zoned with a Residential Base District.
- I. Proximity to Right-of-Way. Signs shall be located a minimum of 15 feet from a right-of-way if:
1. The sign is greater than two and one-half feet in height; or
 2. Has a vertical clearance less than 10 feet.

6.7.4. Prohibited Signs

The following signs are prohibited:

1. 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;
2. Roof signs;
3. Flashing, fluttering, animated, swinging, or rotating signs other than time and/or temperature signs;
4. Signs that are similar in color, design, and appearance to traffic control signs;
5. Vehicular signs;
6. Off-premises signs;
7. Changeable copy signs on which copy is in fact changed more than once in any one day; and
8. Other signs not authorized by this Ordinance.

6.7.5. Signs Not Requiring a Permit

Refer to Section 10.4.4.C, "Exemptions."

6.7.6. Standards for Specific Sign Types

The following standards apply to specific types of signs, notwithstanding additional standards set forth in Section 6.7.8, "District-Specific Sign Standards."

A. Wall Signs.

1. Signs may be located on any building wall of a nonresidential structure, provided the maximum sign surface area of all signs on one wall does not exceed 10 percent of the total building wall area (excluding canopies).
2. The maximum allowable wall sign area is not transferable to another wall.
3. The total area of wall signs may be increased by 10 percent if:
 - i. The sign consists of only individual, outlined alphabet, numeric, and/or symbolic characters without background; or
 - ii. No detached sign is used on the premises.
4. Wall signs shall not extend above the parapet or roof line of the building to which the sign is attached, or project more than 18 inches from the building wall.
5. Wall signs or supporting structures shall not cover or obstruct any of the following:
 - i. Window or portion of a window;
 - ii. Door, fire escape, or stairway; or
 - iii. Other opening intended to provide light, air, ingress, or egress for any building or lot.
6. Lamps and fixtures used to illuminate a wall sign:

- i. Shall not project into a required yard more than two feet beyond building walls; and
 - ii. Shall have a minimum clearance of nine feet above a pedestrian walkway or 12 feet above a vehicular drive.
- B. Canopy Signs. Signs may be attached, painted, or printed upon a canopy or awning, provided 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 6.7.6.A, "Wall Signs."
- C. Projecting Signs. A projecting sign may be used in lieu of a detached sign, provided it complies with the following standards.
- 1. The sign shall not project more than three feet from a building wall or exceed a maximum sign face area of six (6) square feet.
 - 2. The sign shall not extend vertically above the roof line or parapet wall of a building.
 - 3. The minimum height from grade to the lowest edge of a projecting sign shall be nine feet above a pedestrian walkway or 12 feet above a vehicular drive.
- D. Detached Signs.
- 1. Detached signs shall not exceed four feet in height unless specifically stated otherwise in this Ordinance.
 - 2. Ground-mounted and monument signs greater than two and one-half feet in height are prohibited within sight distance triangles.
 - 3. Detached signs shall be located no closer than two feet from a right-of-way;
 - 4. The maximum angle of a double-faced sign shall be 45 degrees. On corner lots the maximum shall be 90 degrees.
- E. Marquee Signs.
- 1. Marquee signs may extend over a required front yard or sidewalk, provided that a vertical clearance of at least nine feet is maintained beneath the sign.
 - 2. No marquee sign shall be closer than two feet to any right-of-way.
 - 3. Marquee signs may extend for the full length and width of the marquee.
 - 4. Marquee signs shall not exceed five feet in height. Signs for theaters; clubs, lodges and banquet halls; and community centers shall not exceed eight feet in height.

6.7.7. Standards Specific to Temporary Signs

- A. Temporary Signs for Development Under Construction. For each roadway frontage on a parcel of land upon which construction activities of any type are being performed, one temporary sign that does not exceed 16 square feet in a Residential base district or 32 square feet in a Mixed-Use or Nonresidential base district is allowed.
- 1. Only one primary sign visible from external rights-of-way shall be allowed per property.
 - 2. The maximum sign face area of a primary sign shall not exceed 16 square feet for Residential Base Districts, and 32 square feet in Mixed-Use and Nonresidential Base Districts.
 - 3. Temporary secondary signs may be located within a development under construction, provided they do not exceed 12 square feet in sign area.
 - 4. Not visible from external rights-of-way.
 - 5. Temporary signs shall be removed upon completion of the corresponding portion of the development.
- B. Temporary Banners. Temporary banners in Mixed-Use and Nonresidential Base Districts are allowed, provided they comply with the following standards:
- 1. Only one banner per establishment shall be allowed at a time.
 - 2. All banners shall be attached to a building wall or permanent canopy extending from a building.
 - 3. Paper banners are prohibited.
 - 4. Banners shall be erected for no more than 30 days.
 - 5. No banner shall extend above the second-floor level of a building or 45 feet above grade, whichever is less.
- C. Yard Signs. Yard signs shall comply with the following standards:
- 1. Removeable signs;
 - 2. Temporary;
 - 3. Not exceeding six (6) square feet in display area;

4. Not illuminated;
5. Limited to four (4) such signs per parcel; and
6. Must be removed three (3) months of placement.

6.7.8. Design-Specific Sign Standards

Signs shall comply with Table 6.7.8, "District-Specific Sign Standards." Signs not permitted in this Section are prohibited unless specifically stated otherwise in this Ordinance.

DISTRICT-SPECIFIC SIGN STANDARDS											
	RA-5, RA, RA-2, R-15, R-10, R-5, R-12, MR							OI		NMUC, CMUC, C-4, C-2, M-1, M-2	
	Household Living Uses	Group Living Uses	Community and Government Services Uses; Health Care Uses	Recreation and Entertainment Uses	Accessory Uses	Funeral Related Uses	All Other Non-residential Uses	Office Uses	All Other Uses	Retail Sales & Services Uses	All Other Uses
Ground-Mounted and Monument Signs											
Max. #	1	1	1	1	1	1	1	1	1	1 [3]	1 [1]
Max. Size (square feet)	6	24	24	24	4	16	16	24	1 sf for every 10 linear feet of lot frontage [2][3]	<50,000 sf 50,001- 200,000 sf >200,000 sf	24 32 40 4
Max. Height (feet)	n/a	4	4	4	4	4	4	4		50,001- 200,000 sf >200,000 sf	[4] [5]
Wall Signs											
Max. #	x	x	1 per wall	2 per wall	3 per wall	4 per wall	5 per wall	6 per wall	7 per wall	8 per wall	9 per wall
Max. Size (square feet)	n/a	n/a	[6]	[6]	[6]	[6]	[6]	[6]	[6]	[6]	[6]
Max. Height (feet)	n/a	n/a	[7]	[7]	[7]	[7]	[7]	[7]	[7]	[7]	[7]
Pole Signs											
Max. #	x	x	x	x	x	x	x	x	x	x	x
Max. = Maximum sf = square feet ft = feet n/a = not applicable X = not allowed											
NOTES:											
[1] The changeable copy shall not exceed 25 percent of the total sign face.											
[2] The maximum shall be 24 square feet.											
[3] Sign size may be increased by 25 percent if located at least 30 feet from right-of-way.											
[4] The maximum size shall be 24 sf for lots with less than 150 ft of street frontage, and 32 sf for lots with more than 150 sf of street frontage.											
[5] The maximum height shall be four feet for lots with less than 150 ft of street frontage, and eight feet for lots with more than 150 sf of street frontage.											
[6] The maximum sign surface area on one wall does not exceed 10% of the area of the building wall to which the sign is attached, up to a max of 32 square feet.											
[7] No wall sign shall extend the parapet or roof line of the building to which the sign is attached.											

6.7.9. Sign Flexibility Option

- A. Applicability. Flexibility from this Section may be granted, provided it contributes to a high-quality, coordinated system of signage. The sign flexibility option may be granted for the following development types:
 1. Planned Development District;
 2. Mixed Use Planned Development District;
 3. Major Subdivision; and

4. Major Site Plan.
- B. Review Criteria. Flexibility from sign regulations shall be granted through an approved Special Use Permit, consistent with Section 10.4.10 Special Use Permit. The Town Board of Commissioners shall review the proposal and evaluate whether it complies with the following criteria:
 1. The proposal will result in a coordinated, well-designed signage system.
 2. All signs include consistent design features.
 3. The maximum size of detached signs does not vary from established standards by more than 25 percent.
 4. No more than three detached signs along a street frontage is proposed.
 5. The maximum height of detached signs do not exceed 12 feet.
 6. Multi-information directional signs do not exceed 16 square feet and are located in the interior of the proposed development.
 7. Changeable copy highlighting special events on signs for institutional uses do not exceed 25 percent of the sign face area.

6.7.10. Outdoor Advertising Signs

Nonconforming outdoor advertising signs shall be removed in accordance with Section 8.6.C, "Removal of Nonconforming Signs."

Section 6.8. Commercial Development Design

6.8.1. Purpose & Applicability

The purpose and intent of this Section is to ensure a minimum quality of form and design for commercial and mixed-use development that results in greater predictability during the development review process. More specifically, the purposes of this Section are to:

1. Encourage establishment of a stronger sense of place with vibrant commercial and mixed-use development;
2. Encourage a more pedestrian-friendly environment through attention to human-scale design and site features to limit large, bulky buildings with few architectural details;
3. Foster compatibility between adjacent residential and nonresidential development;
4. Limit the impacts of automobile-oriented development in commercial and mixed-use areas; and
5. Improve the appearance of the Town generally.

This Section shall apply to:

1. All new commercial and mixed-use development;
2. Any expansion or alteration of an existing commercial or mixed-use development if the expansion increases the development's gross floor area by 50 percent or more or the alteration involves 50 percent or more of the development's gross floor area; and
3. Where requirements identified in this Section conflict with any other provisions in this Ordinance, the more stringent requirement shall control.

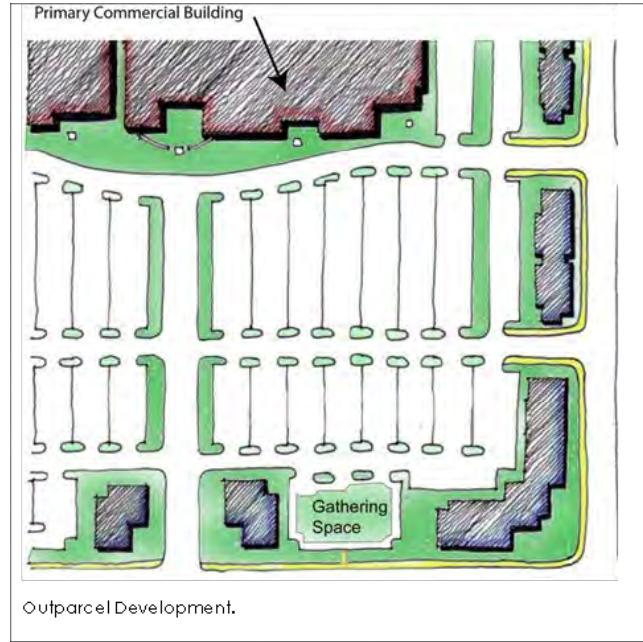
6.8.2. General Standards

A. Building Orientation.

1. Front Streets. The front facade of all buildings, as defined by the primary entrance, shall front onto a street, a courtyard, or plaza, not an off-street surface parking area. In the case of corner lots, the primary entrance shall face the street from which the building derives its street address. Nothing shall prohibit a secondary entrance from facing a surface parking area. A building can have off-street parking between it and the front streets, but still needs to be oriented to the front street.
2. Single-Building Development Parallel to Street. All single-building developments shall be configured parallel to the street it fronts, or be consistent with existing development patterns, rather than being sited at unconventional angles.

3. Multi-Building Development. Development composed of multiple buildings totaling 50,000 or more square feet of floor area shall be configured to:

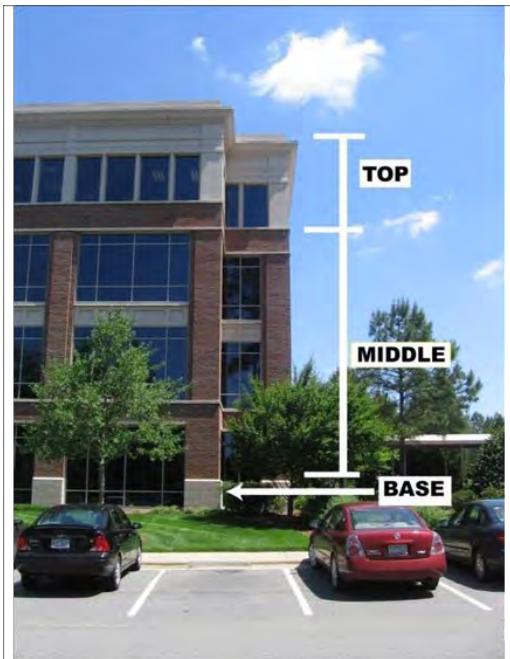
- Break up the site into a series of smaller "blocks" defined by on-site streets, vehicle access ways, pedestrian walkways, or other circulation routes;
- Frame the corner of an adjacent street intersection or entry point to the development;
- Frame and enclose on at least three sides of parking areas, public spaces, or other site amenities; or
- Frame and enclose outdoor dining or gathering spaces for pedestrians between buildings.
- The primary entrances of buildings shall be oriented toward a street along the perimeter of a development, toward streets or driveways interior to the development, or toward open space areas, courtyards, or plazas.



- B. Outparcel Development. To the maximum extent practicable, outparcels and their buildings shall be configured and located to define street edges, development entry points, and spaces for gathering or seating between buildings. Spaces between buildings on outparcels shall be configured with small scale pedestrian amenities such as plazas, seating areas, pedestrian connections, and gathering spaces (see Figure, "Outparcel Development").

- C. Base, Middle, and Top. Buildings of three or more stories shall include a clearly recognizable base, middle, and top configured in accordance with the following standards (see Figure, "Base, Middle and Top").

- Building bases shall incorporate one or more of the following:
 - Thicker walls, ledges, or sills;
 - Integrally-textured materials such as stone or other masonry;
 - Integrally-colored and patterned materials such as smooth-finished stone or tile; or
 - Lighter or darker colored materials, mullions, or panels.
- Building tops shall include two or more of the following features:
 - Three-dimensional cornice treatments with integrally-textured materials such as stone or other masonry or differently colored materials;
 - Sloping roofs with overhangs and brackets;
 - Stepped parapets; or
 - Aligned openings and articulations.



Base, middle and top.

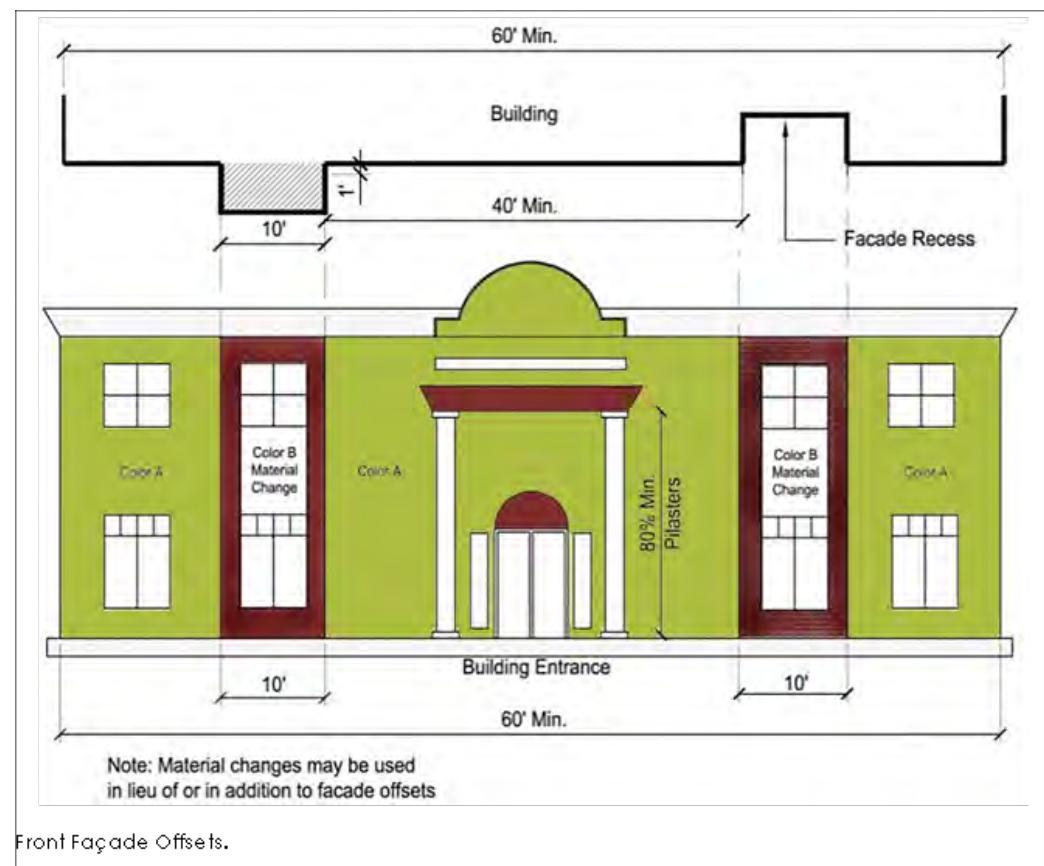
D. Façade Articulation.**1. Offsets Required.**

Street-facing front building facades that are greater than 60 feet wide shall be articulated with wall offsets (e.g., projections or recesses in the facade plane) that are at least one foot deep, at least ten feet wide, and spaced no more than 40 feet apart (Refer to Figure, "Front Façade Offsets"). Primary façade materials may change where there is an offset.

2. Offset Alternatives.

The following alternatives can be used alone or in combination as an alternative to the required front facade offsets:

- Changes in facade color or material that follow the same dimensional standards as the offset requirements;
- Columns or pilasters that are at least eight inches deep and at least eight inches wide, and have a height equal to at least 80 percent of the facade's height;
- Roofline changes that vertically align with a corresponding wall offset or change in facade color or material, including changes in roof planes and changes in the height of a parapet wall (such as extending the top of pilasters above the top of the parapet wall); or
- Change in fenestration patterns.



- Side Facades.** The street-facing side facades of buildings shall be articulated with the same facade details as provided on the building's front facade, or be screened from off-site views through fences, walls, or landscaping at least eight feet high.
- Outbuildings.** Outbuildings located in front of other buildings within the same development shall include a consistent level of façade articulation and architectural detail on all sides of the building as well as exterior materials and colors that are compatible with the primary building in the development.

E. Façade Materials.

- The use of aluminum siding, vinyl siding, corrugated metal siding, or other metal cladding is prohibited on any facade visible from a street right-of-way. Nothing shall limit the use of high-quality, decorative metal (e.g., brass, copper, steel) as a building accent material.
- Primary facade materials shall not change at outside corners and shall continue along any side facade visible from a street right-of-way for at least 15 feet; however, materials may change where side or rear wings meet the main body of the structure.
- Materials changes shall occur along a horizontal line or where two forms meet; however, changes of materials may be used as accents around windows, doors, cornices, at corners, or as a repetitive pattern.
- Where two or more materials are proposed to be combined on a facade, the heavier and more massive elements shall be located below the lighter elements (i.e., brick shall be located below stucco

or wood). The heavier material may be used as a detail on the corner of a building or along cornices or windows.

F. Fenestration / Transparency.

1. At least 25 percent of the street-facing facade area (front façade) of the ground-level floor of buildings (as measured from the grade to the underside of the eave, top of the parapet, or the story line denoting the second floor) shall be occupied by windows or doorways. This figure may be reduced to 20 percent of the first-floor front facade of a structure containing a retail sales establishment greater than 60,000 square feet.
2. All ground-level windows on street-facing facades shall be transparent. Mirrored or heavily-tinted glass that prevents views into the building is prohibited on street-facing front building facades. This provision does not apply to a building facade enclosing an adult establishment.

G. Roofs.

1. Sloped roofs on principal buildings shall include two or more different sloping roof planes, each with a minimum pitch between 3:12 and 12:12.
2. Flat roofs on principal buildings shall be concealed by parapet walls that extend at least three feet above the roof level and have three-dimensional cornice treatments that project at least eight inches outward from the parapet facade plane.
3. Alternative roof forms or pitches may be allowed for small roof sections over porches, entryways, or similar features.
4. All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (except chimneys), shall be located on the rear elevations or otherwise be configured, to the maximum extent practicable, to have a minimal visual impact as seen from the street, located as far away from the front façade as practicable.

H. Location of Off-Street Parking.

1. Development in the Downtown District. Any off-street parking areas provided with new development in the Downtown District shall be located to the side or rear of the front facade of the building.
2. Development in Other Districts. No more than two bays of off-street surface parking may be located between the front building facade and the street it faces. This may be doubled for buildings of two or more stories.

I. Loading, Service, and Equipment Areas.

1. Loading, service, and equipment areas shall be located in a manner that minimizes their visibility from off-site areas, to the maximum extent practicable.
2. Outdoor storage areas shall be fully screened from adjacent streets and single-family development.
3. Loading, service, and equipment areas that are associated with an outparcel building shall be screened through the use of structural elements and similar materials attached to and integrated with the building.

6.8.3. Large Retail Establishments Form and Design Standards

A. General. In addition to the general nonresidential and mixed-use form and design standards in Section 6.8.3, "General Standards," single-tenant buildings that have a gross floor area of 50,000 square feet or more and devote 60 percent or more of the total floor area to retail sales activities ("large retail establishments") shall also comply with the following standards.

B. Building Entrances. Buildings shall have clearly defined, highly visible customer entrances featuring no less than three of the following:

1. Canopies or porticos above the entrance;
2. Roof overhangs above the entrance;
3. Entry recesses or projections;
4. Arcades that are physically integrated with the entrance;
5. Raised corniced parapets above the entrance;
6. Gabled roof forms or arches above the entrance;
7. Outdoor patios or plazas adjacent to the entrance;
8. Display windows that are directly adjacent to the entrance;

9. Architectural details, such as tile work and moldings, that are integrated into the building structure and design and are above or directly adjacent to the entrance; or
 10. Integral planters or wing walls that incorporate landscaped areas or seating areas
- C. Facades and Massing. To reduce their perceived mass and scale, buildings shall incorporate two or more of the following design elements on each façade facing a street:

1. Variations in roof form and parapet heights;
2. Pronounced wall offsets that are at least two feet deep;
3. Distinct changes in texture and color of wall surfaces;
4. Ground level arcades and second floor galleries or balconies;
5. Protected and recessed entries; and
6. Vertical accents or focal points.

Side building walls that do not face a street and exceed 50 feet in length shall have façade-articulating elements such as columns and/or changes in plane, texture, or masonry pattern (Refer to Figure, "Large Retail Building Entrances and Massing.")

- D. Off-Street Parking Location Standards. Off-street surface parking lots with 300 or more spaces shall be organized into a series of parking bays surrounded by buildings, landscaping, or accessways designed to appear as streets. (Refer to Figure, "Parking Location for Large Retail Establishments.")



Section 6.9. Pocket Neighborhoods

6.9.1. Purpose & Applicability

A pocket neighborhood housing development is an alternative type of detached housing providing small residences for households, and is particularly well-suited for infill development. Standards in this Section encourage affordability, compatibility with existing neighborhoods, innovation in housing design, and a greater array of housing choices.

This Section shall apply to all new development proposals as of the current date of this Ordinance.

6.9.2. Development Standards

- A. Number of Dwelling Units. An individual pocket neighborhood development shall be comprised of at least four single-family dwelling units with a maximum of 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 is not permitted on parcels less than 20,000 square feet. Lots must be a minimum of 2000 square feet.
- C. Lot Coverage and Yards. Dwelling unit footprints shall not exceed 60 percent of the lot. The front and rear setbacks must be a minimum of 8 feet. The side setbacks must be a minimum of five 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 percent 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. Parking spaces at 0.75 spaces per bedroom per dwelling unit shall be required. Parking must be located within the pocket neighborhood property.
- E. Housing Type. Housing types are limited to single-family residential dwelling units.
- F. Accessory Dwelling Units. New accessory dwelling units (ADUs) are not permitted in pocket neighborhood housing developments.
- G. 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. Each unit shall be provided with a minimum of 200 square feet of usable private open space oriented toward 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. No dimension of the private open space shall be less than eight feet.
- H. Tree Preservation. In addition to minimum requirements set forth in Section 6.9.1, "Purpose," 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.
- I. Setbacks. Minimum rear yard and exterior side yard setbacks for Pocket Neighborhoods shall be 15 feet.
- J. Buffers. Pocket Neighborhoods must comply with perimeter and streetyard buffer standards for multifamily dwellings as set forth in Table 5.3.2, "Required Buffer Type."

CHAPTER 7. DEVELOPMENT INCENTIVES

Section 7.1. Purpose

The purpose of this Chapter is to promote, protect, and sustain the health, welfare, safety, and quality of life for the Pittsboro community and its residents, and to provide tools that offer meaningful benefits to developers when planning residential and commercial improvements to encourage alignment with these goals and values. Offering incentives as a tool in this respect, enables developers and the community to work together to achieve valuable economic, social, and environmental goals, and are an integral part of creating a more sustainable, diverse, and equitable community.

Section 7.2. Affordable Housing

7.2.1. Purpose

The purpose of this chapter is to promote the public health, safety, and welfare by incentivizing high-quality and affordable housing in neighborhoods throughout the Pittsboro for households of all income levels, ages, and sizes to meet the Town of Pittsboro's goal of preserving and promoting a community with a culturally and economically diverse population. The diversity of the Pittsboro's housing stock has declined due to increasing property values and construction costs. The Town of Pittsboro recognizes the need to provide affordable housing to low- to moderate income earning households to maintain a diverse population and to provide housing for those who live or work in the town. This Chapter is intended to attract rather than forcibly compel or otherwise mandate affordable housing. This Chapter provides incentives available to developers to encourage developers to participate in the construction of affordable housing within Pittsboro.

7.2.2. Eligibility (Qualifying Projects)

All Affordable Housing Development Projects must provide 30-years of affordability to qualify for the Development Incentives listed in Section 7.2. In addition to the requirement that an eligible Development Project shall provide 30-years of affordability with its affordable housing, the eligibility for the incentives listed in Section 7.2 and the determination of a qualifying project is as follows:

- A. Development Projects that propose and construct at least 5% of the total dwelling units in the Development Project with Units allotted for Qualifying Persons or Qualifying Households earning 60% AMI or less, or
- B. Development Projects that propose and construct at least 10% of the total dwelling unit in the Development Project with Units allotted for Qualifying Persons or Qualifying Households earning more than 60% AMI and up to and including 80% AMI, or
- C. Development Projects that propose and construct at least 15% of the total dwelling unit in the Development Project with Units allotted for Qualifying Persons or Qualifying Households earning more than 80% and up to and including 120% AMI are eligible for the following incentives, or
- D. Development Projects that propose and construct at least 10% of the total dwelling unit in the Development Project with Units allotted for Qualifying Persons or Qualifying Households that include a mixture of the three AMI categories listed in A, B or C of this Section. A Development Project eligible pursuant to this subsection D, shall qualify for the incentives listed in Table 7.2.1 based upon the AMI average of the Units allotted.

7.2.3. General Incentives

A. Density Credit Payment

1. In situations where a Developer is not proposing to directly construct an Affordable Housing Dwelling Unit but still desires to participate in the Town's Affordable Housing efforts, the Developer may make a Density Credit payment to the Town of Pittsboro in the form of cash or by land donation.

2. One (1) Density Credit, obtained by either cash or land donation, is equal to one (1) Affordable Housing Dwelling Unit.
3. Developers who opt into the Density Credit payment option are eligible to receive an increase in density and expedited review equal to that of the standards outlined in Sections 7.2.4(A)(1) and 7.2.4(A)(3). A Density Credit Payment shall not entitle a Developer to Application and Development fee rebates nor dimensional standard variations.
4. The Density Credit payment dollar amount is to be determined annually and specified in the Town of Pittsboro budget ordinance fee schedule.
5. If approved by the Town of Pittsboro Board of Commissioners, the Developer may transfer any Density Credit not used in the subject Development Project to another Development Project of the Developer, or the Developer may transfer any part or all of the Density Credit not used by the Developer to another Developer of a Development Project. This approval by the Board of Commissioners need not require a public hearing.
6. The Density Credit proceeds will be distributed by the Town and may be applied to any targeted AMI group of Affordable Housing Dwelling Units, including households earning 60% AMI or less, households earning more than 60% AMI and up to and including 80% AMI, and households earning more than 80% AMI and up to and including 120% AMI.
7. Density Credits obtained by either cash or land donation added to a qualifying project via the provisions of Section 7.2 shall not count against the minimum threshold to determine project eligibility defined Section 7.2.2. For example, if a Development Project has 100 total units, with 10 affordable housing units, the density may be increased to allow 130 dwelling units using the 3:1 ratio as set forth in Table 7.2.1. The percentage used for eligibility determination shall be 10% of 10 of 100, and not 10 of 130.
8. In addition to Sections 7.2.3(A)(1-7), the Density Credits associated with Developer land contributions are also subject to the following:
 - a. The Town of Pittsboro Board of Commissioners shall approve all land donations. This approval by the Board of Commissioners need not require a public hearing.
 - b. Density Credits will be determined using the most recent year's tax valuation of the land to be contributed and using the dollar figure referenced in Section 7.2.3(A)(4) as the denominator to determine the number of credits. Credits will not be rounded to the nearest whole number so any excess value will be forfeited by the land contributor upon donation. For example, if one (1) Density Credit is equal to \$100,000 as set forth in the Town's budget ordinance, then a payment or land donation equal to \$100,000 entitles the developer to one (1) additional Affordable Housing Dwelling Unit. If the land being donated is valued at \$210,000, the developer is entitled to two (2) additional affordable dwelling units. Similarly, a land donation equal to a value of \$290,000 will only entitle the developer to two (2) additional affordable dwelling units.
 - c. To qualify for the additional density credits described in this section, the donation of land must meet all of the following criteria:
 - i. The donated land must be transferred by warranty deed no later than the date of the approval of the final subdivision plat for the first phase of the Development Project; and
 - ii. The donated land must be zoned in a manner sufficient to permit construction of affordable dwelling units; and
 - iii. The donated land shall be at least one acre in size and a shape configured to permit the development of at least as many affordable dwelling units as the number of Density Credits provided; and
 - iv. The donated land shall be at least 85% upland, and
 - v. Land donated for Density Credits shall not include slopes exceeding 15%, and
 - vi. The donated land shall be served by adequate public facilities and infrastructure so that it is connected to a public roadway and public water and sewer systems no later than the date of the approval of the final subdivision plat for the first phase of the Development Project; and

- vii. The land will be transferred to the Town or to a housing developer approved by the Town. The Town reserves the right to require the applicant to identify a developer and to require that the land be transferred to that developer; and
- viii. The donated land shall be annexed into the Town of Pittsboro by the developer no later than the date of the approval of the final subdivision plat for the first phase of the Development Project;
- ix. The Town may surplus donated land at its sole discretion with the proceeds of any surplus sell going towards affordable housing initiatives in the Town.

7.2.4. Incentives Available to Developers Based on AMI Category

- A. Development Projects with Constructed Units Allotted for Qualifying Persons or Qualifying Households earning 60% AMI or less, more than 60% AMI and up to and including 80% AMI, and more than 80% and up to and including 120% AMI, or a combination of these AMI levels are eligible for the following incentives.
 - 1. **Expedited Review.** Projects proposing equal to or greater than the qualifying percentage of the total dwelling units as Affordable Housing Dwelling Units, as established in Table 7.2.1, "Available Incentives," shall be eligible to receive expedited review for Town review.
 - a. Expedited review allows the proposed project to be reviewed in advance of other projects already in the review queue that do not meet this Affordable Housing threshold. The reviews apply to all development related reviews and approvals conducted by the Town of Pittsboro.
 - b. Submittal deadlines and application requirements shall not be altered.
 - c. Expedited review cannot contradict or alter non-Town legislated or non-Town reviewed aspects of application review. For example, review conducted by Chatham County or the State of North Carolina cannot be expedited. Additionally, timing requirements and restraints dictated by State statute shall not be altered.
 - d. **Conflict and Priority.** In the event of multiple projects that propose Affordable Housing Dwelling Units are submitted for review, those projects with the highest percentage of Affordable Housing Dwelling Units targeting 60% AMI or less will be prioritized, followed by projects targeting and reviewed prior to projects targeting more than 60% AMI and up to and including 80% AMI, and then projects targeting more than 80% and up to and including 120% AMI. If multiple projects within the same targeted category are submitted, the projects will be reviewed in the order in which they were received.
 - 2. **Application & Development Fee Rebates.** Projects proposing equal to or greater than the qualifying percentage of the total dwelling units as Affordable Housing Dwelling Units, as established in Table 7.2.1, "Available Incentives," shall be eligible for Application & Development Fee rebates equal to the number of Affordable Housing Dwelling Units proposed in relation to the total number of Dwelling Units proposed in the Development Project.
 - a. The rebate shall provide a reimbursement of a percentage of the Application and Development Fees Paid to the Town for its review for the percentage of Affordable Housing Dwelling Units proposed in the Development Project. For example, if a project proposes 100 total dwelling units with 10 Affordable Housing Dwelling Units, then the developer is eligible for a 100% Application and Development Fee rebate on those 10 units, or 10% of the total Development Project fee expense.
 - b. Fees paid to other review or permitting agencies are not eligible for rebates, only those fees paid to the Town of Pittsboro.
 - c. Fees eligible for rebate may include any and all Application and Development Fees charged by the Town of Pittsboro, including water and sewer System Development Fees (SDF) and other connection fees.
 - d. This rebate program does not provide any rebate or reimbursement for water and/or sewer consumption and availability (base) rates.
 - e. If application fees are rebated for a Development Project that subsequently converts approved Affordable Housing Dwelling Units to Market Rate dwelling units, the current property owner at the time of the conversion must refund the Town of Pittsboro the amount of such fees that were initially rebated. The percentage of repayment shall be based upon the conversion category

and whether the unit is converted to another AMI category listed in Table 7.2.1, "Available Incentives," or to market rate unit. The repayment shall also include previously rebated amount plus a fifty percent (50%) administration charge and penalty. For example, if a qualifying Development Project receives a \$1,000 rebate for application fees and converts the affordable units from the less than 60% AMI category to the more than 80% and up to and including 120% AMI category, the current property owner would be required to reimburse the Town \$500 plus a penalty of \$50 for a total of \$550 to convert the unit. If a qualifying Development Project receives a \$1,000 rebate for application fees and converts the affordable units from the less than 60% AMI category to a market rate unit, the current property owner would be required to reimburse the Town \$1,000 plus a penalty of \$100 for a total of \$1,100 to convert the unit.

3. Density Bonus. Projects proposing equal to or greater than the qualifying percentage of the total dwelling units as Affordable Housing Dwelling Units, as established in Table 7.2.1, "Available Incentives," shall be eligible for a Density Bonus for each Affordable Housing Dwelling Unit constructed in a Development Project.
 - a. The Developer shall receive a Density Credit that permits the construction of either market rate or affordable dwelling units above the gross density for the project provided by the base zoning.
 - b. The Developer may transfer any Density Bonus not used in the subject Development Project to another Development Project of the Developer, or the Developer may transfer any part or all of the Density Bonus not used by the Developer to another Developer of a Development Project only upon approval by the Town of Pittsboro Board of Commissioners. This approval of the Board of Commissioners need not require a public hearing.
4. Property Tax Rebates. (Reserved)
5. Variations in Development Standards. Projects proposing equal to or greater than the qualifying percentage of the total dwelling units as Affordable Housing Dwelling Units, as established in Table 7.2.1, "Available Incentives," shall be eligible for variations in the development standards imposed on the Development Project.
 - a. Variations in Development Standards only apply to standards regulated and controlled by the Town of Pittsboro. The Town of Pittsboro has no authority to deviate or modify any County, State or other agency standard or requirement.
 - b. The variation types and percentages listed in Table 7.2., "Available Incentives" are administered and approved by the Town Manager, or designee, without further approval of the Town Board of Commissioners for a qualifying project.
 - c. As part of any Development Project that proposes the construction of Affordable Housing Dwelling Units, the Town Board of Commissioners may enter into an agreement that applicable development standards for the Development Project be varied or waived for that Development Project including, and limited to, minimum lot sizes, minimum lot widths, minimum building setback distances, maximum height limitations, required perimeter buffers, landscape requirements, open space requirements, tree protection requirements, and parking requirements. In considering variation or waiver of applicable development standards, the Board of Commissioners will look favorably upon the overall composition in terms of number or percentage of Affordable Housing Dwelling Units within the Development Project plus any utilization of green infrastructure, efforts that reduce the amount of impervious surface, or other innovative approaches in the Development Project. This approval of the Board of Commissioners need not require a public hearing.

Available Incentives		AMI Category		
		60% or Less	60% - 80%	80% - 120%
Incentive Category	Expedited Review	1st Priority	2nd Priority	3rd Priority
	Application Fee Rebates	100%	75%	50%
	Density Bonus Ratio (Units Added: Affordable Units Constructed)	3:1	2:1	1:1
	Property Tax Rebates	N/A	N/A	N/A
	Minimum Lot Area Size -Reduction Maximum	65%	40%	25%
	Minimum Lot Width - Reduction Maximum	65%	40%	25%
	Minimum Building Setbacks - Reduction Maximum	65%	40%	25%
	Maximum Height - Increase Maximum	25%	25%	25%
	Minimum Perimeter Buffer Width - Reduction Maximum	50%	25%	10%
	Minimum Parking - Reduction Maximum	25%	15%	10%

Section 7.3. Sustainable Development Incentives

(RESERVE AS A PLACEHOLDER)

CHAPTER 8. NONCONFORMITIES

Section 8.1. Purpose

There exist lots, uses, structures, signs, and site features that were lawfully established, but that do not conform to the applicable standards and requirements of this Ordinance. The lots, uses, structures, signs, and site features are collectively referred to as "nonconformities." It is the general policy of the Town to allow nonconformities to continue to exist. It also is the policy of the Town to bring as many nonconformities into conformance with this Ordinance as practical, subject to the requirements of this Chapter. The purpose and intent of this Chapter is to recognize the interests of landowners in continuing to use the land, but to preclude the expansion of a nonconformity or the reconstruction or reestablishment of a substantially destroyed or discontinued nonconformity unless doing so can serve as an incentive to achievement of even greater public benefit.

Section 8.2. Burden for Establishing Nonconforming Status

In all cases, the burden of establishing that a nonconformity lawfully exists shall be the responsibility of the owner of the land on which the nonconformity is located.

Section 8.3. Change of Tenancy or Ownership

No change of title or possession or right to possession of land on which there is a nonconforming lot, use, structure, sign, or site feature shall be construed as affecting the status of the lot, use, structure, sign, or site feature as nonconforming, or the applicability of the provisions of this Chapter to the nonconformity.

Section 8.4. Nonconforming Lots

A. Use and Development of Nonconforming Lots. A nonconforming lot may be used and developed for any use or structure subject to compliance with applicable standards of this Ordinance, except:

1. A single-family dwelling may be built on nonconforming lots in the Agricultural and Residential districts if it is located to minimize nonconformities to the maximum extent practical; and
2. Notwithstanding limitations imposed by other provisions of this Ordinance, a nonconforming lot in the Mixed-Use and Nonresidential districts that fails to comply with applicable dimensional standards (e.g., lot area, lot width, setbacks) may be developed with a permitted use if the development of the permitted use on the nonconforming lot complies with the applicable dimensional standards to the maximum extent practical.

B. Merger of Adjoining Lots to Eliminate or Reduce Nonconformity. When a nonconforming lot adjoins another lot (whether conforming or nonconforming) under the same ownership, the lots shall be combined or recombined to make the nonconforming lot conforming or reduce the extent of its nonconformity, provided no new nonconforming situation (whether lot, use, structure, sign, lighting, or other site feature) is created.

Example:

Within a zoning district with a minimum lot area requirement of 10,000 square feet, the owner of an 8,000-square-foot nonconforming lot buys the adjoining 8,000-square-foot conforming lot. The owner is required to recombine the two lots to increase the area of the nonconforming lot to at least 10,000 square feet if the recombination can be done in a way that does not make the conforming lot nonconforming (e.g., reduce its area to under 10,000 square feet) or make any use, structure, sign, lighting, or other site feature on the conforming lot nonconforming (e.g., move a lot line too close to a structure to allow its compliance with applicable setback standards).

C. Governmental Acquisition of a Portion of Lot. If a conforming lot is made nonconforming due to governmental acquisition of a portion of the lot for a public purpose that results in the lot no longer complying with applicable lot area or lot width standards, the lot shall be deemed a conforming lot on receipt of a Site Plan approval demonstrating that the development existing or proposed on the lot:

1. Complies with the permitted uses in Table 3.2.4, "Principal Use Table";

2. Complies with the dimensional, off-street parking, and landscaping standards of this Ordinance to the maximum extent practical;
 3. Complies with all other standards and requirements of this Ordinance; and
 4. Is designed and configured in a way that is compatible with surrounding development.
- D. Health Department Regulations. Nothing in this Subsection exempts a lot from meeting the applicable regulations of the Chatham County Health Department.

Section 8.5. Nonconforming Uses

1. Continuation of Nonconforming Uses. A nonconforming use may be continued subject to the requirements in this Section.
2. Change in Use. Except as otherwise provided in paragraph B, a nonconforming use may only be changed to a use that is permitted in the zoning district in which it is located. A change in the intensity, or frequency of activity, or in equipment or processes, associated with a nonconforming use does not constitute a change in use provided such changes amount only to changes in the degree of activity rather than changes in the use itself. A nonconforming use may be changed to another nonconforming use with a Special Use Permit approved in accordance with Section 10.4.10, Special Use Permit, if the Board of Commissioners additionally finds that the new use is of equal or less intensity, based on consideration of the following factors:
 - a. Traffic generated;
 - b. Number of off-street parking spaces required;
 - c. Number of persons on the premises at a time of peak demand; and
 - d. Off-site impact (such as noise, glare, dust, vibration, or smoke) to surrounding lands and public health and safety.
3. Discontinuance of Nonconforming Uses. Except as otherwise provided in paragraph B below, if a nonconforming use is discontinued for 180 consecutive days, subsequent use of land or structures previously devoted to such use shall not be used for any nonconforming uses and shall thereafter be devoted to conforming uses only. A nonconforming use that has been discontinued for 180 consecutive days, but less than two years, may be reestablished with a Special Use Permit approved in accordance with Section 10.4.10, Special Use Permit, where the Board of Commissioners additionally finds that the discontinuance resulted from factors that, for all practical purposes, were beyond the control of the person maintaining the nonconforming use.
4. Extension, Expansion, or Relocation of Nonconforming Uses.
 - a. Except as otherwise provided in paragraphs B and C below, a nonconforming use shall not be extended, expanded, or moved to occupy a different or greater area of land or structures than it occupied at the time it became nonconforming—provided that:
 - i. A nonconforming use of a structure may be extended throughout any parts of the structure that were manifestly designed or arranged to accommodate such use at the time the use became nonconforming; and
 - ii. A nonconforming use of open land that involves the removal of natural materials from the land may be expanded only within areas shown on the approved plans associated with authorization of the use, and only if ten percent or more of the natural materials within the site had already been removed when the use became nonconforming.
 - b. A structure used as a nonconforming single-family or manufactured home dwelling may be extended, enlarged, or replaced with another single-family or manufactured home dwelling of any size—provided the extended, enlarged, or replacement dwelling does not create any new nonconformities with respect to setback standards.
 - c. A structure used for any nonconforming use other than a single-family or manufactured home dwelling may be extended, enlarged, or replaced with another structure used for the nonconforming use with approval of a Special Use Permit in accordance with Section 10.4.10, Special Use Permit, where the Board of Commissioners additionally finds that the extended, enlarged, or replacement structure does not:
 - i. Increase the total amount of lot area devoted to the nonconforming use;

- ii. Create any greater nonconformity with respect to dimensional standards (e.g., setbacks, height, etc.), or development standards (e.g., parking, landscaping, etc.); or
 - iii. Create any significant adverse impact on surrounding lands or the public health or safety.
 - iv. In all cases, the burden of establishing that a nonconformity lawfully exists shall be the responsibility of the owner.
5. Displacement of Nonconforming Uses by Government Acquisition. If a government acquisition of a portion of a lot for public purposes results in displacement of a nonconforming use, such use may be relocated or expanded on the remainder of the lot, provided the relocation or expansion does not:
- a. Increase the total amount of lot area devoted to the nonconforming use; or
 - b. Create any greater nonconformity with respect to dimensional standards.

Section 8.6. Nonconforming Signs

- A. Continuation of Nonconforming Signs. Nonconforming signs may be continued subject to the requirements in this Section.
- B. Extension, Enlargement, Alteration, or Relocation of Nonconforming Signs. A nonconforming sign shall not be extended, enlarged, structurally altered, or relocated unless the sign is made to conform to the current standards of this Ordinance.
- C. Removal of Nonconforming Signs. Except as otherwise provided in paragraph B below, a nonconforming sign shall be removed or made conforming within eight years after the date it became nonconforming as a result of the adoption of this Ordinance or a subsequent amendment to this Ordinance, and any sign required to be removed under a prior Zoning Ordinance but not yet removed shall be removed or made conforming within four years after the effective date of this Ordinance. A nonconforming outdoor advertising sign shall be exempt from the requirement in paragraph A above as long as the Town is required by State or federal law to pay cash compensation for removal of the sign. When the sign becomes no longer subject to such a compensation requirement, it shall be removed or made conforming within five and one-half years thereafter.

Section 8.7. Nonconforming Site Features

- A. Purpose. The purpose of this Section is to provide a means for the Town to require certain nonconforming site features be brought into compliance with the standards of this Ordinance as part of remodeling or expansion of a structure.
- B. Applicability. For purposes of this Section, the term "nonconforming site feature" means nonconforming off-street parking, nonconforming landscaping, and nonconforming perimeter buffer.
- C. Extension, Enlargement, Alteration, or Relocation of Nonconforming Site Features. No action shall be taken that increases the degree or extent of a nonconforming site feature, except as otherwise provided below, Upgrading of Nonconforming Site Features. A nonconforming site feature shall not be extended, enlarged, structurally altered, or relocated unless the feature is made to conform to the current standards of this Ordinance.
- D. Upgrading of Nonconforming Site Features.
 - 1. With Expansion of Structures. If an application is filed for a Building Permit for the expansion of one or more structures on a site containing nonconforming site features, upgrading of the nonconforming site features towards compliance shall be required, in accordance with the following:
 - a. If the cumulative increase in the structure's floor area over the past five-year period is 25 percent or less of the structure's current floor area, the nonconforming site feature may continue without any upgrading towards compliance with current applicable standards of this Ordinance.
 - b. If the cumulative increase in the structures' floor area over the past five-year period exceeds 25 percent, but is 75 percent or less, of the structure's current floor area, the nonconforming site features shall be upgraded towards compliance with current applicable standards of this Ordinance by a corresponding percentage of full compliance, up to achievement of 100 percent compliance.

- c. Example: *If the cumulative increase in such structures' floor area over the past five-year period exceeds 50 percent of the structure's current floor area, the nonconforming site features shall be upgraded to fully conform to the current applicable standards of this Ordinance.*
- 2. With Remodeling of Structures. If an application is filed for a Building Permit for the remodeling of one or more structures on a site containing nonconforming site features, upgrading of the nonconforming site features towards compliance may be required, in accordance with the following:
 - a. If the cumulative costs of the remodeling over the past five-year period is 25 percent or less of the structure's current floor area, the nonconforming site features may continue without any upgrading towards compliance with current applicable standards of this Ordinance.
 - b. If the cumulative costs of the remodeling over the past five-year period exceeds 25 percent, but is 75 percent or less, of the structure's current assessed value, the nonconforming site features shall be upgraded towards compliance with current applicable standards of this Ordinance by a corresponding percentage of full compliance, up to achievement of 100 percent compliance.
 - c. Example: *If the cumulative costs of the remodeling over the past five-year period exceeds 50 percent of the structure's current assessed value, the nonconforming site features shall be upgraded to fully conform to the current applicable standards of this Ordinance.*
- 3. Substantial Expansion of Outdoor Operations, Storage, and Display Areas. If outdoor operations, storage, and display areas are being expanded on a site containing nonconforming perimeter buffer or screening of such outdoor areas, and the increase in the gross square footage of all such outdoor areas exceeds 50 percent of the current area used for outdoor operations, storage, and displays, the nonconforming buffers and screening shall be upgraded in conjunction with the expansion to conform to the current applicable standards of this Ordinance.
- 4. Compliance to Maximum Extent Practical. Where full compliance with the requirements of this Section is precluded by a lack of sufficient developable area due to the size of the lot, the layout of existing development, or the presence of significant wetlands, floodplains, watercourses, or other significant environmental features or constraints on development, the applicant shall comply with the requirements of this Section to the maximum extent practical.

CHAPTER 9. ADMINISTRATIVE AND REVIEW AUTHORITIES

Section 9.1. Purpose

This Chapter identifies the roles and responsibilities of Town staff and the Town boards involved in the review of development applications.

Section 9.2. Table of Development Review Responsibilities

Table 9.2, "Table of Development Review Responsibilities," lists the various types of development approvals and permits authorized by this Ordinance, starting with basic permits and approvals, followed by supplemental permits and approvals, subdivisions, relief and interpretation, and then ordinance amendments. For each type of development application, the table indicates the role Town staff and the review boards play in reviewing and deciding the application.

Application Type	Staff		Board of Adjustment	Planning Board	Board of Comm.
	Planning Director	Town Engineer			
Basic Development Review					
Site Plan	D	C			
Stormwater Management Permit		D			
Zoning Compliance Certificate	D	C			
Supplemental Development Review					
Special Use Permit	R	C			D
Riparian Buffer Development	C	D			
Floodplain Development Permit	C	D			
Sign Permit	D				
Temporary Use Permit	D				
Site Specific Development Plan Designation	R	C		R	D
Development Agreement	R	C			D
Subdivision Review					
Minor Subdivision	D	C			
Major Subdivision: Preliminary Plat	R	C		R	D
Major Subdivision: Final Plat	D	C			
Relief and Interpretation					
Administrative Adjustment	D	C			
Zoning			D		
Flood Damage Prevention			D		
Riparian Buffer		R	D		
Stormwater		R	D		
Appeal	D	D	D		
Interpretation	D				
Amendment					
Text Amendment	R			R	D
Zoning Map Amendment	R			R	D
Conditional Zoning	R			R	D
Planned Development	R	C		R	D

Section 9.3. Town Staff

9.3.1. Planning Director

- A. General. The Planning Director, and his/her designees, are appointed to serve as the Town officials responsible for administering all provisions of this Ordinance except those for which the Town Engineer is responsible under Section 9.3.2, "Town Engineer."
- B. Powers and Duties. The Planning Director, and his/her designees, shall have the following additional powers and duties under this Ordinance:
 - 1. Administration and enforcement of the provisions of this UDO. Review all applications, petitions and appeals or other matters requiring official action, present recommendations as required, and take any other actions necessary to administer and enforce the provisions of the Land Development Ordinance, unless otherwise stated herein.
 - 2. Administrator. The Planning Director, and his/her designee, shall serve as the Zoning Administrator and Subdivision Administrator for the Town of Pittsboro.
 - 3. Administrative Manual. To compile and maintain an Administrative Manual that supplements procedures for development review required by this Ordinance and which may include, but is not limited to:
 - a. Detailed submittal and procedural requirements for development applications,
 - b. A schedule for the submittal and review of such applications,
 - c. A list of application fees (as established by the Town Board of Commissioners),
 - d. Summaries of development review procedures, checklists, and standards to facilitate the use and understanding of them, and
 - e. Detailed specifications and illustrations identifying how this Ordinance's standards for landscaping, public infrastructure, and other aspects of development may be met;
 - 4. Maintain Official Plans & Records. To maintain the Official Zoning Map, all development applications and permits; and
 - 5. Technical Support. To provide expertise and technical assistance to the Board of Commissioners, Planning Board, and Board of Adjustment upon request.

9.3.2. Town Engineer

- A. Powers and Duties.
 - 1. Review of Development Applications. The Town Engineer shall have those review, recommendation, and decision-making authority and responsibilities shown in Table 9.2, "Table of Development Review Responsibilities."
 - 2. Other Powers and Duties. The Town Engineer shall have the following additional powers and duties under this Ordinance:
 - a. To participate in Pre-Submittal Meetings;
 - b. To assist the Planning Director in establishing requirements for the contents and format of development applications reviewed under this Ordinance, with prime responsibility for establishing requirements for stormwater and riparian buffer applications;
 - c. To assist the Planning Director in developing and maintaining an administrative manual;
 - d. To enforce those provisions of this Ordinance listed in Section 11.4.1, "Responsibility for Enforcement," as being the responsibility the Town Engineer to enforce;
 - e. To assist the Planning Director in interpreting the provisions of this Ordinance in accordance with the standards in Chapter 10; and
 - f. To provide expertise and technical assistance to the Town Board of Commissioners, Planning Board, or Board of Adjustment, upon request.

9.3.3. Town Attorney

- A. General. The Town Attorney is appointed by the Town Board of Commissioners and serves as its legal advisor, as well as legal advisor to Town staff in administering laws of the Town.
- B. Powers and Duties. In addition to the authority and duties conferred by general law and the Town Board of Commissioners, the Town Attorney shall have the following powers and duties under this Ordinance:
 1. To review and approve as to legal form all written findings of fact, conclusions of law, development approvals, ordinances, and other documents considered by the Town Board of Commissioners, Board of Adjustment, Planning Board, Planning Director, Town Engineer, and Town departments in connection with any requirements of this Ordinance;
 2. To review as to form and execution all agreements, easements, declarations of covenants, performance or maintenance guarantees, or other such documentation in connection with any requirement of this Ordinance;
 3. To assist the Planning Director and Town Engineer in interpreting the provisions of this Ordinance in accordance with Chapter 12, "Interpretation and Definitions" and as specific interpretations are requested consistent with Section 10.4.22, "Written Determinations";
 4. To assist in enforcing this Ordinance and in prosecuting actions against violators in accordance with Chapter 11, "Enforcement"; and
 5. To counsel the Town Board of Commissioners, Planning Board, Board of Adjustment, Planning Director, Town Engineer, and Town departments in the review of development applications and the general implementation of this Ordinance.

9.3.4. Conflict of Interest

- A. Town staff shall not make a final administrative decision if the outcome of that decision creates a conflict of interest. Such a conflict of interest exists if the decision is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member or if the applicant or other person subject to that decision is a person with whom the member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest, the decision shall be assigned to another staff member.

Section 9.4. Board of Adjustment

9.4.1. Establishment

Town The Board of Adjustment is hereby established in accordance with State law.

9.4.2. Powers and Duties

- A. Review of Development Applications. The Board of Adjustment shall have the review, recommendation, and decision-making authority and responsibilities shown in Table 9.2, "Table of Development Review Responsibilities."
- B. Other Powers and Duties. The Board of Adjustment shall have any other powers and duties under this Ordinance delegated to it by the Town Board of Commissioners, in accordance with State law.

9.4.3. Membership, Appointment, and Terms of Office

A. Membership and Appointment.

1. The Board of Adjustment shall consist of five regular voting members and two alternate members.
2. Three regular members and one alternate member shall be residents of the Town's incorporated area and shall be appointed by the Board of Commissioners.
3. Two regular members and one alternate member shall be residents of the Town's extraterritorial jurisdiction (ETJ) and shall be appointed by the Chatham County Board of Commissioners. If the

Chatham County Board of Commissioners fails to make these appointments within 90 days after receiving a resolution from the Board of Commissioners requesting that the appointments be made, the Board of Commissioners may make the appointments.

4. If a Town-resident member of the Board of Adjustment moves outside the Town, or an ETJ-resident member moves outside the Town's planning jurisdiction, such move shall constitute a resignation from the Board.
- B. Alternate Members. The Chair of the Board of Adjustment shall assign an alternate member to serve as a substitute for a regular member who is temporarily absent or disqualified. When substituting for a regular member, an alternate member shall have the same powers and duties as the regular member. Board of Adjustment members shall, before entering their duties, qualify by taking an oath of office.
- C. Terms.
 1. Members of the Board of Adjustment shall be appointed for three-year terms of office that are staggered such that the terms of not more than three regular members and two alternate members expire in a given year. Board members may be appointed to successive terms without limitation.
 2. Vacancies occurring for reasons other than expiration of the term shall be filled for the period of the unexpired term only, and by the body (Town Board of Commissioners or Chatham County Board of Commissioners) responsible for appointing the vacating member.
 3. Board members shall continue to serve until their successors are appointed.
- D. Attendance. Board of Adjustment members are responsible for attending all regular board meetings and may be replaced in accordance with the current attendance policy of the Town Board of Commissioners for advisory bodies.
- E. Officers.
 1. The Board of Adjustment shall recommend one of its members to serve as its Chair and another as its Vice-Chair. The Town Board of Commissioners shall consider those recommendations and appoint the board's Chair and Vice-Chair, each to serve a one-year term. Members may be appointed to successive terms without limitation.
 2. The Chair shall preside over all board meetings. The Vice-Chair shall preside over board meetings in the absence of the Chair. If both the Chair and Vice-Chair are absent, the board shall vote to determine who shall serve as acting Chair for the meeting.

9.4.4. Staff

The Planning Director, or his/her designee shall serve as the professional staff for the Board of Adjustment and as the board's Secretary, providing it administrative support, notifying members of board meetings, and keeping the minutes of meetings.

9.4.5. Quorum and Voting

- A. Quorum. Four members of the Board of Adjustment shall constitute a quorum. No official business of the board shall be conducted without a quorum present.
- B. Voting. The concurring vote of four members of the Board of Adjustment shall be necessary to approve an application for a variance. The affirmative vote of three members shall be required for all other decisions.

9.4.6. Conflict of Interest

- A. A Board of Adjustment member shall not participate in the review of or vote on an application for a Variance or appeal if the action proposed creates a conflict of interest. Such a conflict of interest exists if the member:

1. Has a fixed opinion prior to a hearing on the application that is not susceptible to change;
 2. Fails to disclose ex parte communications;
 3. Has a financial interest in the outcome of the review;
 4. Has a close familial, business, or other associational relationship with an affected person; or
 5. Otherwise has a relationship or acts in a manner that would violate affected persons' constitutional rights to an impartial decision-maker.
- B. If an objection is raised to a board member's participation in a matter based on a conflict of interest, and the member does not recuse himself or herself, the remaining members of the board present shall by majority vote determine whether the member is or is not disqualified from participating in the review because of conflict of interest.

9.4.7. Rules of Procedure

The Board of Adjustment shall adopt rules of procedure governing its procedures and operations, including a process for maintaining accurate minutes of board meetings. The board shall also adopt a schedule of regular meetings at least once a year. Copies of adopted procedures and operations and a current regular meeting schedule shall be made available for public inspection in the Planning Department during normal business hours and on the Town website.

Section 9.5. Planning Board

9.5.1. Establishment

The Planning Board is hereby established in accordance with State law.

9.5.2. Powers and Duties

- A. Review of Development Applications. The Planning Board shall have the review, recommendation, and decision-making authority and responsibilities shown in Table 9.2, "Table of Development Review Responsibilities."
- B. Studies. The Planning Board shall 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.
- C. Other Powers and Duties. The Planning Board shall have any other powers and duties under this Ordinance delegated to it by the Town Board of Commissioners, in accordance with State law.

9.5.3. Membership, Appointment, and Terms of Office

A. Membership and Appointment.

1. The Planning Board shall consist of six regular voting members and two alternate members.
2. Four regular members and one alternate member shall be residents of the Town's incorporated area and shall be appointed by the Town Board of Commissioners.
3. Two regular members and one alternate member shall be residents of the Town's extraterritorial jurisdiction (ETJ) and shall be appointed by the Chatham County Board of Commissioners. If the Chatham County Board of Commissioners fails to make these appointments within 90 days after receiving a resolution from the Town Board of Commissioners requesting that the appointments be made, the Town Board of Commissioners may make the appointments.
4. Planning Board members shall, before entering their duties, qualify by taking an oath of office.

- B. Alternate Members. The Chair of the Planning Board shall assign alternate members, generally on a rotating basis, to serve as substitutes for regular members who are absent or disqualified from meetings or voting. When substituting for a regular member, an alternate member shall have the same powers and duties as the regular member.

- C. Terms.

1. Members of the Planning Board shall be appointed for three-year terms that are staggered such that the terms of not more than two regular members and one alternate member expire in a given year. Board members may be appointed to successive terms without limitation.
 2. Vacancies occurring for reasons other than expiration of the term shall be filled for the period of the unexpired term only, and by the body (Town Board of Commissioners or Chatham County Board of Commissioners) responsible for appointing the vacating member.
 3. Board members shall continue to serve until their successors are appointed.
- D. Attendance. Planning Board members are responsible for attending all regular board meetings and may be replaced in accordance with the current attendance policy of the Town Board of Commissioners for advisory bodies.
- E. Officers. The Planning Board shall elect one of its members to serve as its Chair and another as its Vice-Chair, each to serve a one-year term. Members may be elected to successive terms without limitation. The Chair shall preside over all board meetings. The Vice-Chair shall preside over the board meetings in the absence of the Chair. If both the Chair and Vice-Chair are absent, the board shall vote to determine who shall serve as acting Chair for the meeting.

9.5.4. Staff

The Planning Director, or his/her designee shall serve as the professional staff for the Planning Board and as the board's secretary, providing it administrative support, notifying members of board meetings, and keeping the minutes of meetings.

9.5.5. Quorum and Voting

- A. Quorum. Four members of the Planning Board shall constitute a quorum. No official business of the board shall be conducted without a quorum present.
- B. Voting. The concurring vote of a majority of Planning Board members present and constituting a quorum shall be required for all decisions of the board.

9.5.6. Conflict of Interest

A Planning Board member shall not participate in the review of, or vote on, a development application if the outcome of the matter is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Planning Board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

9.5.7. Rules of Procedure

The Planning Board shall adopt rules of procedure governing its procedures and operations, including a process for maintaining accurate minutes of board meetings. At least once per year, the board shall also adopt a schedule of regular meetings, with at least one meeting scheduled per month. Copies shall be made available for public inspection in the Planning Department during normal business hours and on the Town website.

Section 9.6. Town Board of Commissioners

9.6.1. Powers and Duties

- A. To exercise the authority granted it by State law and the Town's charter, the Town Board of Commissioners shall have the following powers and duties under this Ordinance. Rules, membership, composition, and meetings shall be conducted in accordance with the by rules of procedures adopted by the Board of Commissioners.

1. Review of Development Applications. The Town Board of Commissioners shall have the review, recommendation, and decision-making authority and responsibilities shown in Table 9.2, "Table of Development Review Responsibilities."
2. Adopt Schedule of Development-Related Fees. The Town Board of Commissioners is authorized to adopt, by ordinance, a schedule of fees governing the review of development applications and plans, inspections, and other matters involving the administration and enforcement of this Ordinance.
3. Adopt Schedule of Civil Penalties. The Town Board of Commissioners is authorized to adopt by ordinance a schedule of civil penalties for violations of this Ordinance.
4. Other Actions. The Town Board of Commissioners is authorized to take any other action not assigned or delegated to the Planning Director, Planning Board, Board of Adjustment, or other advisory or legislative decision-making authority as the Town Board of Commissioners deems desirable and necessary to implement provisions of this Ordinance, in accordance with State law.

9.6.2. Conflict of Interest

- A. A member of the Town Board of Commissioners shall not participate in the review of, or vote on, an application for a Special Use Permit if the action proposed by the application creates a conflict of interest. Such a conflict of interest exists if the member:
 1. Has a fixed opinion prior to a hearing on the application that is not susceptible to change;
 2. Fails to disclose ex parte communications; has a financial interest in the outcome of the review;
 3. Has a close familial, business, or other associational relationship with an affected person; or
 4. Otherwise has a relationship or acts in a manner that would violate affected persons' constitutional rights to an impartial decision maker.
- B. If an objection is raised to a Board member's participation in a matter based on a conflict of interest, and the member does not recuse himself or herself, the remaining members of the Board present shall by majority vote determine whether the member is or is not disqualified from participating in the review.

CHAPTER 10. DEVELOPMENT REVIEW PROCEDURES

Section 10.1. Purpose

This Chapter includes a summary table listing the development review procedures in this Ordinance, establishes standard procedures that generally apply to review of development applications, and supplements the standard review procedures with additions and variations from the standard procedures as well as development review standards provisions for each individual type of development application.

Section 10.2. Table of Development Review Procedures

Table 10.2, "Table of Development Review Procedures," lists the various types of development approvals and permits authorized by this Ordinance. It starts with the basic development approvals and permits, followed by the supplemental development approvals, and permits, subdivisions, relief and interpretation, and ordinance amendments.

TABLE OF DEVELOPMENT REVIEW PROCEDURES							
Application Type	Pre-Application Meeting	Community Meeting	Review Authorities				
			Building Official	Town Engineer	Planning Director	Planning Board	Board of Adjustment
Basic Development Review							
Site Plan	M			C	D		
Stormwater Management Permit				D			
Zoning Compliance Certificate				C	D		
Building Permit [1]			D	C	C		
Supplemental Development Review							
Special Use Permit	M	M		C	R		D
Riparian Buffer Development	M			D	C		
Floodplain Development Permit				D	C		
Sign Permit			C		D		
Temporary Use Permit			C		D		
Site Specific Development Plan Designation				C	R	R	D
Development Agreement	M			C	R		D
Subdivision Review							
Minor Subdivision	M			C	D		
Major Subdivision: Preliminary Plat	M	M		C	R	R	D
Major Subdivision: Final Plat	M			C	D		
Relief and Interpretation							
Administrative Adjustment	M			C	C		
Zoning	M						<D>
Flood Damage Prevention	M						<D>
Riparian Buffer	M			R			<D> [2]
Stormwater	M			R			<D> [2]
Appeal				D	D		<D>
Interpretation	M				D		
Amendment							
Text Amendment	M				R	R	[D]
Zoning Map Amendment	M	M			R	R	[D]
Conditional Zoning	M	M			R	R	[D]
Planned Development	M	M		C	R	R	[D]

NOTES: [1]Review procedures for Building Permits are established by the Department of Insurance, but are identified because they are related to the development review procedures in this Ordinance.

[2]The Board of Adjustment's decision is preliminary and is submitted to the N.C. Environmental Management Commission for a final decision.

Section 10.3. Standard Review Procedures

10.3.1. General

This Section describes the standard procedural steps and other rules that are generally applicable to all development applications reviewed under this Ordinance. Section 10.4, Application-Specific Review Procedures, describes the specific procedures for each type of development application.

10.3.2. Pre-Submittal Meeting

- A. Purpose. The purpose of a Pre-Submittal Meeting is to provide an opportunity for an applicant and Town staff to: review applicable submittal requirements, procedures, and schedules; discuss the scope, features, and potential impacts of a proposed development as it relates to the standards in this Ordinance; and identify primary contacts for the applicant and Town staff.
- B. When Required. A Pre-Submittal Meeting is mandatory for the development applications in Table 10.2, "Table of Development Review Procedures" where it is shown as mandatory. A Pre-Submittal Meeting is optional for all other applications. Pre-Submittal Meetings are not required for applications submitted by the Town Board of Commissioners, Planning Board, or Planning Director.
- C. Procedure. If a Pre-Submittal Meeting is held (whether mandatory or optional), it shall be scheduled and conducted in accordance with the following:
 - 1. Request. The applicant shall submit a request for a Pre-Submittal Meeting to the Planning Director, or his/her designee.
 - 2. Scheduling. Upon receiving a Pre-Submittal Meeting request, the Planning Director, or his/her designee shall schedule the conference with appropriate Town staff members and notify the applicant of the time and place of the conference.
 - 3. Required Information Submitted Prior to Meeting.
 - a. Text Amendments and Zoning Map Amendments. At least seven (7) business days before a scheduled Pre-Submittal Meeting for a Text or Zoning Map Amendment application, the applicant shall submit to the Planning Director, or his/her designee a written description of the nature and purpose of the amendment with an explanation of why the proposed amendment is consistent with the comprehensive plan.
 - b. All Other Application Types. At least seven (7) business days before a scheduled Pre-Submittal Meeting for any other development application, the applicant shall submit the Planning Director, or his/her designee a conceptual plan or drawings of the proposed development showing its location, general layout, and main elements.
 - 4. Conference Determinations. At the Pre-Submittal Meeting, Town staff shall identify concerns, problems, or other factors the applicant should consider about the development application and potential impacts of the proposed development as they relate to compliance with this Ordinance—including the need for other approvals and the opportunity or need for approval of deviations from Ordinance standards through other approvals.
- D. Effect. The Pre-Submittal Meeting is intended as a means of facilitating the review process. Discussions held in accordance with this Section are not binding on the Town or the applicant. Processing times for review of development applications do not begin until a formal application is submitted and accepted for review in accordance with Section 10.3.4, Application Submittal and Acceptance.

10.3.3. Community Information Meeting

- A. Purpose. The purpose of a community information meeting is to inform owners and occupants of nearby lands about a development proposal, receive comments, address concerns about the development proposal, and resolve conflicts and outstanding issues, where possible.
- B. Favored Practice. Community information meetings are encouraged as opportunities for informal communication between applicants and the owners and occupants of nearby lands, and other residents who may be affected by a development proposal.

- C. Applicability. A community information meeting is mandatory for the development applications in Table 10.2, "Table of Development Review Procedures" where it is shown as mandatory. A community information meeting is optional for all other development applications.
- D. Procedure. If a community information meeting is held by the applicant (whether mandatory or optional), it shall comply with the following procedures:
 1. Timing. The community information meeting shall be held prior to the application being submitted.
 2. Meeting Location and Time. The meeting shall be held at a place that is accessible to neighbors that reside in close proximity to the land subject to the application. As an alternative, the community information meeting may be held at Town Hall or another location that is convenient and reasonably accessible. The meeting shall be held at a reasonable time for the community to attend. Meetings shall not be held three (3) days before or after federally recognized holidays.
 3. Mailed Notice. 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. 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. Proof of postage is required and shall be included with a copy of a letter that was mailed. Additional types of notice may be provided by the applicant.
 4. Notice Content. The notice shall state the time and place of the community information meeting, explain the purpose of the meeting, and summarize the general nature of the development proposal.
 5. Conduct of Meeting. At the community information meeting, the applicant shall explain the development proposal and application, inform attendees about the application review process, answer any questions, and respond to questions and concerns neighbors have about the development proposal, and propose ways to resolve conflicts.
 6. Written Summary of Community Information Meeting. The applicant shall prepare a written summary of the meeting that includes, at a minimum, a list of meeting attendees and a summary of attendee comments. The applicant may also wish to include discussed issues related to the development proposal, including changes suggested by the participants and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting. The meeting summary shall be included with the application materials and be made available for examination by the Planning Board, Board of Commissioners, and the public.
 7. Response to Summary. Any person attending the community information meeting may submit to the Planning Director, or his/her designee a written response to the applicant's meeting summary. The response may state their understanding of attendee comments and discussed issues related to the development proposal, and any other information they deem appropriate. All submitted written responses shall be included with the application materials and be made available for examination by the public.

10.3.4. Application Submittal and Acceptance

- A. Authority to File Applications. The Unless expressly stated otherwise in this Ordinance, development applications reviewed under this Ordinance shall be submitted by:
 1. The owner, contract purchaser, or any other person having a recognized property interest in the land on which development is proposed; or
 2. A person authorized to submit the application on behalf of the owner, contract purchaser, or other person having a recognized property interest in the land, as evidenced by a letter or document signed by the owner, contract purchaser, or other person.
- B. Application Content. The Planning Director, or his/her designee is authorized to establish the requirements for the content and form for each type of development application and may amend and update these requirements as necessary to ensure effective and efficient review. These requirements shall be placed in an Administrative Manual. The applicant is responsible to ensure that an application contains sufficient information to demonstrate compliance with all applicable standards.
- C. Application Fees. The Town Board of Commissioners is authorized to establish application fees, by ordinance, which shall be referenced in an Administrative Manual. The Town Board of Commissioners may amend and update the application fees as necessary.

- D. Application Submittal. Development applications shall be submitted to the Planning Director, or his/her designee in the form established in the Administrative Manual, along with the appropriate application fee.
- E. Determination of Application Completeness.
 - 1. Completeness Review. Upon receiving a development application, the Planning Director, or his/her designee shall, within five business days, determine whether the application is complete or incomplete. A complete application is one that:
 - a. Contains all information and materials required by this Ordinance, as well as the application checklist requirements in the Administrative Manual for submittal of the particular type of application.
 - b. Is in the form required for submittal of the particular type of application;
 - c. Includes information in sufficient detail to evaluate the application to determine whether it complies with the applicable review standards of this Ordinance; and
 - d. Is accompanied by the fee established for the particular type of development application.
 - 2. Application Incomplete. Upon determining that an application is incomplete, the Planning Director, or his/her designee shall provide the applicant written notice of the submittal deficiencies. The applicant may correct the deficiencies and resubmit the application for a completeness determination. If the applicant fails to resubmit an application within 30 calendar days after being first notified of submittal deficiencies, the application submittal shall be considered abandoned.
 - 3. Application Complete. Upon determining that the application is complete, the Planning Director, or his/her designee shall accept the application for review in accordance with the procedures and standards of this Ordinance and provide the applicant written notice of application acceptance.
- F. Application Withdrawal. After an application has been accepted as complete for review, the applicant may withdraw the application at any time by submitting a letter of withdrawal to the Planning Director, or his/her designee.

10.3.5. Staff Review and Action

Either the Planning Director or the Town Engineer, whichever is identified in Section 10.2, "Table of Development Review Procedures," as responsible for either (1) reviewing and recommending or (2) reviewing and deciding a development application, shall ensure that the appropriate action on an application occurs.

- A. Referral of Application to Staff and Review Agencies. The Planning Director or the Town Engineer, as applicable, shall refer the application to those Town staff members and review agencies deemed appropriate for review and comment.
- B. Staff Review and Opportunity for Application Revision.
 - 1. Before preparing a staff report or making an administrative decision on a development application, the Planning Director, or his/her designee or the Town Engineer, as applicable, shall review the application, relevant support material, and any comments from other staff and review agencies to which the application was referred.
 - 2. If deficiencies in complying with the applicable ordinance provisions are identified, the Planning Director, or his/her designee or the Town Engineer, as applicable, shall notify the applicant of such deficiencies and provide the applicant a reasonable opportunity to discuss the deficiencies and revise the application to address them. The Planning Director or the Town Engineer, as applicable, may also offer the applicant comments and suggestions regarding possible improvements to the proposed development that are not required by this Ordinance, provided the notice distinguishes such comments and suggestions from any identified compliance deficiencies.
 - 3. The applicant shall respond to the notice, either by requesting that the application be processed as submitted or by submitting a revised application, within 60 calendar days after being notified of the compliance deficiencies. If the applicant fails to respond to the notice within the required time period or a one-time 30-day extension granted by the Planning Director or the Town Engineer, as applicable, the application shall be considered withdrawn.
 - 4. If the applicant submits a revised application, the Planning Director or the Town Engineer, as applicable, shall refer the application to the appropriate Town staff and review agencies for review and comment and shall review any such comments received. At the discretion of the Planning

Director or the Town Engineer, as applicable, the applicant may be provided the opportunity to revise the application further to address identified remaining compliance deficiencies.

C. Applications Subject to Staff Recommendation.

1. Staff Report. If a development application is subject to staff review and recommendation to an advisory or decision-making body (refer to Table 10.2, "Table of Development Review Procedures"), the Planning Director, or his/her designee or the Town Engineer, as applicable, shall prepare a written staff report. The staff report shall conclude whether the application complies with all applicable standards of this Ordinance and recommend one of the decisions authorized for the particular type of application, based on the review standards applicable to the application type, as set forth in Section 10.4, Application-Specific Review Procedures. The staff report may identify and recommend conditions of approval addressing how compliance deficiencies might be corrected and adverse effects of the development proposal might be mitigated.
2. Distribution and Availability of Application and Staff Report. Within a reasonable time period before the meeting at which a development application is scheduled for review by the Board of Adjustment, Planning Board, or Town Board of Commissioners, as appropriate, the Planning Director, or his/her designee shall:
 - a. Schedule and verify any required public notification of the meeting in accordance with 8.2.6, Public Hearing Scheduling and Public Notification;
 - b. Transmit the application, related materials, and the staff report to the Board of Adjustment, Planning Board, or Town Board of Commissioners, as appropriate;
 - c. Transmit a copy of the staff report to the applicant; and
 - d. Make the application, related materials, and the staff report available for examination by the public at the Planning Department during normal business hours, at a reasonable cost.

D. Applications Subject to Staff Decision.

1. Decision. If a development application is subject to staff review and decision (refer to Table 10.2, "Table of Development Review Procedures"), the Planning Director, or his/her designee or the Town Engineer, as applicable, shall make an administrative decision on the application based on the review standards applicable to the application type, as set forth in Section 10.4, "Application-Specific Review Procedures." The decision shall be in writing and shall clearly state reasons for a denial. Unless otherwise stated in Section 10.4, Application-Specific Review Procedures, for the individual application type, the decision shall be one of the following:
 - a. Approve the application as submitted;
 - b. Approve the application subject to conditions; or
 - c. Deny the application.
2. Conditions of Approval. Any conditions of approval shall be expressly set forth in the approval, shall be limited to conditions deemed necessary to ensure compliance with the requirements and particular standards of this Ordinance, and shall relate in both type and scope to the anticipated impacts of the proposed development.

10.3.6. Public Hearing Scheduling and Public Notification

- A. General. The Planning Director, or his/her designee shall ensure that public hearing scheduling and public notification of required public hearings comply with the North Carolina General Statutes and the provisions of this Section.
- B. Public Hearing Scheduling. If a development application is subject to a public hearing (refer to Table 10.2, "Table of Development Review Procedures"), the Planning Director, or his/her designee shall ensure that the public hearing on the application is scheduled for either a regularly scheduled meeting of the board reviewing the application or a meeting specially called for that purpose by the board reviewing the application. A required public hearing on the application shall be scheduled for a meeting that allows sufficient time for preparation of a staff report and provision of public notification required by this Ordinance and by the North Carolina General Statutes.
- C. Public Notification.

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- Required Type and Timing of Public Notification. The Planning Director, or his/her designee shall provide public notification of a public hearing on a development application in accordance with Table 10.3.6, "Required Type and Timing of Public Notification," for the type of application and the type of notice. Computation of the required time periods shall be according to Section 12.1.4, "Computation of Time."

REQUIRED TYPE AND TIMING OF PUBLIC NOTICE				
Application Type	Decision-Making Body Holding Public Hearing	Type of Required Notice		
		Posted Notice	Mailed Notice	Published Notice
Text Amendment	Town Board of Commissioners	n/a	n/a	Published once a week for 2 successive calendar weeks before the meeting, with first notice published at least 10 and not more than 25 days before the public hearing
Zoning Map Amendment, Conditional Zoning, Planned Unit Development, Development Agreement	Town Board of Commissioners	Posted at least 10 days before the public hearing	Mailed at least 10 days, but not more than 25 days, before the public hearing [1]	Published once a week for 2 successive calendar weeks before the meeting, with first notice published at least 10 and not more than 25 days before the public hearing
Special Use Permit, Site-Specific Development Plan Designation	Town Board of Commissioners	Posted at least 10 days before the public hearing	Mailed at least 10 days, but not more than 25 days, before the public hearing	n/a
Variance, Appeal	Board of Adjustments	Posted at least 10 days before the public hearing [2]	Mailed at least 10 days, but not more than 25 days, before the public hearing	n/a

NOTES:

[1]Published notice may be substituted in cases where a rezoning application directly affects more than 50 properties, owned by at least 50 different property owners pursuant to Section 8.2.6.C.4.c.

[2]Posted notice for an appeal is required only if the appeal pertains to a particular site.

- Required Content. Public notice required by this Section shall, at a minimum:
 - Identify the application;
 - Describe the nature of the proposed development or action and the development approval or permit sought;
 - Identify the location of the land subject to the application;
 - Identify the date, time, location, and type of the public hearing being noticed; and
 - State that members of the public may appear at the public hearing and speak and submit evidence and written comments on the matter.
- Posted Notice Requirements.
 - The Planning Director shall be responsible for posting notice in accordance with this Subsection. Notices shall be posted on signs in a form established by the Planning Director.
 - The posted notice shall be located adjacent to each public street right-of-way bordering the land that is the subject of the application in a conspicuous location so as to be clearly visible

to the traveled portion of the respective street. If no part of the subject land is visible from the public right-of-way, the notice shall be posted in the public right-of-way of the nearest street with an attached notation generally indicating the direction and distance to the land that is the subject of the application.

- c. The applicant shall ensure that the posted notice is maintained on the land until completion of the public hearing on the application.
4. Mailed Notice Requirements.
 - a. The Planning Director shall be responsible for mailing notice in accordance with this Subsection. Mailed notice shall be sent via first-class mail to the applicant, the owners of the land that is the subject of the application, if different from the applicant, and the owners of all properties abutting the land that is the subject of the application. Abutting properties include those separated from the subject property by street, railroad, or other transportation corridor.
 - b. The applicant shall provide mailing labels and stamps to the Planning Director for required mailed notices. Unless evidence to the contrary exists, the names and mailing addresses for landowners required to be mailed notice shall be as shown on the most current Chatham County tax records.
 - c. If a rezoning application directly affects more than 50 properties owned by at least 50 different property owners, the Planning Director may elect to notify affected property owners in accordance with Section 10.3.6.C.5, "Published Notice Requirements," if each published notice is not less than one-half of a newspaper page in size. Affected property owners who reside outside the area of the publishing newspaper's general circulation must be mailed notice in accordance with Subsections a and b.
5. Published Notice Requirements. The Planning Director shall be responsible for published notice in accordance with this Subsection. Notice shall be published in a newspaper having general circulation in the Town.
6. Certification of Notice. The Planning Director shall sign a statement that proper notice has been provided in accordance with the requirements of this Section. Such certificate shall be deemed conclusive that public notification has been provided consistent with this Section.

10.3.7. Planning Board Review and Recommendation

If a development application is subject to review and recommendation or decision by the Planning Board in accordance with Table 10.2, "Table of Development Review Procedures," the board shall review and act on the application in accordance with the following procedures.

- A. Review and Recommendation. The Planning Board shall consider the application, relevant support materials, the staff report, and any comments made during the meeting. At the conclusion, the board shall recommend one of the decisions authorized for the particular type of application, based on the review standards applicable to the application type, in accordance with Section 10.4, "Application-Specific Review Procedures." The board shall clearly state the factors considered in making its recommendation and the basis or rationale for the recommendation. The board shall take action as promptly as reasonably possible in consideration of the interests of the applicant, affected parties, and citizens of the Town.
- B. Revision of Application. Prior to Planning Board action on an application, the applicant may request and the board may grant an opportunity to revise the application if the revisions are minor and are limited to changes that directly respond to specific requests or suggestions made by the staff or the Planning Board. No new or additional fee will be required. Substantial revisions to the application, including changes that go beyond requests or suggestions made by the staff or the Planning Board, may be submitted by the applicant, but the revised application shall be remanded back to the Planning Director and reviewed as if it were a new application, requiring a new application fee.

10.3.8. Board of Commissioners or Board of Adjustment Review and Decision

If a development application is subject to a decision by the Town Board of Commissioners or Board of Adjustment (refer to Table 10.2, "Table of Development Review Procedures"), the decision-making body shall review and act on the application in accordance with the following procedures.

- A. Review and Decision. The decision-making body shall consider the application, relevant support materials, staff report, any advisory body recommendation (if applicable), and testimony, evidence, and other materials submitted or any comments made at the public hearing (if required) or meeting at which the application is considered. At the conclusion of the hearing or meeting, the decision-making body shall make one of the decisions authorized for the particular type of application, based on the review standards applicable to the application type in accordance with Section 10.4, Application-Specific Review Procedures.
 1. The decision-making body shall clearly state the factors considered in its decision and the basis or rationale for the decision.
 2. If the application is subject to an evidentiary hearing, the decision shall be reduced to writing, be signed by a duly authorized member of the decision-making body, include findings of fact based on competent, material, and substantial evidence presented at the hearing, reflect the determination of contested facts, and state how the findings support compliance with applicable review standards. The decision is effective upon its filing with the Planning Director (for Board of Adjustment decisions) or the Town Clerk (for Town Board of Commissioners decisions).
 3. The decision-making body shall take action as promptly as reasonably possible in consideration of the interests of the applicant, affected parties, and citizens of the Town.
- B. Conditions of Approval. Any conditions of approval shall be expressly set forth in the approval, shall be limited to conditions deemed necessary to ensure compliance with the requirements and particular standards of this Ordinance, and shall relate in both type and scope to the anticipated impacts of the proposed development.
- C. Revision of Application.
 1. Prior to action by the decision-making body on the application, the applicant may request and the decision-making body may grant to the applicant an opportunity to revise the application if the revisions are minor and are limited to changes that directly respond to specific requests or suggestions made by the staff or the decision-making body. No new or additional fee will be required.
 2. Substantial revisions to the application, including changes that go beyond requests or suggestions made by the Planning Board, or decision-making body, may be submitted by the applicant, but the revised application shall be remanded back to the Planning Director and reviewed as if it were a new application, requiring a new application fee.

10.3.9. Public Hearing Procedures

- A. General. The burden is on the applicant to demonstrate that a development application complies with applicable review standards. For an evidentiary public hearing, this burden can be satisfied only by competent, material, and substantial evidence. Any person may appear at the hearing and submit documents, materials, and other written or oral testimony, either individually or as a representative of an organization. Persons speaking at the hearing shall identify themselves, state their home or business address, and if appearing on behalf of a person or organization, state the name and mailing address of the person or organization they represent. The body conducting the hearing may place reasonable time restrictions on the presentation of testimony and the submission of documents and other materials. The following additional provisions apply to an evidentiary public hearing:
 1. The body conducting the public hearing is not bound by the rules of evidence or limited to consideration of evidence that is inadmissible in a court of law. The body may consider all testimony and evidence it deems competent and material to the application under consideration and may exclude testimony or evidence it determines to be irrelevant, immaterial, incompetent, unreliable, or unduly repetitious.

2. A member of the body conducting the public hearing shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a 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.

The body conducting the public hearing may, on its own motion or at the request of any person, continue the public hearing to a fixed date, time, and place. The body conducting the public hearing shall record the proceedings by any appropriate means. The record of the hearing shall consist of:

1. The development application under consideration;
 2. The staff report;
 3. The recorded testimony;
 4. All documents and exhibits entered into the record at the hearing;
 5. Review body recommendations, where relevant, and the record from the review body proceedings on the development application;
 6. The applicable Sections of the UDO; and
 7. If an evidentiary public hearing, all written communications about the application received by members of the body conducting the hearing and Town staff.
- B. Order of Proceedings for Legislative Public Hearings. The order of proceedings at a legislative public hearing shall be as follows:
1. Presentation of Staff Report. The Planning Director, or his/her designee shall provide a brief introductory narrative and/or graphic description of the application and present the staff report and any review body findings and recommendations.
 2. Applicant Presentation. The applicant shall present any information the applicant deems appropriate.
 3. Public Comment. Public comments shall be heard. Any person other than the applicant or the applicant's representatives may be permitted to speak in accordance with the advisory or decision-making body's rules of procedure in support of or in opposition to the application. At the discretion of the person chairing the body conducting the hearing, such person may be granted additional time to speak when it is justified.
 4. Applicant Response to Comments. The applicant may respond to any comments, documents, or materials presented by the Planning Director, or his/her designee or the public.
 5. Planning Director Response to Comments. The Planning Director, or his/her designee may respond to any comments, documents, or materials presented by the applicant or the public.
 6. Close of Hearing. The person chairing the body conducting the legislative hearing shall close the hearing. After the hearing is closed, no additional testimony, evidence, or public comments will be heard or considered.
- C. Order of Proceedings for Evidentiary Public Hearings. The order of proceedings at an evidentiary public hearing shall be the same as that for legislative public hearings except for the following modifications:
1. Swearing In. At the opening of the hearing, the chair of the body holding the hearing shall swear in or affirm all persons who will testify at the hearing.
 2. Ex parte Disclosure. After the swearing in, members of the body holding the hearing shall disclose all ex parte communications.
 3. Affected Parties' Presentations. After the applicant presentation, parties affected by the proposed development may present any testimony and evidence they deem appropriate.
 4. Cross Examination and Rebuttal. Following presentation of the staff report, presentations by the applicant or witnesses presented by the applicant, then presentations by affected parties or witnesses presented by affected parties, cross examination by members of the body conducting the evidentiary hearing shall be allowed. Cross-examination or rebuttal by the Town, the applicant,

and affected parties is also allowed, subject to the authority of the chair of the body holding the hearing.

5. Close of Hearing. The person chairing the body conducting the hearing shall close the hearing. After the public hearing is closed, no additional testimony, evidence, or public comments will be heard or considered.

10.3.10. Post-Decision Actions and Limitations

- A. Notice of Decision. Within ten calendar days after a decision on a development application, the Planning Director, or his/her designee shall provide a written copy of the decision by personal delivery, electronic mail, or first-class mail to the applicant and make a copy of the decision available to the public in the Planning Department, during normal business hours. If the review involves an evidentiary hearing, within ten calendar days after a quasi-judicial decision on the application, the Planning Director, or his/her designee shall also provide a written copy of the decision by personal delivery, electronic mail, or first-class mail to the owner(s) of land that is the subject of the application and to any person who has submitted a written request for a copy of the decision before the effective date of the decision. The Planning Director, or his/her designee shall also certify that a copy of the decision has been provided as required by this Subsection.
- B. Appeal. A party aggrieved or adversely affected by a final decision on an application by the Town Board of Commissioners or Board of Adjustment may seek review of the decision in the courts in accordance with applicable State law. The appeal shall be filed with the clerk of the Superior Court of Chatham County within 30 days after the decision is effective or the date a written notice of decision or copy of the decision has been provided in accordance with Subsection A above. If the notice of decision or copy of the decision was provided via first class mail, three days shall be added to the filing deadline. Appeals of decisions by the Planning Director, or his/her designee or Town Engineer in administering or enforcing the provisions of this Ordinance may be made in accordance with the procedures and standards in Section 10.4.23, Appeal Review Procedures.
- C. Effect of Approval.
 1. Authorized Activity. Approval of a development application in accordance with this Ordinance authorizes only the particular use, plan, or other specific development or activity approved, and not any other development or activity requiring separate approval. The approval shall attach to and run with the land. If one development approval or permit is a prerequisite to another development approval or permit (e.g., variance approval prior to a site plan approval), development may not take place until all required development approvals and permits are obtained. Approval of one development application does not necessarily guarantee approval of any subsequent application.
 2. Expiration of Approval. A development application approval shall be valid as authorization for the approved development activity until the end of the expiration time period provided in Section 10.4, Application-Specific Review Procedures, for the particular type of application. If no expiration period is provided in Section 10.4, Application-Specific Review Procedures, the development approval or permit shall expire if a Building Permit or Zoning Compliance Certificate authorizing the approved development is not obtained within two years. A change in ownership of the land shall not affect the established expiration time period of an approval.
 - a. Approvals with no expiration: Text Amendments, General Use Rezoning Review, Conditional Rezoning Review, Appeals, Recorded Final Plats.
- D. Amendment of Development Approval. Unless otherwise provided in Section 10.4.18, "Administrative Adjustment," for the particular type of development application, any modifications of approved plans or conditions of approval shall require a new application that is submitted and reviewed in accordance with the procedure and standards applicable to the particular type of application.
- E. Limitation on Subsequent Similar Applications. If a development application requiring a public hearing is denied or withdrawn after public notification is made in accordance with Section 10.3.6, Public Notification, no application proposing the same or similar development on all or part of the same land shall be submitted within one year after the date of the denial or withdrawal unless the decision-making

body waives this time limit in accordance with Subsection 2 below. The landowner subject to the time limit provided in Subsection 1 above, or the owner's authorized agent, may submit a written request for waiver of the time limit to the Planning Director, who shall transmit the request to the decision-making body. The decision-making body may grant a waiver of the time limit only if two-thirds of its membership it finds that the landowner or agent has demonstrated that:

1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the prior application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the new application; or
2. New or additional information is available that was not available at the time of review of the prior application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the new application; or
3. The new application proposed to be submitted is materially different from the prior application; or
4. The final decision on the prior application was based on a material mistake of fact.

10.3.11. Miscellaneous

- A. Simultaneous Processing of Applications. The Whenever two or more applications for a development approval or permit are required under this Ordinance, the applications may, at the discretion of the Planning Director, be processed simultaneously, so long as all applicable local, state and federal requirements are satisfied.
- B. Requests to Defer Scheduled Review Meetings. If an applicant submits a written request to the Planning Director to defer consideration of a development application scheduled for review at a Town Board of Commissioners, Planning Board, or Board of Adjustment meeting before any required public notification has been provided in accordance with Section 10.3.6, Public Notification, the Planning Director may defer consideration for good cause shown. Any subsequent request for deferral by the applicant shall be in writing, state the reasons for deferral, and be submitted directly to the body scheduled to review the application. The body shall consider such a request and may either grant the request for good cause shown or deny the request and proceed to hear public comments, review, and take action on the application. If the body grants the request for deferral, it shall concurrently identify the date and time of a subsequent meeting at which the application shall be scheduled for review. The application may be subject to additional application fees to defray additional costs of processing the application.
- C. Examination and Copying of Applications and Other Documents. At any time, upon reasonable request and during normal business hours, any person may examine a development application, a finalized staff report, and materials submitted in support of or in opposition to an application in the Planning Department. Copies of such materials shall be made available at a reasonable cost.

Section 10.4. Application-Specific Review Procedures

10.4.1. General

- A. Purpose. This Section sets forth specific procedures, review standards, and related information for each development application reviewed under this Ordinance (refer to Table 10.2, "Table of Development Review Procedures").
- B. Structure of Procedures. For each type of development application reviewed under this Ordinance, the following Sections state the purpose of the Section and/or type of development approval or permit and specify in what situations the specific procedures in the Section are required. Each Section identifies applicable review procedures by reference to the standard procedures in Section 10.3, Standard Review Procedures, including any variations of, or additions to, the standard procedures. This is followed by the review standards for the application. The provisions of Section 10.3.11, Miscellaneous, apply to all development applications.

10.4.2. Site Plan Review Procedures

- A. Purpose. This purpose of site plan review is to establish a uniform mechanism to ensure that the layout and general design of proposed development complies with all applicable requirements of this Ordinance and all other Town regulations and is compatible with surrounding land uses.
- B. Site Plan Procedure.
 1. Pre-Submittal Meeting.
 2. Application Submittal and Acceptance.
 3. Staff Review and Action. The Planning Director, or his/her designee shall review and make an administrative decision on the application.
 4. Post-Decision Actions and Limitations. Refer to Section 10.3.10, "Post-Decision Actions and Limitations."
 - a. Effect of Approval. Approval of a Site Plan authorizes the submittal of an application for a Zoning Compliance Certificate and any other development application that may be required before construction or other development authorized by this Ordinance.
 - b. Expiration of Approval. Approval of a Site Plan shall automatically expire at the end of two years following the date of approval if a Zoning Compliance Certificate for at least one building in the site plan is not approved. The approval also expires if development work is intentionally and voluntarily discontinued for a period of not less than two years. A change in the ownership in land does not affect this time period.
 5. Site Plan Review Standards. An application for a Site Plan shall be approved only upon a finding that the site plan:
 - a. Complies with applicable district standards in Chapter 2, "Zoning Districts," and applicable use standards in Chapter 3, "Use Standards";
 - b. Complies with all other applicable standards in this Ordinance;
 - c. Complies with all other applicable Town ordinances;
 - d. Complies with all applicable state and federal laws; and
 - e. Complies with all requirements and conditions of approval of any prior development permits or approvals.
 6. Phasing. Phasing of approved development shall be in keeping with an approved phasing plan that shows phase boundaries and describes included development and improvements in accordance with the following standards:
 - a. The numbering of phases shall be sequential and coincide with the order in which the different development phases are proposed to be constructed.
 - b. Each phase shall be designed to include all improvements and other aspects of development necessary to meet all requirements of this Ordinance and other applicable regulations, either as a stand-alone development or in conjunction with completed and accepted phases of the same development.
 7. Temporary Measures. A phasing plan may include installation of temporary measures as necessary to allow a particular phase to meet the phasing standards in Subsection a above, provided authorization of the temporary measures shall be valid for one year and be accompanied by the provision of a performance guarantee and a maintenance guarantee for the temporary measures.

10.4.3. Zoning Compliance Certificate Review Procedures

- A. Purpose. This purpose of a zoning compliance certificate is to establish a uniform mechanism to ensure that proposed development complies with the requirements of this Ordinance prior to the issuance of a building permit (or other permit).
- B. Applicability. Prior to issuance of a Building Permit, any change in use, or commencement of any development that does not require issuance of a Building Permit (e.g., construction of a fence or wall), a Zoning Compliance Certificate is required in accordance with the procedure and standards in this Section.
- C. Application Submittal and Acceptance. Refer to Section 10.3.4, "Application Submittal and Acceptance."

- D. Staff Review and Action. The Planning Director, or his/her designee shall review and make a decision on the application.
- E. Post-Decision Action. Refer to Section 10.3.10, "Post-Decision Actions and Limitations", except:
1. Effect of Approval. A Zoning Compliance Certificate authorizes an applicant to apply for a Building Permit, or to commence construction if the proposed development does not require additional permits. If the Zoning Compliance Certificate application is filed concurrently with a building permit application, approval of the Zoning Compliance Certificate authorizes the county to complete its review of the Building Permit application
 2. Expiration of Approval. If the Zoning Compliance Certificate is associated with a prior development application approval, it shall automatically expire when the prior approval expires, is revoked, or otherwise becomes invalid. By default, a Zoning Compliance Certificate is valid for two years and expires if development work is intentionally and voluntarily discontinued for a period of not less than two years.
 3. Inspections. Town staff may inspect sites undergoing development authorized by a Zoning Compliance Certificate to determine whether development activities conform to approved plans and whether adequate measures are in place to control adverse impacts from construction activities. Town staff may enter the premises at reasonable hours provided, however, that the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured.
- F. Zoning Compliance Certificate Review Standards. An application for a Zoning Compliance Certificate shall be approved upon a finding the proposed development complies with all applicable standards in this Ordinance and all applicable conditions of applicable development approvals and permits.
- G. Building Permit. Building Permits are approved and issued by the Building Official in accordance with review procedures and construction standards in the State Building Code. A Building Permit is required before construction, erection, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, or demolition of any building or structure. It certifies that plans for such activity demonstrate compliance with the construction standards in the Building Code. A building permit shall expire six months after the date of issuance if the work authorized by the permit has not been commenced. If, after commencement, the work is discontinued for a period of 12 months, the permit therefor shall immediately expire. A Building Permit shall not be issued unless a Zoning Compliance Certificate has been approved in accordance with Section 10.4.3, Zoning Compliance Certificate.

10.4.4. Sign Permit Review Procedures

- A. Purpose. The purpose of this Section is to provide a uniform mechanism for reviewing development applications for sign permits to ensure all signs comply with the standards of Section 6.7, "Signage."
- B. Applicability. A Sign Permit shall be required before the erection, installation, construction, alteration, or moving of any sign unless exempted in accordance with Subsection b below.
- C. Exemptions. The following signs are exempt from the signage regulations of this Ordinance:
1. Any sign not visible from a public right-of-way or adjacent property;
 2. Devices installed by a government entity for traffic control, directional, and public safety purposes;
 3. Any sign required to be erected by town, state, or federal law;
 4. Any sign consisting of a solid plate of bronze or similar corrosion-resistant metal that is permanently attached to a building and does not exceed four square feet in area;
 5. Gravestones; and
 6. Any sign applied directly and entirely to, and flush with, a horizontal surface paved with asphalt, concrete, or a similar material.
- D. The following signs are subject to this Ordinance's signage standards, but exempt from the requirement for a Sign Permit:
1. Routine maintenance of a sign or changing of lettering or parts of signs designed to be regularly changed, including sign face changes;
 2. Temporary banners;
 3. Yard signs;

4. Any sign attached to electronic equipment, machinery, or similar functional elements of a use, such as drive through window menu boards and signs on automatic teller machines, gas pumps, vending machines, and newspaper delivery boxes, if the sign is not oriented toward the public right-of-way; and
 5. Signs oriented toward the interior of and intended to be viewed from within an outdoor recreation or entertainment establishment or facility.
- E. Application Submittal and Acceptance. Refer to Section 10.3.4, "Application Submittal and Acceptance."
- F. Staff Review and Decision. Refer to Section 10.3.5, "Staff Review and Action". The Planning Director, or his/her designee shall review and make an administrative decision on the application in accordance with Section "Sign Permit Review Standards."
- G. Post-Decision Actions. Refer to Section 10.3.10, "Post-Decision Actions and Limitations," except, a Sign Permit shall expire if the approved signage is not erected, installed, constructed, altered, or moved within six months of approval of a Sign Permit.
- H. Sign Permit Review Standards. An application for a Sign Permit shall be approved only upon a finding the application complies with the applicable standards in Section 6.7, "Signage," all other relevant standards of this Ordinance, and any other applicable standards of the Town Code of Ordinances.

10.4.5. Temporary Use Permit Review Procedures

- A. Purpose. Placeholder.
- B. Application Submittal and Acceptance. Refer to Section 10.3.5, "Staff Review and Action". The Planning Director, or his/her designee shall review and make a decision on the application in accordance with Section 10.4.5, Temporary Use Permit Review Standards.
- C. Post-Decision Actions. Refer to Section 10.3.10, "Post-Decision Actions and Limitations." A Temporary Use Permit shall be effective only for the period of time indicated in the permit.
- D. Temporary Use Permit Review Standards. A Temporary Use Permit shall be approved only upon a finding the applicant demonstrates the proposed temporary use (including special events) or structure complies with the relevant standards in Section 3.4, Temporary Uses and Structures.

10.4.6. Riparian Buffer Development Permit Review Procedures

- A. Purpose. This The purpose of Riparian Buffer Development review is to establish a uniform mechanism to ensure development complies with the riparian buffer standards in Section 4.2, "Riparian Buffers."
- B. Applicability. Unless exempted in accordance with Subsection b below, Riparian Buffer Development review is required in accordance with this Section before any activity identified in Table 4.2.7, "Uses and Activities Permitted in Riparian Buffers," occurs within a riparian buffer. The requirements of this Section shall not apply to land in the riparian buffer occupied by the footprint of an existing and ongoing use, as defined in Section 12.12, "Terms and Uses Defined," or to activities necessary to maintain the use (including grading and revegetating in Zone Two of the riparian buffer if the health of the vegetation in Zone One of the riparian buffer is not compromised and the ground is stabilized), so long as the following conditions are met:
1. The land remains similarly vegetated;
 2. No impervious surface is added within 50 feet of the surface water where it did not exist on February 14, 2011; and
 3. Existing diffuse flow is maintained.
- C. Pre-Submittal Meeting. Refer to Section 10.3.2, "Pre-Submittal Meeting."
- D. Application Submittal and Acceptance. Refer to Section 10.3.4, "Application Submittal and Acceptance." If the application proposes development or activity that is allowable only with mitigation, the application shall include a mitigation plan.

- E. Staff Review and Action. Refer to Section 10.3.5, "Staff Review and Action." The Town Engineer shall review and make an administrative decision on the application in accordance with Section "Riparian Buffer Development Review Standards."
- F. The decision shall be one of the following:
 1. Determine that the proposed development or activity is permitted without an
 2. Authorization Certificate ("Exempt");
 3. Approve the proposed development or activity as allowable, as submitted;
 4. Approve the proposed development or activity as allowable, subject to conditions;
 5. Approve the proposed development or activity as allowable with mitigation, as submitted;
 6. Approve the proposed development or activity as allowable with mitigation, subject to conditions; or
 7. Deny the application.
- G. If the Town Engineer fails to decide the application within 60 days after it is determined complete, the application shall be deemed approved as submitted unless the applicant:
 1. Agrees in writing to a longer time for the review; or
 2. Refuses access to its records or premises for gathering information necessary to make a decision on the application.
- H. Post-Decision Actions. Refer to Section 10.3.10, "Post-Decision Actions and Limitations," except:
 1. Issuance of Authorization Certificate. On approving the proposed development or activity as allowable or allowable with mitigation, the Town Engineer shall issue the applicant a Riparian Buffer Authorization Certificate. If the development or activity is approved with mitigation, the Authorization Certificate shall identify the approved mitigation option, including the area of mitigation and the location of donated property or restored riparian buffer and/or amount of mitigation fee, as appropriate.
 2. Appeal. The decision on an application for Riparian Buffer Authorization Certificate may be appealed to the Director of the North Carolina Division of Water Resources for review and decision in accordance with the North Carolina Administrative Hearings Act.
 3. Effect of Approval. Approval of the proposed development or activity as "Exempt" or issuance of a Riparian Buffer Authorization Certificate authorizes review and decision on a Zoning Compliance Certificate application for the same development, subject to any mitigation required in the application approval, or any other application for development approval or permits needed to undertake the authorized land disturbing activities within the riparian buffer.
 4. Expiration of Approval. Approval of the proposed development or activity as "Exempt" or issuance of a Riparian Buffer Authorization Certificate shall expire if an application for a Zoning Compliance Certificate for the approved development is not submitted within one year after the date of approval or issuance. The approval also expires if development work is intentionally and voluntarily discontinued for a period of not less than two years.
- I. Riparian Buffer Development Review Standards: Exempt. The Town Engineer shall determine that the development or activity proposed in a riparian buffer is permitted without a Riparian Buffer Authorization Certificate ("Exempt") only on reaching each of the following conclusions:
 1. The proposed development or activity falls within a use listed as "Exempt" in Table 4.2.7, "Uses and Activities Permitted in Riparian Buffers"; and
 2. The proposed development or activity complies with the diffuse flow requirements in 4.2.6, "Riparian Buffer Development Review"; and
 3. The proposed development or activity will be designed, constructed, and maintained to minimize soil disturbance and provide the maximum water quality protection practical.
- J. Riparian Buffer Development Review Standards: Allowable. The Town Engineer shall determine that the development or activity proposed in a riparian buffer is allowable with an Authorization Certificate only on reaching each of the following conclusions:
 1. The proposed development or activity falls within a use listed as "Allowable" in Table 4.2.7, "Uses and Activities Permitted in Riparian Buffers."
 2. The proposed development or activity complies with the diffuse flow requirements in Section 4.2.6, "Riparian Buffer Development Review."

3. There are no practical alternatives to the proposed development or activity within the riparian buffer—that is:
 - a. The basic purpose of the proposed development or activity cannot be practically accomplished in a manner that would better minimize disturbance of the riparian buffer, preserve aquatic life and habitat, and protect water quality;
 - b. The proposed development or activity cannot practically be reduced in size or density, reconfigured, or redesigned to better minimize disturbance of the riparian buffer; and
 - c. Best management practices will be used, as necessary, to minimize disturbance of the riparian buffer, preserve aquatic life and habitat, and protect water quality.
- K. Allowable with Mitigation. The Town Engineer shall determine that the development or activity proposed in a riparian buffer is allowable with a Riparian Buffer Authorization Certificate and mitigation only on reaching each of the following conclusions:
 1. The proposed development or activity falls within a use listed as "Allowable with Mitigation" in Table 4.2.7, "Uses and Activities Permitted in Riparian Buffers."
 2. The proposed development or activity complies with the diffuse flow requirements in Section 4.2.6, "Riparian Buffer Development Review."
 3. There are no practical alternatives to the proposed development or activity within the riparian buffer—that is:
 - a. The basic purpose of the proposed development or activity cannot be practically accomplished in a manner that would better minimize disturbance of the riparian buffer, preserve aquatic life and habitat, and protect water quality;
 - b. The proposed development or activity cannot practically be reduced in size or density, reconfigured, or redesigned to better minimize disturbance of the riparian buffer; and
 - c. Best management practices will be used as necessary to minimize disturbance of the riparian buffer, preserve aquatic life and habitat, and protect water quality.
 4. The proposed mitigation strategy complies with the mitigation standards in Section 4.2.8, "Mitigation."

10.4.7. Floodplain Development Permit Review Procedures

- A. Purpose. The purpose of this Section is to establish a uniform mechanism to ensure development complies with the standards of Section 4.3, "Floodplain Management."
- B. Applicability. All development within the Floodplain Overlay District shall receive approval of a Floodplain Development Permit prior to the issuance of a Zoning Compliance Certificate.
- C. Application Submittal and Acceptance. Refer to Section 10.3.4, "Application Submittal and Acceptance." In addition, the application shall include certificates of reference level elevations and any proposed floodproofing. (Refer to Section 4.3, "Floodplain Management.")
- D. Staff Review and Action. Refer to Section 10.3.5, "Staff Review and Action". The Floodplain Administrator shall review and make an administrative decision on the application in accordance with Section 10.4.7.F, "Floodplain Development Permit Review Standards."
- E. Post-Decision Actions and Limitations. Refer to Section 10.3.10, "Post-Decision Actions and Limitations" except:
 1. Effect of Approval. A Floodplain Development Permit authorizes submittal of an application for a Zoning Compliance Certificate for approved development in the Floodplain Overlay District.
 2. Expiration of Approval. A Floodplain Development Permit shall expire if an application for a Zoning Compliance Certificate for the approved development is not submitted within two years after approval of the Floodplain Development Permit. The approval also expires if development work is intentionally and voluntarily discontinued for a period of not less than two years.
- F. Floodplain Development Permit Review Standards. An application for a Floodplain Development Permit shall be approved only upon a finding that the proposed development complies with all applicable standards in Section 4.3, "Floodplain Management."

10.4.8. Stormwater Management Permit Review Procedures

PLACEHOLDER

10.4.9. Site Specific Vesting Plan Designation Review Procedures

- A. Purpose. This The purpose of this Section is to establish a uniform mechanism under this Ordinance for a development approval to establish a vested right in accordance with NCGS 160D-108 and 160D-108.1
- B. Applicability. The procedure and standards in this Section apply to the review of applications for a Site-Specific Vesting Plan Designation. An application for Site Specific Vesting Plan Designation may be submitted and reviewed only concurrently with an application for a Special Use Permit, Site Plan, or Subdivision. The application for Site-Specific Vesting Plan Designation shall be reviewed in accordance with the procedure and standards set forth in this Section irrespective of whether all the required review steps are required for the concurrently reviewed application. It may be approved only if the concurrently reviewed application is approved and shall be subject to any conditions imposed on that application.
- C. Application Submittal and Acceptance. Refer to Section 10.3.4, "Application Submittal and Acceptance."
- D. Staff Review and Action. Refer to Section 10.3.5, "Staff Review and Action."
- E. Planning Board Review and Recommendation. Refer to Section 10.3.7, "Planning Board Review and Recommendation."
- F. Public Hearing Scheduling and Public Notification. Refer to Section 10.3.6, "Public Hearing Scheduling and Public Notification."
- G. Public Hearing Procedures. Refer to Section 10.3.9, "Public Hearing Procedures."
- H. Town Board of Commissioners Review and Decision. Refer to Section 10.3.8, "Board of Commissioners Review and Decision." The Town Board of Commissioners shall review and make a decision on the application in accordance with Section "Site-Specific Vesting Plan Designation Review Standards." The decision shall be one of the following:
 - 1. Approve the application as submitted; or
 - 2. Deny the application.
 - 3. In making its decision, the board may specify a time period more than two years but less than five years during which the application approval shall be valid.
- I. Post-Decision Actions and Limitations. Refer to Section 10.3.10, "Post-Decision Actions and Limitations," except:
 - 1. Effect of Approval.
 - a. In accordance with NCGS Sections 160D-108 and 160D-108.1, approval of a development application determined to include a site-specific vesting plan establishing a vested right confers on the landowner the right to undertake and complete the approved development under the terms and conditions of the site-specific vesting plan, including any approved amendments to the plan.
 - b. Nothing in this Ordinance shall exempt development in accordance with an approved site-specific vesting plan establishing a statutory vested right from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.
 - c. Nothing in this Ordinance shall prohibit the revocation of the vested right or other remedies for failure to comply with applicable terms and conditions of the approval.
 - 2. Expiration of Approval.
 - a. Designation of an approved plan as a site-specific vesting plan shall be valid for a period of two years, unless another time period not exceeding five years is specified at the time the application is approved, with respect to buildings and uses for which no valid Building Permit application has been submitted.
 - b. A multi-phased development of 25 acres or more is vested for the entire development for a period of up to seven years from the time a site plan approval is granted for the initial phase of the multi-phased development.

3. Revocation of Site-Specific Vesting Plan Designation.
 - a. The Town may revoke approval of Site-specific Vesting Plan if:
 - b. The applicant fails to comply with all applicable terms and conditions of the approval;
 - c. The affected landowner consents, in writing, to the revocation;
 - d. The Town Board of Commissioners holds a duly noticed public hearing and adopts an ordinance revoking the approval based on a finding that natural or man-made hazards pose a threat to the public health, safety, and welfare if the development were to proceed;
 - e. The Town provides the affected landowner 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;
 - f. The Town Board of Commissioners holds a duly noticed public hearing and adopts an ordinance revoking the approval based on a finding that the landowner or the landowner's representative intentionally supplied inaccurate information or misrepresented the development proposal in a manner that made a difference in the Town's approval; or
 - g. Enactment of a State or federal law or regulation precludes the authorized development, in which case the Town Board of Commissioners may, after a duly noticed evidentiary hearing, modify the approval on finding that the enacted State or federal law has an effect on approval of the site-specific vesting plan or the concurrently reviewed development application.
 - h. Revocation of Site-Specific Vesting Plan Designation eliminates the vested right established by approval of the Site-Specific Vesting Plan Designation but does not itself terminate any unexpired development permit or approval associated with the plan.
4. Site-Specific Vesting Plan Designation Review Standards. An application for Site-Specific Vesting Plan Designation submitted concurrently with an application for a Special Use Permit, Site Plan, or Subdivision shall be approved if the concurrently-reviewed and approved application describes with reasonable certainty the type and intensity of use for a specific parcel or parcels of land.

10.4.10. Special Use Permit Review Procedures

- A. Purpose. The purpose of this Section is to establish a uniform mechanism to review Special Uses to ensure they are appropriate as proposed. A use designated as a Special Use in a particular zoning district is a use that may be appropriate in the district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings.
- B. Applicability. A Special Use Permit is required prior to any proposed development involving a Special Use as designated in Section 3.2.4, "Principal Use Table," or Section 3.3.4, "Accessory Use/Structure Table."
- C. Pre-Submittal Meeting. Refer to Section 10.3.2, "Pre-Submittal Meeting."
- D. Application Submittal and Acceptance. Refer to Section 10.3.4, "Application Submittal and Acceptance."
- E. Community Information Meeting. Refer to Section 10.3.3, "Community Information Meeting."
- F. Staff Review and Action. Refer Section 10.3.5, "Staff Review and Action."
- G. Public Hearing Scheduling and Public Notification. Refer to Section 10.3.6, "Public Hearing Scheduling and Public Notification," except the Planning Director, or his/her designee shall provide mailed notice via first-class mail to the applicant, the owners of the land subject to the application if different from the applicant, and the owners of all properties located within 100 feet of the land subject to the application.
- H. Public Hearing Procedures. Refer to Section 10.3.9, "Public Hearing Procedures."
- I. Town Board of Commissioners Review and Decision. Refer to Section 10.3.8, "Board of Commissioners Review and Decision." The Town Board of Commissioners shall review and make a quasi-judicial decision on the application in accordance with Section 10.4.10, "Special Use Permit Review Standards." The decision shall be one of the following:

1. Approve the application as submitted;
 2. Approve the application subject to conditions;
 3. Deny the application;
 4. Remand the application back to the Planning Director for further consideration. (This may require further public notice and additional review fees.)
- J. Post-Decision Actions and Limitations. Refer to Section 10.3.10, "Post-Decision Actions and Limitations," except:
1. Recordation of Special Use Permit. The applicant shall record the Special Use Permit with the Register of Deeds for the county and return a copy of the recorded Special Use Permit to the Planning Director after the deadline for filing an appeal of the decision and within two (2) years of the date of approval of the Special Use Permit.
 2. Effect of Approval. The Town must obtain the applicant and/or landowner's written consent to the conditions related to the special use permit to ensure enforceability. Approval and recordation of a Special Use Permit application authorizes only the particular special use and associated development that is approved. A Special Use Permit, including any approved plans and conditions, shall run with the land and shall not be affected by a change in ownership unless specifically conditioned as part of the approval.
 3. Expiration of Approval. A Special Use Permit approval shall automatically expire if a Zoning Compliance Certificate is not obtained within two (2) years of the Special Use Permit approval, or if the development authorized by the permit is discontinued and not resumed for a period of two years. The Town Board of Commissioners may prescribe a time limit not to exceed two (2) years within which a Zoning Compliance Certificate for the development authorized by a Special Use Permit shall be obtained. Failure to obtain a Zoning Compliance Certificate within the specified time limit shall void the Special Use Permit.
- K. Minor Modifications Allowed. Subsequent development applications may incorporate minor changes from the development approved by the Special Use Permit, without the need to amend the Special Use Permit in accordance with Section 10.3.10.D, "Amendment of Development Approval," where the Planning Director determines that the changes:
1. Continue to comply with this Ordinance;
 2. Are necessary to comply with conditions of approval; or
 3. Are consistent with the Special Use Permit approval or any Town Board of Commissioners approval on which the Special Use Permit approval was based. Consistency means the changes would not significantly alter the development's general function, form, intensity, character, demand on public facilities, impact on adjacent properties, or other characteristic from that indicated by the Special Use Permit approval or any prior Town Board of Commissioners approval on which it was based.
- The following changes from the Special Use Permit shall require submission of a new Special Use Permit application in accordance with Section "10.3.10.D, "Amendment of Development Approval":
1. A change in a condition of approval;
 2. An increase in residential density;
 3. An increase greater than ten percent in total nonresidential floor area;
 4. An increase in the amount of land devoted to nonresidential uses;
 5. A change in the ratio of gross floor area devoted to residential uses to that devoted to nonresidential floor area; and
 6. A decrease in the ratio of single-family dwelling units to other residential building types.
- Before determining whether a minor change is allowed in accordance with Subsection (A) above, the Planning Director shall review the record of the proceedings on the Special Use Permit application and consider whether any proposed modification would require evidentiary support in addition to that on which approval of the Special Use Permit application was based.
- L. Special Use Permit Review Standards. A Special Use Permit application shall be approved only upon a finding the special use complies with all of the following:
1. The proposed special use will not materially endanger the public health or safety;
 2. The proposed special use complies with all requirements of this Ordinance, including all regulations and standards generally applicable within the zoning district and specifically applicable to the particular type of Special Use;

3. The proposed special use will not substantially injure the value of adjoining property, or is a public necessity;
4. The proposed special use is generally in harmony with the intensity, scale, and character of development existing or planned in the surrounding area; and
5. The proposed special use is generally consistent with the adopted comprehensive plan and any other plans officially adopted by the Town Board of Commissioners.

10.4.11. Text Amendment Review Procedures

- A. Purpose. The purpose of this Section is to provide a uniform mechanism for amending the text of this Ordinance whenever the public necessity, convenience, general welfare, or good zoning practices require doing so.
- B. Applicability. The procedures and standards in this Subsection apply to the review of any proposal to amend the text of this Ordinance.
- C. Application Submittal and Acceptance. Refer to Section 10.3.4, "Application Submittal and Acceptance," except an application to amend the text of this ordinance may be initiated by any person or organization by petitioning the Board of Commissioners to amend this ordinance.
- D. Staff Review and Action. Refer to Section 10.3.5, "Staff Review and Action."
- E. Planning Board Review and Recommendation. Refer to Section 10.3.7, "Planning Board Review and Recommendation." The Planning Board's recommendation shall address whether the proposed Zoning Map Amendment is consistent with the adopted comprehensive plan and any other officially adopted plan that is applicable.
- F. Legislative Public Hearing Scheduling and Public Notification. Refer to Section 10.3.6, "Public Hearing Scheduling and Public Notification."
- G. Legislative Public Hearing Procedures. Refer to Section 10.3.9, "Public Hearing Procedures."
- H. Town Board of Commissioners Review and Decision. Refer to Section 10.3.8, "Board of Commissioners Review and Decision." The Town Board of Commissioners shall review and make a legislative decision on the application in accordance with Section 8.3.6.A.4, Text Amendment Review Standards. The decision shall be one of the following:
 1. Adopt the amendment as proposed;
 2. Adopt a revised amendment;
 3. Deny the amendment; or
 4. Remand the application back to the Planning Director or Planning Board for further consideration.
 5. When approving or denying the application, the Town Board of Commissioners shall approve a statement describing whether its action is consistent with the adopted comprehensive plan and briefly explaining why the board considers the action taken to be reasonable and in the public interest.
- I. Post-Decision Actions and Limitations. Refer to Section 10.3.10, "Post-Decision Actions and Limitations," except:
 1. Effect of Approval. Approval of a Text Amendment authorizes the approved revisions to the text of this Ordinance. Such approval does not itself authorize specific development activity.
 2. Expiration of Approval. A Text Amendment does not expire but shall remain valid unless and until the revised text of this Ordinance is subsequently amended in accordance with this Section.
- J. Text Amendment Review Standards. The advisability of an amendment to the text of this Ordinance is a matter committed to the legislative discretion of the Town Board of Commissioners and is not controlled by any one factor. In deciding whether to adopt or disapprove an amendment to the text of this Ordinance, the Town Board of Commissioners may consider many factors, including but not limited to whether and the extent to which the proposed amendment:
 1. Is consistent with the comprehensive plan;
 2. Conflicts with any other provisions of this Ordinance or the Code of Ordinances;
 3. Is required by changed conditions;
 4. Addresses a demonstrated community need;
 5. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and would ensure efficient development within the Town;

6. Would result in a logical and orderly development pattern; and
7. Would result in significantly adverse impacts on the natural environment—including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
8. No text amendment that down-zones property shall be initiated nor shall it be enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment unless the down-zoning amendment is initiated by the Town.

10.4.12. General Use Rezoning Review Procedures

- A. Purpose. The purpose of this Section is to provide a uniform mechanism for reviewing and deciding proposed general amendments to the Official Zoning Map whenever the public necessity, general welfare, adopted plans, or appropriate land use practices justify or require doing so. A Zoning Map Amendment reclassifies land to a base zoning district and subject's future development in the district to all the development regulations applicable to that district, including allowance of the full range of uses and development intensity permitted in the district.
- B. Applicability. The procedure and standards in this Section apply to the review of any proposal to revise the Official Zoning Map to change the zoning district classification applicable to a particular parcel, portion of a parcel, or group of parcels, except when proposed in conjunction with a Conditional Zoning or Planned Development.
- C. Pre-Submittal Meeting. Refer to Section 10.3.2, "Pre-Submittal Meeting," unless the applicant is the Town Board of Commissioners, Planning Board, or Planning Director.
- D. Application Submittal and Acceptance. Refer to Section 10.3.4, "Application Submittal and Acceptance," except:
 1. A Zoning Map Amendment application may also be initiated by the Town Board of Commissioners, Planning Board, or Planning Director for any land in the Town's planning jurisdiction.
 2. The applicant for a Zoning Map Amendment application may change the application into a Conditional Zoning application only by first withdrawing the Zoning Map Amendment application before the provision of required public notification of the legislative public hearing, and then submitting an application for Conditional Zoning in accordance with Section 10.4.13, Conditional Zoning.
- E. Community Information Meeting. Refer to Section 10.3.3, "Community Information Meeting," unless the applicant is the Town Board of Commissioners, Planning Board, or Planning Director.
- F. Staff Review and Action. Refer to Section 10.3.5, "Staff Review and Action."
- G. Planning Board Review and Recommendation. Refer to Section 10.3.7, "Planning Board Review and Recommendation." In addition:
 1. The Planning Board's recommendation shall address whether the proposed Zoning Map Amendment is consistent with the adopted comprehensive plan and any other officially adopted plan that is applicable.
 2. Action on the application shall be taken within 60 days after the meeting at which the Planning Board first reviews the application. The board may vote to extend this time period to up to 90 days, for good cause.
- H. Legislative Public Hearing Scheduling and Public Notification. Refer to Section 10.3.6, "Public Hearing Scheduling and Public Notification."
- I. Legislative Public Hearing Procedures. Refer to Section 10.3.9, "Public Hearing Procedures."
- J. Town Board of Commissioners Review and Decision. Refer to Section 10.3.8, "Board of Commissioner Review and Decision." The Town Board of Commissioners shall review and make a legislative decision on the application in accordance with Section "Zoning Map Amendment Review Standards." A decision on a Zoning Map Amendment application shall be one of the following:
 1. Approve the application as submitted;
 2. Approve a rezoning to a more restrictive district, with the applicant's consent;
 3. Deny the application; or
 4. Remand the application back to the Planning Director or Planning Board for further consideration.

5. When approving or denying the application, the Town Board of Commissioners shall approve a statement describing whether its action is consistent with the adopted comprehensive plan and briefly explaining why the board considers the action taken to be reasonable and in the public interest.
- K. Post-Decision Actions and Limitations. Refer to Section 10.03.10, "Post-Decision Actions and Limitations." except:
 1. Effect of Approval. Approval of a Zoning Map Amendment reclassifies the land that is the subject of the application to the approved zoning district classification and subjects it to the development regulations applicable to the district. Such approval does not itself authorize specific development activity. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required.
 2. Expiration of Approval. A Zoning Map Amendment does not expire, but shall remain valid unless and until the land that was the subject of the amendment is subsequently reclassified to a different zoning district in accordance with the procedures and standards in this Section.
 3. Designation on Official Zoning Map. If a Zoning Map Amendment is adopted by the Town Board of Commissioners, the Planning Director, or his/her designee shall place the amendment on the Official Zoning Map within a reasonable period of time after adoption.
- L. Zoning Map Amendment Review Standards. The advisability of an amendment to the Official Zoning Map is a matter committed to the legislative discretion of the Town Board of Commissioners and is not controlled by any one factor. In deciding whether to adopt or disapprove a Zoning Map Amendment, the Town Board of Commissioners may consider many factors, including but not limited to whether and the extent to which the proposed amendment:
 1. Is consistent with the adopted comprehensive plan;
 2. Is consistent with any provisions of this Ordinance and the Code of Ordinances;
 3. Is required by changed conditions;
 4. Addresses a demonstrated community need;
 5. Is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land;
 6. Would result in a logical and orderly development pattern;
 7. Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities);
 8. Would result in significant adverse impacts on the natural environment—including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
 9. Would adversely affect the property values in the area; and
 10. Would be consistent with the public interest and the purposes and intent of this Ordinance.
 11. No map amendment that down-zones property shall be initiated nor shall it be enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment unless the down-zoning amendment is initiated by the Town.

10.4.13. Conditional Rezoning Review Procedures

- A. Purpose. The purpose of this Section is to provide a uniform mechanism for amending the Official Zoning Map to establish conditional zoning districts. In cases where the standards of a general use (base) zoning district are inadequate to ensure that development allowed by the district will conform to the Town's adopted plans or appropriately address the impacts expected to be generated by such development, a landowner may apply for Conditional Zoning. Conditional Zoning establishes a conditional zoning district that is equivalent to the general use (base) zoning district, subject to conditions or restrictions that the applicant and the Town mutually agree are necessary to ensure conformance to adopted plans and adequately address expected development impacts.

- B. Applicability. The procedure and standards in this Section apply to the review of a development application for Conditional Zoning. Applications for Conditional Zoning shall include all the land area within a recorded lot or site that is the subject of the application. Conditional Zoning applications may not establish bi-furcated zoning classifications where only a portion of a lot or site is subject to a conditional zoning classification.
- C. Pre-Submittal Meeting. Refer to Section 10.3.2, "Pre-Submittal Meeting."
- D. Application Submittal and Acceptance. Refer to Section 10.3.4. The application shall include conditions of approval proposed by the applicant in accordance with Section "Conditions of Approval," and may include a conceptual development plan depicting the proposed development.
- E. Community Information Meeting. Refer to Section 10.3.3, "Community Information Meeting."
- F. Staff Review and Action. Refer to Section 10.3.5, "Staff Review and Action."
- G. Planning Board Review and Recommendation. Refer to Section 10.3.7. During its review of the application, the Planning Board may suggest revisions to the proposed conditions (including the conceptual development plan), consistent with the provisions of Section "Conditions of Approval." Only those revisions agreed to in writing by the applicant shall be incorporated into the application. The Planning Board's recommendation shall address whether the proposed Zoning Map Amendment is consistent with the adopted comprehensive plan and any other officially adopted plan that is applicable.
- H. Legislative Public Hearing Scheduling and Public Notification. Refer to Section 10.3.6, "Public Hearing Scheduling and Notification."
- I. Legislative Public Hearing Procedures. Refer to Section 10.3.9, "Public Hearing Procedures."
- J. Town Board of Commissioners Review and Decision. Refer to Section 10.3.8. The Town Board of Commissioners shall review and make a legislative decision on the application in accordance with Section 10.4.13, "Conditional Zoning Review Standards." A decision on a Conditional Zoning application shall be one of the following:
 1. Approve the application as submitted (including any conditions proposed as part of a Conditional Rezoning application, consistent with Section "Conditions of Approval");
 2. Approve the application subject to modified or additional conditions, with the applicant's consent, consistent with Section "Conditions of Approval";
 3. Deny the application; or
 4. Remand the application back to the Planning Director or Planning Board for further consideration.When approving or denying the application, the Town Board of Commissioners shall approve a statement describing whether its action is consistent with the adopted comprehensive plan, and briefly explaining why the board considers the action taken to be reasonable and in the public interest.
- K. Post-Decision Actions and Limitations. Refer to Section 10.3.10, except:
 1. Effect of Approval. Approval of a Conditional Zoning application subjects the land to the development regulations applicable to the parallel base zoning district, as modified by the conditions agreed to by the applicant and approved by the Town Board of Commissioners in accordance with Subsection "Conditions of Approval." These regulations and conditions are binding on the land as an amendment to this Ordinance and the Official Zoning Map. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required.
 2. Expiration of Approval. An approved Conditional Zoning shall not expire, but the Official Zoning Map is subject to further amendment in accordance with the requirements in this Section 10.4.12, "General Use Rezoning Review Procedures."
 3. Designation on Official Zoning Map. If a Conditional Zoning is adopted by the Town Board of Commissioners, the Planning Director shall place the conditional zoning classification on the Official Zoning Map within a reasonable period of time after adoption. Designation of a conditional zoning district on the Official Zoning Map shall bear the same designation as the parallel base zoning district but shall also include the suffix "CZ" along with the ordinance number approving the conditional rezoning. The Planning Director shall keep in the Planning Department a Conditional Zoning Index. The Conditional Zoning Index shall provide ready access to the ordinances creating a conditional zoning district and the conditions of approval.

- L. Minor Modifications. Subsequent plans and permits for development within a conditional zoning district may include minor modifications from the approved conceptual development plan, provided such deviations are limited to changes addressing technical considerations that could not reasonably be anticipated during the conditional zoning classification process, or any other change that has no material effect on the uses permitted or the overall density in the approved development. The following shall constitute minor deviations that may be approved by the Planning Director:
 1. Driveway locations;
 2. Structure floor plan revisions;
 3. Minor shifts in building size or location; and
 4. Facility design modifications for amenities and the like.
- M. Material Changes are Amendments. Changes that materially affect the basic configuration of the approved conceptual development plan are not considered minor deviations and shall only be changed as amendments to the Conditional Zoning in accordance with Section 10.3.10.D, "Amendment of Development Approval."
- N. Action if Condition of Conditional Zoning Invalidated. If any condition applicable to a Conditional Zoning approval is declared invalid by a court of competent jurisdiction, the Town Board of Commissioners may subsequently rescind the approval on determining that it would not have approved the application but for the condition. If the Town Board of Commissioners rescinds its approval, it shall provide the applicant an opportunity to revise the application in accordance with Section 10.3.7.B, "Revision of Application," in response to the condition invalidation and rescission.
- O. Conditional Zoning Review Standards. The advisability of a conditional zoning is a matter committed to the legislative discretion of the Town Board of Commissioners and is not controlled by any one factor. In deciding whether to adopt or disapprove a conditional zoning, the Town Board of Commissioners may consider the review standards in Section 10.4.12, "General Use Rezoning Review Procedures," and other appropriate factors.
- P. Conditions of Approval. Only conditions mutually agreed to in writing by the owner(s) of the land to be conditionally zoned and the Town Board of Commissioners may be approved as part of a conditional zoning district. Conditions shall be limited to those that address conformance of the allowable development and use of the site with Town regulations and adopted plans and those that address impacts reasonably expected to be generated by the allowable development or use of the site. Conditions may be in the form of text or plans and maps and may establish variations to the uses and standards of the UDO.
- Q. Variations of UDO Standards. The request shall be in compliance with all relevant portions of the UDO, except that variations from these standards may be approved by the Board of Commissioners if the modification is submitted and determined to be suitable for the request, is consistent with the spirit and intent of Ordinance, and ensures compatibility with land uses on surrounding properties.

10.4.14. Planned Development District (PDD) Rezoning Review Procedures

Planned Development Districts are proposed, reviewed, and approved following procedures set forth in Section 10.4.12, "General Use Rezoning Review Procedures," supplemented with specific procedures set forth in Section 10.4.14, "Planned Development District (PDD) Rezoning Review Procedures."

10.4.15. Mixed Use Planned Development (MUPD) Rezoning Review Procedures

- A. Pre-Submittal Meeting. Refer to Section 10.3.2, "Pre-Submittal Meeting."
- B. Application Submittal and Acceptance. Refer to Section 10.4.15, A Mixed Use Planned Development application shall also include a MUPD Plan/MUPD Agreement that depict the general configuration and relationship of the principal elements of the proposed development (uses, intensity, circulation, open space, public facilities), outline how the development will be phased and served by public facilities and how environmental mitigation and monitoring will occur, and how unified management will be provided.

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- C. Community Information Meeting. Refer to Section 10.3.3, "Community Information Meeting."
- D. Staff Review and Action. Refer to Section 10.3.5, "Staff Review and Action."
- E. Planning Board Review and Recommendation. Refer to Section 10.3.7. In addition, the Planning Board's recommendation shall address whether the proposed Mixed Use Planned Development is consistent with the adopted comprehensive plan.
- F. Legislative Public Hearing Scheduling and Public Notification. Refer to Section 10.3.6, "Public Hearing Scheduling and Notification."
- G. Legislative Public Hearing Procedures. Refer to Section 10.3.9, "Public Hearing Procedures."
- H. Town Board of Commissioners Review and Decision. Refer to Section 10.3.8. The Town Board of Commissioners shall review and make a legislative decision on the application in accordance with Section 10.4.15, Mixed Use Planned Development Review Standards. A decision on a Mixed Use Planned Development application shall be one of the following:
 1. Approve the application as submitted;
 2. Approve the application, subject to conditions;
 3. Deny the application; or
 4. Remand the application back to the Planning Director or Planning Board for further consideration.When approving or denying the application, the Town Board of Commissioners shall approve a statement describing whether its action is consistent with the adopted comprehensive plan and briefly explaining why the board considers the action taken to be reasonable and in the public interest.
- I. Post-Decision Actions and Limitations. Refer to Section 10.3.10, except:
 1. Effect of Approval. Approval of an adopting ordinance for Mixed Use Planned Development (MUPD) zone district designation and the MUPD Plan/MUPD Agreement shall constitute an Official Zoning Map designation and recognition by the Town that the landowner may proceed, consistent with the MUPD Plan/MUPD Agreement, to prepare plans to develop the land. The next appropriate development approval for the land is a site plan and subdivision plan. If a Mixed Use Planned Development is adopted and the action was deemed inconsistent with the adopted plan, the amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required.
 2. Expiration of Approval. If no application for approval of a subdivision Preliminary Plat or Site Plan (Major or Minor) for any part of the approved MUPD Plan/MUPD Agreement is submitted within three years after approval of the Planned Development, the Planning Director shall initiate a Zoning Map Amendment application to rezone the land back to its prior zoning classification or any other base zoning classification determined to be appropriate. Such time period shall not be extended with transfer of ownership. Upon written request submitted at least thirty days before expiration of the three-year period provided in Subsection A above, and upon a showing of good cause, the Planning Director may grant one extension not to exceed six months for the applicant to submit required development applications.
 3. Designation on Official Zoning Map. If a Mixed Use Planned Development zoning is adopted by the Town Board of Commissioners, the Planning Director, or his/her designee shall place the Mixed Use Planned Development zoning classification on the Official Zoning Map within a reasonable period of time after adoption. Designation of a Mixed Use Planned Development zoning district on the Official Zoning Map shall bear the designation "MUPD" along with the ordinance number approving the Mixed Use Planned Development zoning and the name of the Mixed Use Planned Development. The Planning Director, or his/her designee shall keep in the Planning Department a Planned Development Index. The Planned Development Index shall provide ready access to the ordinances creating a Mixed Use Planned Development.
- J. Mixed Use Planned Development Review Standards. The advisability of adopting a Mixed Use Planned Development district is a matter committed to the legislative discretion of the Town Board of Commissioners and is not controlled by any one factor. In deciding whether to adopt or disapprove a Mixed Use Planned Development district, the Town Board of Commissioners may consider the review standards in Section 10.4.12, "General Use Rezoning Review Procedures." A Mixed Use Planned Development application shall not be approved unless the planned development district complies with the standards in Section 10.4.15, "Mixed Use Planned Development District (MUPD)."

10.4.16. Development Agreement Review Procedures

- A. Purpose. This Section is intended to implement and be consistent with the comprehensive plan of the Town. The objective of this Section is accomplished by authorizing development agreements in which a developer and the Town of Pittsboro may ensure the adequacy of public facilities and encourage sound capital improvement planning while providing certainty in the process of obtaining development approval and reducing the economic costs of development by providing greater regulatory certainty. The purpose of this Section is to establish standards and procedures for entering into Development Agreements for long-term, large-scale developments with the following statements of intent:
1. Large-scale development projects often occur in multiple phases extending over a period of years, requiring a long-term commitment of both public and private resources.
 2. Such large-scale developments often create potential community impacts and potential opportunities that are difficult or impossible to accommodate within traditional zoning processes.
 3. Because of their scale and duration, such large-scale projects often require careful integration between public capital facilities planning, financing, and construction schedules and the phasing of the private development.
 4. Because of their scale and duration, such large-scale projects involve substantial commitments of private capital by private developers, which private developers are unwilling to risk without sufficient assurances that development standards will remain stable through the extended period of the development.
 5. Because of their size and duration, such developments often permit communities and developers to experiment with different or nontraditional types of development concepts and standards, while still managing the impacts on the surrounding areas.
 6. To better structure and manage development approvals for such large-scale developments and ensure their proper integration into local capital facilities programs, local governments need the flexibility in negotiating such developments.
 7. In negotiating for such developments, the intent of the Town is to remain consistent with the adopted plans, policies, and goals of the Town as they relate to land use and capital improvements.
- B. Applicability. The Town of Pittsboro may enter into a development agreement with a developer, subject to the requirements and procedures set forth in this Section. In entering into such an agreement, the Town may not exercise any authority or make any commitment not authorized by general or local act and may not impose any tax or fee not authorized by otherwise applicable law. If more than one local government is made party to an agreement, the agreement must specify which local government is responsible for the overall administration of the development agreement. The Town may consider requests to participate in development agreements for any development within the land use jurisdiction of the Town or adjoining jurisdictions in which the development impacts the communities or natural resources of the Town. For consideration of the Town to participate in development agreements, the following standards shall be met:
1. The property in question must be developable property of any size, including property that is subject to an executed brownfields agreement in accordance with Part 5 of Chapter 9 of Chapter 130A of the NCGS.
 2. The duration of the development agreement shall not exceed a reasonable term as specified in the agreement.
 3. The estimated appraised value of the development (including all real property) at build-out shall equal or exceed \$20,000,000.00, or will demonstrate that the proposed development will significantly enhance opportunities for very-low income or special populations, protect natural resources, or preserve critical watersheds within the Town.
 4. The development shall demonstrate the impact on existing and future public facilities.
- C. Pre-Submittal Meeting. Refer to Section 10.3.2, except it is the responsibility of the Town Manager to coordinate this Pre-Submittal Meeting. Additionally, the Town shall notify Chatham County and the Chatham County Board of Education of the proposed development agreement and invite participation.
- D. Application Submittal and Acceptance. Refer to Section 10.3.4, except a completed Development Agreement application shall include the following:
1. A survey and legal description of the property and the tax parcel number(s) of the property;

2. A signed affidavit by the property owner of record or other person having proprietary interest in the property authorizing the Development Agreement application;
 3. A written description of the proposed development and statement of objectives and reasons for the request;
 4. A copy of the proposed preliminary subdivision plan, site plan, phasing plan, or conceptual plan;
 5. An application for rezoning (if applicable);
 6. A draft development agreement that meets the requirements of Section 10.4.16, "Development Agreement Review Standards";
 7. Any other information required to provide a complete understanding of the proposed Development Agreement.
- E. Staff Review and Action. Refer to Section 10.3.5, "Staff Review and Action."
- F. Legislative Public Hearing Scheduling and Public Notification. Refer to Section 10.3.6. Notification for the public hearing shall follow the procedure set forth in NCGS 160D-601 for ordinance adoption or amendment. The notice of public hearing must specify the following:
 1. The location of the property subject to the development agreement;
 2. The development uses proposed on the property; and
 3. A place where a copy of the proposed development agreement can be obtained.
- G. Town Board of Commissioners Review and Decision. Refer to Section 10.3.8, except following the legislative hearing, the Board may negotiate directly with the developer. A simple majority vote of the Board of Commissioners shall be required for approval. No member of the Board of Commissioners may vote on a development agreement if it is reasonably likely that the agreement or development would have a direct, substantial, and readily identifiable financial impact on the member that is distinct from any financial impact on general citizens of the Town.
- H. Post-Decision Actions and Limitations. Not applicable (refer to Section 10.3.10). The following shall apply:
 1. Recordation. Within 14 days after approving and entering into a development agreement, the Town shall record the agreement with the Chatham County Register of Deeds. The burdens of the development agreement are binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.
 2. Relationship of Agreement to Other Regulations. This Section does not preclude or supersede rights and obligations established in accordance with other laws regarding building permits, site-specific vesting plans, phased development plans or other provisions of law. A development agreement shall not exempt the property owner or developer from compliance with the State Building Code or State or local housing codes that are not part of the Town's planning, zoning, or subdivision regulations. Unless the development agreement specifically provides for the application of subsequently enacted laws, the laws applicable to development of the property subject to a development agreement are those in force at the time of execution of the agreement. Except for grounds specified in NCGS 160D-108 and 160D108.1 the Town may not apply subsequently adopted ordinances or development policies to a development that is subject to a development agreement. In the event that state or federal law is changed after a development agreement has been entered into and the change prevents or precludes compliance with one or more provisions of the development agreement, the local government may modify the affected provisions, upon a finding that the change in state or federal law has a fundamental effect on the development agreement, by ordinance after notice and a legislative hearing. This Section does not abrogate any rights preserved by NCGS 160A-385 or NCGS 160A-385.1 or that may vest in accordance with common law or otherwise in the absence of a development agreement.
- I. Approval of Debt. In the event that any of the obligations of the Town in the development agreement constitute debt, the Town shall comply, at the time of the obligation to incur the debt and before the debt becomes enforceable against the Town, with any applicable constitutional and statutory procedures for the approval of this debt. The agreement shall be signed by the Town Attorney, Finance Director, and Town Manager.
- J. Periodic Review. During any period of time in which a development permit is active, the Town shall review the development at least once every 12 months for compliance with the agreement. The Town shall notify the developer in writing of its findings if, in the discretion of the Town Manager, or designee, a breach of the agreement has occurred. The developer must be required to demonstrate good faith compliance

with the terms of the development agreement. If the Town finds and determines that the developer has committed a material breach of the terms or conditions of the agreement, the Town shall serve notice in writing, within a reasonable time after the periodic review, upon the developer setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and providing the developer a reasonable time in which to cure the material breach. If the developer fails to cure the material breach within the time given, then the Town unilaterally may terminate or modify the development agreement. The notice of termination or modification may be appealed to the Board of Adjustment in the manner provided by NCGS 160A-388(b1) within 30 days of such notice. An appeal stays all proceedings in furtherance of the action appealed from, unless the Planning Director, Town Manager, or designee certifies to the Board of Adjustment, after notice of appeal has been filed, that the situation would cause imminent peril, to life or property.

- K. Expiration, Termination, or Modification of Agreement. A development agreement may be amended or canceled only by mutual consent of the parties to the agreement or by their successors in interest. Major modification of the agreement shall follow the same procedures as required for initial approval of a Development Agreement. With the mutual consent of the other parties to the agreement, the Planning Director may approve minor modifications of the Development Agreement, without following the same procedures as required for initial approval of the agreement. Before doing so, the Planning Director shall make written findings that the proposed minor modifications would not significantly change the use, intensity, or design of the development, would be consistent with the purposes and goals of the agreement, would comply with this Ordinance, and would not adversely affect the public health, safety, or general welfare. Except as otherwise provided, any development agreement entered into and approved by the Town or other local government jurisdiction before the effective date of a change of jurisdiction shall be valid for the duration of the agreement, or eight (8) years from the effective date of the change in jurisdiction, whichever is earlier. The parties to the development agreement and the local government assuming jurisdiction have the same rights and obligations with respect to each other regarding matters addressed in the development agreement as if the property had remained in the previous jurisdiction. The Town may modify or suspend the provisions of the development agreement if the Town determines that the failure to do so would place the residents of the territory subject to the development agreement, or the residents of the local government, or both, in a condition dangerous to their health or safety, or both.
- L. Development Agreement Review Standards. A development agreement shall meet and be subject to all requirements and provisions in Chapter 160D of the NCGS. A development agreement shall at a minimum include all of the following:
1. A legal description of the property subject to the agreement and the names of its legal and equitable property owners.
 2. The duration of the agreement. However, the parties are not precluded from entering into subsequent development agreements that may extend the original duration period.
 3. The development uses permitted on the property, including population densities and building types, intensities, placement on the site, and design.
 4. A description of public facilities that will service the development, including who provides the facilities, the date any new public facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development.
 5. A description, where appropriate, of any reservation or dedication of land for public purposes and any provisions to protect environmentally sensitive land.
 6. A description of all local development approvals or permits approved or needed to be approved for the development of the property together with a statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction does not relieve the developer of the necessity of complying with the law governing their permitting requirements, conditions, terms, or restrictions.
 7. A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the local government for the public health, safety, or welfare of its citizens.
 8. A description, where appropriate, of any provisions for the preservation and restoration of historic structures.

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

A development agreement may provide that the entire development or any phase of it be commenced or completed within a specified period of time. The development agreement must provide a development schedule, including commencement dates and interim completion dates at no greater than five-year intervals; provided, however, the failure to meet a commencement or completion date shall not, in and of itself, constitute a material breach of the development agreement but must be judged based upon the totality of the circumstances. The developer may request a subsequent modification in the dates as set forth in the agreement. In the event that the development agreement provides that the Town shall provide certain public facilities, the development agreement shall provide that the delivery date of such public facilities will be tied to successful performance by the developer in implementing the proposed development (such as meeting defined completion percentages or other performance standards). The development agreement may include other defined performance standards to be met by the developer. The development agreement may contain other matters not inconsistent with law.

10.4.17. Annexation Review Procedures

PLACE HOLDER

10.4.18. Administrative Adjustment

- A. Purpose. Refer The purpose of this Section is to provide a uniform mechanism for allowing minor variations, or adjustments, to certain numerical standards (i.e., setbacks) of the zoning provisions based on specific standards, with the intent of providing relief where application of a standard creates practical difficulties in allowing development that otherwise advances the purposes served by the standards of this Ordinance and is compatible with surrounding development.
- B. Applicability. Administrative Adjustments may be requested and granted for the standards identified in Table 10.4.18, "Standards Subject to Administrative Adjustments," up to the limits set forth in the table.

STANDARDS SUBJECT TO ADMINISTRATIVE ADJUSTMENTS	
Standard	Maximum Allowable Extent of Adjustment
Minimum lot width, minimum lot coverage, and minimum setbacks	10%
Maximum height	10%
Maximum setback encroachment	10%
Minimum required number of off-street parking spaces, loading, or stacking spaces	10%
Minimum Perimeter Buffer Width	10%

- C. Pre-Submittal Meeting. Refer to Section 10.3.2, "Pre-Submittal Meeting."
- D. Application Submittal and Acceptance. Refer to Section 10.3.4, "Application Submittal and Acceptance."
- E. Staff Review and Action. Refer to Section 10.3.5. The Planning Director shall review and make an administrative decision on the application.

- F. Post-Decision Actions. Refer to Section 10.3.10, except:
1. Effect of Approval. Administrative Adjustment approval authorizes only the particular adjustment.
 2. Expiration of Approval. In cases where a maximum time frame for development is established as a condition of approval, the administrative adjustment shall expire upon the lapse of the allowable time frame. If a Building Permit is required, the administrative adjustment shall automatically expire if the Building Permit is not issued within one year after the date of issuance of the administrative adjustment. In cases where a Building Permit is not required, the administrative adjustment shall automatically expire if the activity authorized by the administrative adjustment is not commenced within six months of the date of approval of the administrative adjustment.
- G. Administrative Adjustment Review Standards. An application for an administrative adjustment shall be approved upon a finding that the applicant demonstrates that all of the following standards are met:
1. The administrative adjustment does not exceed the limits in Table 10.4.18, "Standards Subject to Administrative Adjustments";
 2. The administrative adjustment is consistent with the character of development on surrounding land, and is compatible with surrounding land uses;
 3. The administrative adjustment is of a technical nature (i.e., relief from a dimensional or design standard) and:
 - a. Is required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general;
 - b. Supports an objective or goal from the purpose and intent statements of the zoning district where it is located; or
 - c. Saves healthy existing trees;
 4. The administrative adjustment will not pose a danger to the public health or safety;
 5. Any adverse impacts will be mitigated, to the maximum extent practical; and
 6. The site is not subject to a series of multiple, incremental administrative adjustments that result in a reduction in development standards by the maximum allowed.

10.4.19. Variance – Zoning and Floodplain Review Procedures

- A. Pre-Submittal Meeting. Refer to Section 10.3.2, "Pre-Submittal Meeting."
- B. Application Submittal and Acceptance. Refer to Section 10.3.4. An application that involves standards in Section 4.5, "Floodplain Management," shall include a written report addressing each of the factors in Section 4.3.10.D.
- C. Staff Review and Action. Refer to Section 10.3.5, except the staff report prepared by the Planning Director, or his/her designee shall summarize the variance request based on submitted evidence. A staff recommendation for action is not required to be included.
- D. Evidentiary Public Hearing Scheduling and Public Notification. Refer to Section 10.3.6.
- E. Board of Adjustment Review and Decision. Refer to Section 10.3.8. The Board of Adjustment shall review and make a quasi-judicial decision on the application in accordance with Section 10.4.19, Variance (Zoning) (Floodplain Management), as appropriate. The decision shall be one of the following:
1. Approve the application as submitted;
 2. Approve the application subject to conditions;
 3. Deny the application.
- For an application seeking hardship relief from the dimensional standards (zoning) of this Ordinance, approval of the application shall require the affirmative vote of at least 4/5 of all the members of the board. (In such cases, vacant positions and members who are excused from voting shall not be considered members of the board.)
- F. Conditions of Approval. Upon consideration of the standards in Section 10.4.19, Variance (Zoning) Review Standards, and the purposes of this Ordinance, the BOA may attach such conditions to the variance as it deems necessary to further the purposes and objectives of this Ordinance.
- G. Evidentiary Public Hearing Procedures. Refer to Section 10.3.8.
- H. Post-Decision Actions. Refer to Section 10.3.10, except:
1. Notice of Decision. If the application involves standards in Section 4.3, "Floodplain Management," the following shall apply:

- a. The applicant to whom the variance is granted shall be given written notice specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance potentially.
 - b. Such notification shall be maintained with the record of the variance action.
 - c. Upon request, the Planning Director, or his/her designee shall report any flood damage prevention variance approvals to the Federal Emergency Management Agency and the State of North Carolina.
- I. Effect of Approval. Approval of a Variance (Zoning and Flood Damage Prevention) authorizes only the particular regulatory relief approved. It does not exempt the applicant from the responsibility to obtain all other development approvals and permits required by this Ordinance and any other applicable laws, and does not indicate that the development for which the Variance is granted should receive approval of other applications for a development approval or permit required under this Ordinance unless the relevant and applicable portions of this Ordinance are met. Unless it expires in accordance with Section 8.2.10.C.2, Expiration of Approval, an approved Variance (Zoning and Flood Damage Prevention), including any approved plans and documents, and conditions of approval, shall run with the land, shall be binding on the landowners and their successors and assigns, and shall not be affected by a change in ownership.
- J. Expiration of Approval. Approval of a variance for development requiring a Building Permit shall expire 180 days after the date of approval if a Building Permit is not obtained and construction is not begun during that time. All variances that are granted shall run with the property or building for which the variance is being sought and not with the owner of the property or building.
- K. Variance (Zoning) Review Standards. This Subsection applies to Variance applications seeking hardship relief from the dimensional standards (zoning) of this Ordinance. The application shall be approved only if all of the following conclusions are reached, based on findings of fact supported by competent, substantial, and material evidence entered into the record at the evidentiary hearing:
- 1. Unnecessary hardship would result from the strict application of this Ordinance (it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the land);
 - 2. The hardship results from conditions that are peculiar to the land, such as location, size, or topography (hardships resulting from personal circumstances or from conditions that are common to the neighborhood or the general public may not be the basis for granting a variance); A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability;
 - 3. The hardship did not result from actions taken by the applicant or the landowner (the act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship); and
 - 4. The requested variance is consistent with the spirit, purpose, and intent of this Ordinance, such that public safety is secured, and substantial justice is achieved.
- Insufficient Grounds for Approving Variances. The following factors shall not constitute sufficient grounds for approval of the application:
- 1. A request for a particular use that is expressly, or by inference, prohibited in the zoning district;
 - 2. Hardships resulting from factors other than application of requirements of this Ordinance;
 - 3. The fact that land or a structure may be utilized more profitably or be more marketable with a Variance; or
 - 4. The citing of other nonconforming or conforming uses of land or structures in the same or other zoning districts.
- L. Variance (Floodplain Management) Review Standards. This Subsection applies to Variance applications that involve standards in Section 4.5, "Floodplain Management." When deciding on the application, the Board of Adjustment shall consider all technical evaluations and all relevant factors, including:
- 1. The danger that materials may be swept onto other lands to the injury of others;
 - 2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a location within a special flood hazard area;
6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and the Town's floodplain management program;
9. The safety of access to the use in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

The application may be approved only on a finding the applicant demonstrates all of the following standards are met, based on findings of fact supported by competent, substantial, and material evidence entered into the record at the evidentiary hearing:

1. There is good and sufficient cause to grant the variance.
2. Failure to grant the variance would result in exceptional hardship.
3. The variance is the minimum necessary, considering the flood hazard, to afford relief.
4. Approval of the variance will not render a structure in violation of applicable Federal, State, or local laws, regulations, or ordinances.
5. Granting the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
6. Approval of the variance will not result in any increase in flood levels within any designated floodway or non-encroachment area during the base flood discharge.

An application that involves solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas may be approved only if all of the following conditions are met:

1. The use serves a critical need in the community;
2. No feasible locations exist for the use outside the Special Flood Hazard Area;
3. The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation;
4. The use complies with all other applicable federal, State and local laws; and
5. The Town of Pittsboro has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least 30 calendar days prior to granting the variance.

10.4.20. Variance – Stormwater

Refer to Section 10.4.20, "Stormwater Variances."

10.4.21. Variance – Riparian Buffer Review Procedures

- A. Purpose. The purpose of this Section is to provide a uniform mechanism for review of proposed development activity not identified in Table 4.2.7, "Uses and Activities Permitted in Riparian Buffers," within a riparian buffer.
- B. Applicability. A Variance (Riparian Buffer) in accordance with this Section shall be required before any activity not identified in Table 4.2.7, "Uses and Activities Permitted in Riparian Buffers," may be conducted within a riparian buffer, consistent with Chapter 3, "Use Standards."
- C. Minor Variances Distinguished. A Minor Variance is a variance pertaining to activities that will impact only Zone Two of the riparian buffer.

- D. Major Variance Distinguished. A Major Variance is a variance pertaining to activities that will impact any portion of Zone One of the riparian buffer (irrespective of whether it also impacts Zone Two).
- E. Pre-Submittal Meeting. Refer to Section 10.3.2.
- F. Application Submittal and Acceptance. Refer to Section 10.3.4.
- G. Community Information Meeting. For a Major Variance, refer to Section 10.3.3. For a Minor Variance, no Community Information Meeting is required.
- H. Staff Review and Action. Refer to Section 10.3.5. The staff report prepared by the Town Engineer shall summarize the variance request based on submitted evidence. A staff recommendation for action is not required to be included.
- I. Evidentiary Public Hearing Scheduling and Public Notification. Refer to Section 10.3.6.
- J. Board of Adjustment Review and Decision. Refer to Section 10.3.8. The Board of Adjustment shall review and decide the application. If the Riparian Buffer Variance application requests a Minor Variance, the quasi-judicial decision shall be one of the following:
 - 1. Approve the application as submitted;
 - 2. Approve the application subject to conditions;
 - 3. Deny the application.If the Riparian Buffer Variance application requests a Major Variance, the quasi-judicial decision shall be a preliminary determination of compliance with the review standards in Section 10.4.20, "Variance - Riparian Buffer Review Procedures," and shall be submitted to the North Carolina Environmental Management Commission to approve, approve with conditions, or deny in accordance with Section 10.4.20.
- K. Evidentiary Public Hearing Procedures. Refer to Section 10.3.9.
- L. Post-Decision Actions and Limitations. Refer to Section 10.3.10, except:
 - 1. Appeal of Decisions on Minor Variance Applications. If the decision was approval or denial of an application for a Minor Variance (Riparian Buffer), the decision may be appealed to the Director of the North Carolina Division of Water Resources for review and decision in accordance with the North Carolina Administrative Hearings Act.
 - 2. Issuance of Variance. If a Riparian Buffer Variance application is approved, the Town Engineer shall issue the applicant documentation of the approval that identifies the land to which it applies, the development plans on which it is based, and any conditions of approval. The documentation shall also include notice of the Town's right to inspect riparian buffers to ensure compliance with this Chapter.
 - 3. Effect of Approval. Approval of a Variance (Riparian Buffer) authorizes only the particular regulatory relief approved as part of the Variance, as applied only to the land for which the Variance is approved, and only in accordance with any approved plans and documents, and conditions of approval. It does not exempt the applicant from the responsibility to obtain all other development permits required by this Ordinance and any other applicable laws, and does not indicate that the development for which the Variance is granted should receive approval of other applications for development approval or permits required under this Ordinance unless the relevant and applicable portions of this Ordinance or any other applicable laws are met. Unless it expires in accordance with Section 10.4.19.J, "Expiration of Approval," an approved and recorded Variance (Riparian Buffer), including any approved plans, documents, and conditions of approval, shall run with the land, shall be binding on the landowners and their successors and assigns, and shall not be affected by a change in ownership. All decisions, determinations, and interpretation by Town staff shall be consistent with an approved and recorded Variance.
- M. Riparian Buffer Variance Review Standards. The Board of Adjustment shall approve or make a preliminary determination, as applicable, in favor of an application for a Variance (Riparian Buffer) only if the board reaches all of the following findings, based on findings of fact supported by competent, substantial, and material evidence presented at the evidentiary hearing:
 - 1. There are practical difficulties or unnecessary hardships that prevent compliance with the riparian buffer protection requirements;
 - 2. If the applicant complies with the provisions of this Ordinance, he/she can secure no reasonable return from, nor make reasonable use of, his/her property (merely proving that the variance would

- permit a greater profit from the property shall not be considered adequate justification for a variance);
3. The variance is the minimum possible deviation from the terms of this Ordinance that shall make reasonable use of the property possible;
 4. The hardship results from application of this Ordinance to the property rather than from other factors such as deed restrictions or other hardship;
 5. The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, such that compliance with provisions of this ordinance would not allow reasonable use of the property;
 6. The applicant did not cause the hardship by knowingly or unknowingly violating this Ordinance;
 7. The hardship is rare or unique to the applicant's property;
 8. The variance is in harmony with the general purpose and intent of the State's riparian buffer protection requirements and this Ordinance and preserves its spirit;
 9. In granting the variance, the public safety and welfare have been assured, water quality has been protected, and substantial justice has been done;
 10. Granting the Variance would not result in a new stormwater conveyance in the riparian buffer; and
 11. Granting the Variance would maintain or restore diffuse flow runoff in the riparian buffer.

10.4.22. Written Determinations

- A. Purpose. The purpose of this Section is to provide a uniform mechanism for rendering formal written determinations of the text of this Ordinance and the boundaries on the Official Zoning Map.
- B. Applicability. The Planning Director is responsible for making determinations of all provisions of this Ordinance, including, but not limited to:
 1. Determinations of the text;
 2. Determinations of the zoning district boundaries;
 3. Determinations of whether an unspecified use falls within a use classification, use category, or use type allowed in a zoning district; and
 4. Determinations of compliance with a condition of approval.
- C. Pre-Submittal Meeting. Refer to Section 10.3.2.
- D. Application Submittal and Acceptance. Refer to Section 10.3.4, except an application for a formal written determination may only be initiated by the Town Board of Commissioners, the Planning Board, any resident of the Town, any owner of land located in the Town, or any person having a contractual interest in land in the Town or that person's representative.
- E. Staff Review and Action. Refer to Section 10.3.5. The Planning Director shall make interpretations in accordance with Section 10.4.22.G, "Written Determination Review Standards." Prior to rendering an interpretation, the Planning Director shall consult with the Town Attorney and other affected Town officials. Written notice of the interpretation shall be provided by personal delivery, electronic mail, or first-class mail to the property owner and party seeking the interpretation, if different from the owner.
- F. Post-Decision Actions and Limitations. Refer to Section 10.3.10, except:
 1. Effect of Determination. A written determination shall be binding on subsequent administrative decisions by the Planning Director or other Town administrative officials in applying the same provision of this Ordinance or the Official Zoning Map in the same circumstance, unless the Determination is modified in accordance with this Section, or the subject provisions of this Ordinance are modified.
- G. Written Determination Review Standards.
 1. Zoning District Map Boundaries. Determination of zoning district boundaries on the Official Zoning Map shall be in accordance with Section 12.2, "Interpretation of Zoning Map Boundaries."
 2. Unspecified Uses. Determination of whether an unspecified use is similar to a use identified in Table 3.2.4, "Principal Use Table," or is prohibited in a zoning district shall be in accordance with Section 12.9, "Interpretation of Unlisted Uses."
 3. Text Provisions. Interpretation of the text and its application shall be in accordance with Section 12.2, "Interpretation of Zoning Map Boundaries," and the following considerations:

- a. The clear and plain meaning of the provision's wording, as defined by the meaning and significance given specific terms used in the provision, as established in Section 12.12, "Terms and Uses Defined," and by the common and accepted usage of the term;
 - b. The intended purpose of the provision, as indicated by purpose statements, its context and consistency with surrounding and related provisions, and any legislative history related to its adoption; and
 - c. The general purposes served by this Ordinance, as set forth in Section 1.3, "Purpose and Intent."
- H. Official Record. The Planning Director shall maintain a record of written interpretations that shall be available in the Planning Department for public inspection, on reasonable request, during normal business hours.

10.4.23. Appeal Review Procedures

- A. Purpose. The purpose of this Section is to establish a uniform mechanism for an aggrieved party affected by any administrative decision by the Planning Director, or his/her designee or Town Engineer to determine if the decision complies with the requirements of this Ordinance.
- B. Applicability. Any party aggrieved by an administrative decision by the Planning Director, or his/her designee or Town Engineer in administering or enforcing the provisions of this Ordinance may appeal the decision to the Board of Adjustment by submitting a notice of appeal stating the grounds for appeal with the Town Clerk within 30 days after receiving actual or constructive notice of the decision being appealed. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from and accrual of any fines assessed during the pendency of the appeal to the board of adjustment and any subsequent appeal in accordance with G.S. 160D-1402 or during the pendency of any civil proceeding authorized by law or appeals therefrom, unless the official who made the decision certifies to the board after notice of appeal has been filed that, because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or, because the violation is transitory in nature, a stay would seriously interfere with enforcement of the development regulation.
- C. Staff Transmittal of Materials to Board of Adjustment. Upon receipt of a notice of appeal, the Town Clerk shall transmit a copy of the notice of appeal to the Planning Director, or his/her designee. The Planning Director, or his/her designee shall:
 1. Transmit to the Board of Adjustment all documents and exhibits constituting the record upon which the action appealed from is taken; and
 2. Provide a copy of the record to the appellant and, if the appeal pertains to a specific parcel of land, to the landowner, if different from the appellant.
- D. Evidentiary Public Hearing Scheduling and Public Notification. Refer to Section 10.3.6.
- E. Board of Adjustment Review and Decision. Refer to Section 10.3.8, with the following variations or additions:
 1. The Board of Adjustment shall review and make a quasi-judicial decision on the application in accordance with Section 10.4.23, "Appeal Review Standards." The decision shall be one of the following:
 - a. Affirmation of the decision being appealed (in whole or in part);
 - b. Modification of the decision being appealed (in whole or in part); or
 - c. Reversal of the decision being appealed (in whole or in part).
 2. In deciding the appeal, the Board of Adjustment shall make any order, requirement, decision, or determination that in its opinion ought to be made in the circumstances, and shall have all the powers of the officer from whom the appeal is taken.
- F. Evidentiary Public Hearing Procedures. Refer to Section 10.3.9. The official who made the administrative decision being appealed shall be present at the evidentiary hearing as a witness.
- G. Post-Decision Actions and Limitations. Refer to Section 10.3.10), except:
 1. Effect of Approval. To the extent a decision on an Appeal application pertains to application of a particular provision of this Ordinance in a particular circumstance, the appeal decision shall be binding on subsequent decisions by the Planning Director, or his/her designee or Town Engineer in applying the same provision of this Ordinance in the same circumstance.

2. Expiration of Approval. The decision on an Appeal application does not expire but shall remain valid except to the extent this Ordinance is subsequently amended to reflect any reversal or modification of the decision, interpretation, or order that was appealed.
3. Appeal Review Standards. The Board of Adjustment shall review the Appeal application in accordance with the standards of this Ordinance applicable to the decision, interpretation, or order being appealed, and shall base its quasi-judicial decision solely on the record established below for the decision, interpretation, or order being appealed. The record shall consist of all documents, hearing records, and other materials related to the decision, interpretation, or order. The Board of Adjustment may modify or reverse a decision (in whole or in part) only if it finds there is competent, substantial, and material evidence in the record of a clear and demonstrable error in the Planning Director's, or his/her designee or Town Engineer's application of the relevant standards or provisions of this Ordinance.

10.4.24. Exemption Plat Review Procedures

- A. Applicability. The following are not subject to the subdivision regulations of this Ordinance:
 1. Combination / Recombination. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this UDO-
 2. Divisions Greater Than 10 Acres. The division of land into parcels greater than ten acres if where no street right-of-way dedication is involved.
 3. Public Acquisition / Right-of-Way. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.; and
 4. Two into Three Lots. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the Town as shown in its subdivision regulations.
 5. Estate Exclusion. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.
 6. Easement Plats. Access and utility easements may be platted and recorded as exemptions from subdivision regulations.
- B. Submittal & Review Standards. An application for an Exempt Plat shall be approved only if the Planning Director determines that the proposed Exemption Plat:
 1. Complies with all applicable zoning standards in this Ordinance, including but not limited to the minimum lot dimensional standards of the underlying zoning district;
 2. Complies with all other applicable Town ordinances and state and federal laws, including but not limited to NCGS 47-30;
 3. Complies with all standards or conditions of any prior applicable development permits and approvals; and
 4. Includes all required information and certifications, as prescribed in the Administrative Manual.
- C. Application Submittal and Acceptance. Refer to Section 10.3.4.
- D. Staff Review and Action. Refer to Section 10.3.5.
- E. Post Decision Actions and Limitations. (Refer to Section 10.3.10), except:
 1. Plat Certification and Recording. If the application is approved as submitted, the Planning Director shall certify the Town's approval on the Exemption Plat. The applicant shall then record the certified Exemption Plat with the Chatham County Register of Deeds, after receiving Review Officer Approval, and return a copy of the recorded Exemption Plat to the Planning Director.
 2. Effect of Approval. Recordation of a certified Exemption Plat authorizes the applicant to convey the platted lots by reference to the recorded plat. It also authorizes the owners of recorded lots to submit applications for a Building Permit or other development permit or approval required to develop the

- lot, provided all private utility improvements required to serve the lot, if any, have been completed and accepted by the appropriate agency.
- F. Appeal. Final action on an Exempt Subdivision plat by the Administrator may be appealed to the Board of Adjustment in accordance with Section 9.3.

10.4.25. Minor Subdivision Plat Review Procedures

- A. Applicability. A Minor Subdivision is a subdivision of land that:
1. Creates not more than 5 (five) lots;
 2. All lots front on an existing public or private street right-of-way;
 3. Does not include the dedication of a new street or a change in existing streets; and
 4. Does not require the extension of a public water or sewer line,
- C. Submittal & Review Standards. An application for Minor Subdivision shall be approved only if the Planning Director determines that the proposed Minor Subdivision Plat:
1. Represents a Minor Subdivision as defined in Section 10.4.25.B;
 2. Complies with all applicable zoning standards in this Ordinance;
 3. Complies with all other applicable Town ordinances and state and federal laws;
 4. Complies with all standards or conditions of any prior applicable development permits and approvals; and
 5. Includes all required information and certifications, as prescribed in the Administrative Manual.
- D. Pre-Submittal Meeting. (Refer to Section 10.3.2), with the following addition:
1. Concept Plan. Plan showing a general design for the entire development project area. A Concept Plan should identify layout of streets, number of lots, phasing, adjacent land uses, open space and buffers, easements, etc. as prescribed in the Administrative Manual.
- E. Application Submittal and Acceptance. (Refer to Section 10.3.4).
- F. Staff Review and Action. (Refer to Section 10.3.5). In addition, the Planning Director shall review and make an administrative decision on the application in accordance with Section 8.3.4.B.3, Minor Subdivision Plat Review Standards.
- G. Post Decision Actions and Limitations. (Refer to Section 10.3.10), except:
1. Plat Certification and Recording. If the application is approved as submitted, the Planning Director shall certify the Town's approval on the Minor Subdivision Plat. If the application is approved subject to conditions, the applicant shall revise the Minor Subdivision Plat as necessary to incorporate any conditions of approval and any required certification forms and signatures, and submit the revised Minor Subdivision Plat to the Planning Director for review. On determining that the Minor Subdivision Plat has been properly revised and that all prerequisites to recordation of the Final Plat have been met, the Planning Director shall certify the Town's approval on the Minor Subdivision Plat. The applicant shall then record the certified Minor Subdivision Plat with the Chatham County Register of Deeds and return a copy of the recorded Minor Subdivision Plat to the Planning Director.
 2. Effect of Approval. Recordation of a certified Minor Subdivision Plat for an approved Minor Subdivision authorizes the applicant to convey the platted lots by reference to the recorded plat. It also authorizes the owners of recorded lots to submit applications for a Building Permit or other development permit or approval required to develop the lot, provided all private utility improvements required to serve the lot, if any, have been completed and accepted by the appropriate agency.
 3. Expiration of Approval. If the applicant fails to record the plat within 60 days after the date of approval, the plat approval shall become invalid. A recorded Minor Subdivision Plat shall not expire.

10.4.26. Major Subdivision – Preliminary Plat Review Procedures

- A. Applicability. A subdivision shall be categorized as either a Major Subdivision or a Minor Subdivision. Development of a Major Subdivision requires approval of a Preliminary Plat and then approval of a Final Plat. The Planning Director may allow concurrent submittal of a Preliminary Plat and a Final Plat in cases where no public improvements are required. Development of a Minor Subdivision requires approval of a Final Plat. A Major Subdivision consists of any division of land into two or more lots that is not exempted under Section 10.4.24 and that is not a Minor Subdivision.
- B. Preliminary Plat. A Major Subdivision requires approval of a Preliminary Plat followed by approval of a Final Plat, including recordation. A Preliminary Plat establishes the general layout and shapes of subdivision lots and open spaces; the layout, alignment, and design of the streets, utility lines, and other public infrastructure serving the subdivision; and phasing, if any, of the subdivision. Preliminary Plat approval shall be required for Major Subdivisions before submittal of an application for any Final Plat approval or Zoning Compliance Certificate authorizing the creation of lots or development of infrastructure proposed as part of the subdivision.
- C. Preliminary Plat Review Standards. An application for Preliminary Plat approval shall be approved only upon a finding the applicant demonstrates the Preliminary Plat:
 - 1. Complies with all applicable standards in this Ordinance;
 - 2. Complies with all other applicable Town ordinances and state and federal laws; and
 - 3. Complies with all standards or conditions of any prior applicable development permits and approvals.
 - 4. Includes all required information and certifications, as prescribed in the Administrative Manual.
- D. Pre-Submittal Meeting. Refer to Section 10.3.2, with the following addition:
 - 1. Concept Plan. A Concept Plan should identify layout of streets, number of lots, phasing, adjacent land uses, open space and buffers, easements, etc. as prescribed in the Administrative Manual.
- E. Community Information Meeting. Refer to Section 10.3.3.
- F. Application Submittal and Acceptance. Refer to Section 10.3.4.
- G. Staff Review and Action. Refer to Section 10.3.5.
- H. Planning Board Review and Recommendation. Refer to Section 10.3.7.
- I. Town Board of Commissioners Review and Decision. Refer to Section 10.3.8. The Town Board of Commissioners shall review and make a legislative decision on the application in accordance with Section 10.4.26, "Preliminary Plat Review Standards." The decision shall be one of the following:
 - 1. Approve the application as submitted;
 - 2. Approve the application subject to conditions;
 - 3. Deny the application; or
 - 4. Remand the application back to the Planning Director or Planning Board for further consideration. (This may require additional review fees.)
- J. Post-Decision Actions and Limitations. Refer to Section 10.3.10, except:
 - 1. Effect of Approval. Upon approval of the Preliminary Plat by the Town Board of Commissioners, the subdivider may proceed with Final Plat preparations and, after obtaining any required approval for specific development activities, the installation of or arrangement for required improvements in accordance with the approved Preliminary Plat and the requirements of this Ordinance. No building permits shall be issued to develop any lot or parcel shown on the approved Preliminary Plat until a Final Plat showing such lot or parcel is approved and recorded in compliance with Section 10.4.27, "Final Plat Review Procedures."
 - 2. Expiration. Approval of a Preliminary Plat shall automatically expire if an application for approval of a Final Plat is not submitted within one year after the date of approval of the Preliminary Plat unless an extension of time is applied for and granted by the Board of Commissioners. Each successive final plat for a phase of the subdivision shall be submitted for approval within two years of the date of approval of the previous final plat for a stage of the subdivision. A subdivider may submit no more than one request for a one-year extension for consideration by the Town Board of Commissioners prior to the initial expiration. The Town Board of Commissioners may grant a request for extension for good cause.

10.4.27. Major Subdivision - Final Plat Review Procedures

- A. Applicability. Final Plat approval, including recordation, shall be required for Major Subdivisions before any conveyance of proposed lots or the submittal of any application for a Zoning Compliance Certificate or Building Permit authorizing the development on any lot or parcel proposed as part of the subdivision. The Final Plat shall be in substantial conformity with the Preliminary Plat and include only minor deviations created by final engineering, surveying, or other minor design enhancements. Major changes (e.g., increase in the number of lots, reduction in the amount of open space, significant change in the location of streets, etc.) at Final Plat stage may, at the discretion of the Planning Director, or his/her designee, require re-review of the Preliminary Plat.
- B. Pre-Submittal Meeting. Refer to Section 10.3.2.
- C. Final Plat Review Standards for Major Subdivisions. An application for Final Plat Approval shall be approved only if the Planning Director, or his/her designee determines that the proposed Final Plat:
 - 1. Substantially conforms to an unexpired and valid Preliminary Plat;
 - 2. Complies with all applicable standards in this Ordinance;
 - 3. Complies with all other applicable Town ordinances and state and federal laws; and
 - 4. Complies with all standards or conditions of any prior applicable development permits and approvals.
 - 5. Includes all required information and certifications, as prescribed in the Administrative Manual.
- D. Application Submittal and Acceptance. Refer to Section 10.3.4, except:
 - 1. An application may be submitted only if:
 - a. Approval of all completed public and private improvements required to serve the subdivision has been obtained and is unexpired and otherwise valid; or
 - b. When seventy-five percent (75%) of the total cost of improvements have been completed, the Town may accept a guarantee that such improvements will be carried out according to the Town's standards and specifications at the subdividers expense, in accordance with NCGS 160D 804.1.
- E. Staff Review and Action. Refer to Section 10.3.5. The Planning Director, or his/her designee shall review and make a decision on the application in accordance with Section 10.4.27, Final Plat Review Standards
- F. Post Decision Actions. Refer to Section 10.3.10, except:
 - 1. Plat Certification and Recording. If the application is approved as submitted, the Planning Director, or his/her designee shall certify the Town's approval on the Final Plat. If the application is approved subject to conditions, the applicant shall revise the Final Plat as necessary to incorporate any conditions of approval and any required certification forms and signatures, and submit the revised Final Plat to the Planning Director, or his/her designee for review. On determining that the Final Plat has been properly revised and that all prerequisites to recordation of the Final Plat have been met, the Planning Director, or his/her designee shall certify the Town's approval on the Final Plat. The applicant shall then record the certified Final Plat with the Chatham County Register of Deeds and return a copy of the recorded Final Plat to the Planning Director, or his/her designee. If the Final Plat is approved and such approval includes a proposed or conditional requirement for a payment in lieu of providing required common space or public recreation area, the applicant shall deposit such payment with the Town in accordance with Section 5.2.3.B, "Payment in Lieu of Providing Required Common Open Space or Public Recreation Area," before recordation of the approved Final Plat.
 - 2. Effect of Approval. Recordation of a certified Final Plat authorizes the applicant to convey the platted lots by reference to the recorded plat. It also authorizes the owners of recorded lots to submit applications for a Building Permit or other development permit or approval required to develop the lot, provided all dedications and public infrastructure and private utility improvements required to serve the lot, if any, have been completed and accepted by the appropriate agency.
 - 3. Expiration of Approval. If the applicant fails to record the plat within 60 days after the date of approval, the plat approval shall become invalid. A recorded Final Plat shall not expire.
- G. Phasing. Phasing of approved development shall be in keeping with an approved phasing plan that shows phase boundaries and describes included development and improvements in accordance with the following standards:

Chapter 10. Development Review Procedures

1. The numbering of phases shall be sequential and coincide with the order in which the different development phases are proposed to be constructed.
 2. Each phase shall be designed to include all improvements and other aspects of development necessary to meet all requirements of this Ordinance and other applicable regulations, either as a stand-alone development or in conjunction with completed and accepted phases of the same development.
- H. Temporary Measures. A phasing plan may include installation of temporary measures as necessary to allow a particular phase to meet the phasing standards in Subsection above, provided authorization of the temporary measures shall be valid for one year and be accompanied by the provision of a performance guarantee and a maintenance guarantee for the temporary measures.

CHAPTER 11. ENFORCEMENT

Section 11.1. Purpose

This Chapter establishes procedures through which the Town seeks to ensure compliance with the provisions of this Ordinance and obtain corrections for Ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this Chapter are intended to encourage the voluntary correction of violations, where possible.

Section 11.2. Compliance Required

Compliance with all the procedures, standards, and other provisions of this Ordinance is required by all persons owning, developing, managing, using, or occupying land or structures in the Town.

Section 11.3. Violations Generally

11.3.1. Failure to Comply with Ordinance or Conditions of Approval Constitutes Ordinance Violation

Any failure to comply with a standard, requirement, prohibition, or limitation imposed by this Ordinance, or the terms or conditions of any development approval or permits granted in accordance with this Ordinance shall constitute a violation of this Ordinance punishable as provided in this Chapter.

11.3.2. Specific Violations

It shall be a violation of this Ordinance to undertake any activity contrary to the provisions of this Ordinance, including but not limited to any of the following:

1. Develop land or a structure without first obtaining all appropriate development approvals or permits and complying with their terms and conditions.
2. Occupy or use land or a structure without first obtaining all appropriate development approvals or permits and complying with their terms and conditions.
3. Subdivide land without first obtaining all appropriate development approvals or permits required to engage in subdivision and complying with their conditions of approval.
4. Excavate, grade, cut, clear, mine, extract earth resources, or undertake any land disturbing activity without first obtaining all appropriate development approvals or permits, and complying with their conditions of approval.
5. Remove existing trees from a development site without first obtaining appropriate development approvals or permits and complying with their conditions of approval.
6. Disturb any landscaped area or vegetation required by this Ordinance.
7. Install, create, erect, alter, or maintain any sign without first obtaining the appropriate development approvals or permits, and complying with their conditions of approval.
8. Fail to remove any sign installed, created, erected, or maintained in violation of this Ordinance, or for which the permit has expired.
9. Create, expand, replace, or change any nonconformity except in compliance with this Ordinance.
10. Reduce or diminish the requirements for development, design, or dimensional standards below the minimum required by this Ordinance.
11. Increase the intensity or density of development, except in accordance with the standards of this Ordinance.
12. Through any act or omission, fail to comply with any other provisions, procedures, or standards as required by this Ordinance.

11.3.3. Responsible Persons

The owner, tenant, or occupant of any land or structure, and an architect, engineer, builder, contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this Ordinance may be held responsible for the violation and subject to the remedies and penalties set forth in this Ordinance.

Section 11.4. Enforcement Responsibility

11.4.1. Responsibility for Enforcement

- A. Primary responsibility for enforcing the provisions of this Ordinance shall be divided among Town officials as follows:
 - 1. The Planning Director, or his/her designee shall be responsible for enforcement of all parts of this Ordinance not enforced by the Town Engineer.
 - 2. The Town Engineer shall be responsible for enforcement of the provisions in Section 4.4, "Riparian Buffers," and Section 4.7, "Stormwater Management," and the engineering provisions in the text of this Ordinance, and compliance with conditions of approval for development approvals and permits required for Section 4.4 and Section 4.7.
- B. All other officers and employees of the Town—especially members of the Police Department and Fire Department—shall have the duty to assist the Planning Director, or his/her designee and Town Engineer in enforcing this Ordinance by reporting apparent violations of this Ordinance to these officials.

11.4.2. Complaints Regarding Violations

Any person may submit to the Town officials identified in Section 11.4.1, above, a complaint alleging a violation of this Ordinance. On receiving a signed written complaint that fully states the basis for the allegation, including the apparent cause of the alleged violation, the Planning Director, or his/her designee shall properly record such complaint, investigate the alleged violation, and take appropriate action as provided by this Ordinance.

11.4.3. Inspections

On presenting proper credentials, the Planning Director, or his/her designee and Town Engineer, as appropriate, may enter upon land or inspect any structure to ensure compliance with the provisions of this Ordinance; provided, however, that the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured. These inspections shall be carried out during normal business hours unless the Planning Director, or his/her designee or Town Engineer, as appropriate, determines there is an emergency necessitating inspection at another time.

Section 11.5. Enforcement Procedures

11.5.1. Notice of Violation and Opportunity for Correction

- A. Primary finding that a violation of this Ordinance exists, whether from an investigation of a written complaint or otherwise, the Planning Director, or his/her designee or Town Engineer, as appropriate, shall provide written Notice of the Violation, by personal service or certified mail, return receipt requested, to the owner of the land on which the violation exists and the person causing or maintaining the violation. The person providing the notice of violation shall certify to the local government that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud. Such notice of violation shall:
 - 1. Describe the location and nature of the violation;
 - 2. State the actions necessary to abate the violation; and

3. Order that the violation be corrected or an administrative hearing be requested within a specified reasonable time period not to exceed 30 days after receipt of the Notice of Violation.
- B. The final Notice of Violation (which may also be the initial Notice of Violation) shall state what course of action is intended if the violation is not corrected or an administrative hearing is not requested within the specified time limit. If the final Notice of Violation identifies the assessment of a civil penalty as a potential intended course of action, the Notice of Violation shall also serve as a warning citation. The final Notice of Violation shall also advise the violators of their rights to appeal the Notice of Violation to the Board of Adjustment in accordance with Section 10.4.23, "Appeal Review Procedures."
- C. On receiving a written request for extension of the time limit for correction specified in the Notice of Violation, the Planning Director, or his/her designee or Town Engineer, as appropriate, may grant a single extension of the time limit for up to 90 days, for good cause shown.
- D. If the owner of the land cannot be located or determined, the Planning Director, or his/her designee or Town Engineer, as appropriate shall post a copy of the notice on the building, structure, sign, or land that is the subject of the violation. In such a case, the time limit for correction of the violation shall be deemed to begin five days after the Notice of Violation is posted.

11.5.2. Administrative Hearing

If the violator requests an administrative hearing within the deadline set forth in the Notice of Violation, the Planning Director, or his/her designee or Town Engineer, as appropriate shall schedule a hearing not less than ten days or more than 30 days after receiving the request, and shall provide the alleged violator written notice of the time and place of the hearing. At the conclusion of the hearing, the Planning Director, or his/her designee or Town Engineer, as appropriate shall make a final determination of whether a violation exists and, if finding that a violation does exist, shall order the violator to undertake actions necessary to abate the violation within a set time limit. The Planning Director, or his/her designee or Town Engineer, as appropriate shall also advise the violator of the right to appeal the final determination of violation to the Board of Adjustment in accordance with Section 10.4.23, "Appeal Review Procedures."

11.5.3. Application of Remedies and Penalties

On determining that the violator has failed to correct the violation by the time limit set forth in the final Notice of Violation (or any granted extension) or set at a subsequent administrative hearing, or has failed to appeal the Notice of Violation or final determination of violation in a timely manner in accordance with Section 10.4.23, "Appeal Review Procedures," the Planning Director, or his/her designee or Town Engineer, as appropriate shall take appropriate action, as provided in Section 11.6, Civil Remedies and Penalties, to correct the violation and to ensure compliance with this Ordinance.

11.5.4. Emergency Enforcement without Notice

On determining that delay in correcting the violation would pose a danger to the public health, safety, or welfare, the Planning Director, or his/her designee or Town Engineer, as appropriate, may seek immediate enforcement without prior written notice, by invoking any of the remedies authorized in Section 11.6, Civil Remedies and Penalties.

11.5.5. Repeat Violations

If the same violation is repeated by the same offender over any two-year period, the Town may commence the application of remedies or penalties at the stage in the process where the previous violation was resolved.

11.5.6. Authority to Require Statements

The Town shall have the authority to require written statements, or the submission of reports under oath, with respect to pertinent questions relating to land-disturbing activities constituting a potential violation of this Ordinance.

Section 11.6. Civil Remedies and Penalties

The Town may use any combination of the following remedies and penalties to enforce compliance with this Ordinance.

11.6.1. Issuance to Stop Work Order

Whenever a building or structure is being constructed, demolished, renovated, altered, or repaired in violation of any applicable provision of this Ordinance, the Planning Director, or his/her designee or Town Engineer, as appropriate, may issue a Stop Work Order. The Stop Work Order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation, and the action(s) necessary to lawfully resume work.

11.6.2. Revocation of Development Approval or Permit

The Planning Director, or his/her designee or Town Engineer, as appropriate, may revoke any development approval or permit granted under this Ordinance, by written notice to the development approval or permit holder, when false statements or misrepresentations were made in securing the approval or permit, work is being or has been done in substantial departure from the approved application or plan, there has been a failure to comply with the requirements of this Ordinance, or a development approval or permit has been mistakenly granted in violation of this Ordinance. The local government shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval.

11.6.3. Denial or Withholding of Related Permits

The Town may deny or withhold a Certificate of Compliance/Occupancy in accordance with the Building Code—or deny or withhold any development approval, permit, or other authorization under this Ordinance to use or develop any land, structure, or improvements—until an alleged violation related to such land, use, or development is corrected and any associated civil penalty is paid.

11.6.4. Removal of Illegal Signs from Town-Maintained Streets

The Town may remove any sign placed within the right-of-way of a Town-maintained street in violation of the standards in this Ordinance.

11.6.5. Citation and Civil Penalties

A. The Violation of this Ordinance subjects the violator to a civil penalty in an amount of \$50 per day, prescribed by the Town Board of Commissioners in accordance with State law. Each day's continuing violation shall be a separate and distinct offense. To impose a civil penalty, the Planning Director, or his/her designee or Town Engineer, as appropriate, shall first provide the violator a written citation, either by personal service or certified mail, return receipt requested. The citation shall:

1. Describe the violation;
 2. Specify the amount of the civil penalty being imposed;
 3. Direct the violator to, within 30 days after the date the citation is received, correct the violation, pay the civil penalty to the Town, or contest the citation by submitting a written request for an administrative hearing; and
 4. Advise the violator of the right to appeal the citation to the Board of Adjustment in accordance with Section 10.4.23, "Appeal Review Procedures."
- B. If the violator requests for an administrative hearing within the deadline set forth in the citation, the Planning Director, or his/her designee or Town Engineer, as appropriate, shall schedule a hearing not less than ten days or more than 30 days after receiving the request, and shall provide the violator written notice of the time and place of the hearing. At the conclusion of the hearing, the Planning Director, or his/her

designee or Town Engineer, as appropriate, shall make a final determination of whether the citation is warranted and, if finding that the citation is warranted, shall order the violator to either pay the civil penalty to the Town or correct the violation within a set time limit. The Planning Director, or his/her designee or Town Engineer, as appropriate, shall also advise the violator of the right to appeal the citation to the Board of Adjustment in accordance with Section 10.4.23, "Appeal Review Procedures."

- C. If the violator fails to either pay the civil penalty or correct the violation within the time limit set forth in the citation, or set an administrative hearing, or has failed to appeal the citation in a timely manner and in accordance Section 10.4.23, "Appeal Review Procedures," the Town may institute a civil action in the nature of a debt in a court of competent jurisdiction to recover the civil penalty.

11.6.6. Injunction

When a violation occurs, the Town may, either before or after the initiation of other authorized actions, apply to the appropriate court for a mandatory or prohibitory injunction ordering the offender to correct the unlawful condition or cease the unlawful use of the land in question.

11.6.7. Order of Abatement

In addition to other remedies, the Town may apply for and the court may enter into an Order of Abatement as part of the judgment in the case. An Order of Abatement may direct any of the following actions:

1. That buildings or other structures on the land be closed, demolished, or removed;
2. That fixtures, furniture, or other moveable property be moved or removed entirely;
3. That improvements, alterations, modifications, or repairs be made;
4. That removed trees be replaced; or
5. That any other action be taken as necessary to bring the land, building, or structure into compliance with this Ordinance.

The Town may execute the Order of Abatement and will have a lien on the land, building, or structure in the nature of a mechanic's and materialman's lien for the cost of executing the order.

11.6.8. Equitable Remedy

The Town may apply to the appropriate court for any appropriate equitable remedy to enforce the provisions of this Ordinance. The fact that other remedies are provided under general law or this Ordinance shall not be used by a violator as a defense to the Town's application for equitable relief.

Section 11.7. Purpose

This Chapter establishes procedures through which the Town seeks to ensure compliance with the provisions of this Ordinance and obtain corrections for Ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this Chapter are intended to encourage the voluntary correction of violations, where possible.

Section 11.8. Cumulative Remedies and Penalties

The remedies and penalties provided for violations of this Ordinance, whether civil or criminal, shall be cumulative and in addition to any other remedy or penalty provided by law, and may be exercised in any order.

CHAPTER 12. INTERPRETATION AND DEFINITIONS

Section 12.1. Violations Generally

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

12.1.1. Meanings and Intent

All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in Section 1.3, "Purpose and Intent," and the specific purpose statements set forth throughout this Ordinance. When a specific Section of these regulations provides a different meaning than the general definition provided in Section 12.12, "Terms and Uses Defined," the specific Section's meaning and application of the term shall control the meaning.

12.1.2. Headings, Illustrations, and Text

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

12.1.3. List and Examples

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

12.1.4. Computation of Time

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

12.1.5. References to Other Regulations / Publications

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

12.1.6. Delegation of Authority

Any act authorized by this Ordinance to be carried out by a specific official of the Town may be carried out by a professional-level designee of such official at the direction of the official.

12.1.7. Technical and Nontechnical Terms

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

12.1.8. Public Officials and Agencies

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

12.1.9. Mandatory and Discretionary Terms

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

12.1.10. Conjunctions

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

1. "And" indicates that all connected items, conditions, provisions or events apply or are required;
2. "Or" indicates that only one of the connected items, conditions, provisions, or events applies or is required; and
3. "And/or" indicates that one or more of the connected items, conditions, provisions, or events apply or are required.

12.1.11. Tenses and Plurals

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa..

12.1.12. Terms Not Defined

If a term used in this Ordinance is not defined in this Chapter, the Planning Director or Town Engineer, as appropriate, shall have the authority to provide a definition based on the definitions used in accepted sources—including, but not limited to, A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, and A Survey of Zoning Definitions, published by the American Planning Association.

Section 12.2. Interpretation of Zoning Map Boundaries

The Planning Director shall be responsible for interpretations of the Official Zoning Map in accordance with the standards in Chapter 12 and the following rules and standards.

12.2.1. Map Interpretation Rules

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

- E. Boundaries shown as entering a body of water shall be interpreted as continuing in the direction at which they enter the body of water and extending until they intersect another zoning district boundary or similarly extended boundary, or the limits of the Town's jurisdiction.
- F. Boundaries shown as approximately following established municipal corporate limits or other political boundaries shall be interpreted as following the corporate limits or boundary.
- G. Boundaries shown parallel to or as extensions of features indicated in this Subsection shall be interpreted as such.
- H. If the specific location of a depicted boundary cannot be determined from notations on the Official Zoning Map or application of the above standards, it shall be determined by using the map's scale to determine the boundary's distance from other features shown on the map.

12.2.2. Map Interpretation Where Rules Do Not Apply

Where the actual locations of existing physical or natural features vary from that shown on the Official Zoning Map, or in other circumstances not covered by this Subsection, the Planning Director shall have the authority to interpret the district boundaries in accordance with Section 10.4.22, "Written Determination."

Section 12.3. Principal Use Classification System

12.3.1. Purpose

This Section is intended to provide a systematic framework for identifying, describing, categorizing, consolidating, and distinguishing land uses in a way that makes it easier to determine whether a particular use, activity, or combination of activities is allowable as a principal use in a particular zoning district in accordance with Section 3.2.4, "Principal Use Table," or is subject to other use-specific provisions in this Ordinance. This Section is also intended to guide interpretations of how a particular unlisted use should be categorized and to address future additions to the use tables.

12.3.2. Structure of Principal Use Classification System

The principal use classification system described in this Section groups uses into three levels: use classifications, use categories, and use types.

1. Use Classifications. The use classifications identify broad general classifications of land use and include agriculture and animal-related uses, residential uses, institutional uses, commercial uses, and industrial uses. Use classifications are further broken down into a series of general "use categories."
2. Use Categories. The use categories describe the major sub-groups of the respective use classifications, and are based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. For example, the Residential Uses Classification is divided into the Household Living and Group Living use categories. Each use category is described in terms of the common characteristics of included uses (including common or typical accessory uses), examples of common use types included in the category, and, for a number of use categories, exceptions—i.e., those uses that might appear to fall within the use category, but are included in another use category.
3. Use Types. The specific use types included in each use category identify specific principal uses that are considered to possess the characteristics identified for the use category. For example, single-family detached dwellings, duplex dwellings, single-family attached dwellings, multifamily dwellings, and manufactured home dwellings are use types in the Household Living use category.

Section 12.4. Agricultural and Animal Related Use Classification

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

12.4.1. Agricultural Use Category

The Agriculture use category is characterized by activities related to the production of field crops, fruits, vegetables, ornamental and flowering plants, and the breeding, raising, or keeping of livestock, poultry, swine, or other animals for food or other marketable products. The Agriculture Uses category also includes silvicultural activities related to the planting, management, protection, and harvesting of trees for timber or other forest products. Example use types include farms, forestry, and greenhouse and nursery production. Also included are garden centers, and community gardens. This use category does not include the processing of animal or plant products for wholesale or retail sale purposes, which is generally considered an industrial manufacturing use type. Accessory uses may include offices, storage areas, barns, irrigation systems, and repair facilities related to the agricultural activities.

12.4.2. Agricultural Support Services Use Category.

The Agriculture Support Services use category includes use types that provide support and services to agricultural activities, whether located on or off the site where the agricultural activities take place. Example use types include equestrian facilities, grain storage facilities, and sawmills. Accessory uses may include offices, storage areas, barns, stables, and parking areas for employees and event participants.

12.4.3. Animal Related Use Category

The Animal Related use category includes use types that provide services, general care, and boarding services for domestic animals. Example use types include stables, kennels, and veterinary clinics and hospitals. Accessory uses may include offices, storage areas, stables, outdoor exercise pens or runs, and limited retail sales.

Section 12.5. Residential Uses Classification

12.5.1. Household Living Use Category

The Household Living use category includes use types providing for the residential occupancy of a dwelling unit by a single family. Tenancy is generally arranged on a month-to-month or longer basis. Example use types include single-family detached dwellings, duplex dwellings, single-family attached dwellings, multifamily dwellings, manufactured home dwellings, and live/work dwellings. A dwelling unit with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident persons with physical, emotional, or mental disabilities is treated as any other household living use, and not as a group living use. This use category does not include residential use types that generally involve some level of managed personal care for a larger number of residents (e.g., congregate living facilities), which are categorized as group living uses. It also does not include use types where persons generally occupy living units for periods of less than 30 days (e.g., hotel/motel), which are categorized in the Lodging use category. Accessory uses common to household living uses include recreational activities, raising of domestic pets, hobbies, swimming pools, and parking of the occupants' vehicles. Some accessory uses (e.g., home occupations and accessory dwelling units) are subject to additional regulations (refer to Section 3.3, Accessory Uses and Structures).

12.5.2. Group Living Use Category

The Group Living use category includes use types providing for the residential occupancy of a group of living units by persons who do not constitute a single family and may receive some level of personal care. Individual living units often consist of a single room or group of rooms without cooking and eating facilities, but unlike a hotel/motel, are generally occupied on a monthly or longer basis. Example use types include congregate living facilities, rehabilitation centers, continuing care retirement communities, dormitories, and rooming houses. Although continuing care retirement communities include household living uses (e.g., dwellings) and

health care uses (e.g., nursing homes), they are categorized as a group living use because of their focus on the present or future provision of personal care to senior citizens and their integration of various uses as a single cohesive development. This use category does not include use types where persons generally occupy living units for periods of less than 30 days (e.g., hotel/motels), which are categorized in the Lodging use category. It also does not include use types where residents or inpatients are routinely provided more than minor health care services (e.g., nursing homes), which are categorized in the health care use category. Accessory uses common to group living uses include recreational facilities, administrative offices, and food preparation and dining facilities.

Section 12.6. Institutional Use Classification

12.6.1. Community and Government Service Use Category

The Community and Government Services Use category includes use types of a public, nonprofit, or charitable nature providing a local service (e.g., cultural, recreational, counseling, education, training, religious) directly to people of the community. Generally, such uses provide ongoing continued service on-site or have employees at the site on a regular basis. The category does not include uses with a residential component. Example use types include clubs or lodges of community-oriented associations, colleges and universities, community centers, day care centers, emergency services, administrative government services, government maintenance/storage/distribution facilities, places of worship, public cultural facilities (e.g. libraries, museums), public parks and recreation facilities, and schools. This use category does not include private or commercial health clubs or recreational facilities (categorized in the Recreation/Entertainment use category), or counseling in an office setting (categorized in the Office use category), or passenger terminals for public transportation services, park and ride terminals, or water, wastewater, gas, electric, or other infrastructure services (categorized in the Transportation, Communication, and Utility use category). Accessory uses may include offices, meeting areas, food preparation and dining areas, health and therapy areas, and indoor and outdoor recreational facilities.

12.6.2. Health Care Use Category

The Health Care use category includes use types providing a variety of health care services, including surgical or other intensive care and treatment, various types of medical treatment, nursing care, preventative care, diagnostic and laboratory services, and physical therapy. Care may be provided on an inpatient, overnight, or outpatient basis. Example use types include hospitals, nursing homes, medical/dental offices, and urgent care facilities. This use category does not include congregate living facilities, which focus on providing personal care rather than medical care to residents and are categorized in the Group Living use category. Accessory uses may include food preparation and dining facilities (in hospitals), recreation areas, offices, meeting rooms, teaching facilities, hospices, maintenance facilities, staff residences, and limited accommodations for members of patients' families.

12.6.3. Transportation, Communication, and Utility Use Category

The Transportation, Communication, and Utility Uses category includes uses and facilities providing transportation, communication, and utility services. Services may be publicly or privately provided and may include on-site personnel. Example use types include broadcasting stations and studios, airport facilities, transit stations, park and ride terminals, railroad yards, telecommunications towers and telecommunication facilities, major utility facilities (infrastructure services that provide regional or community-wide service), and minor utility facilities (infrastructure services that need to be located in or near where the service is provided). The category also includes parking decks and lots where they are principal uses. Accessory uses may include offices, storage areas, fueling facilities, or data transmission equipment.

Section 12.7. Commercial Uses Classification

12.7.1. Eating and Drinking Establishments Use Category

The Eating and Drinking Establishments use category includes use types involving the preparation and selling of food and beverages for immediate or direct on- or off-premise consumption. Example use types include bars or lounges, restaurants, and specialty food services. Accessory uses may include decks and patios for outdoor seating, drive-through service facilities, facilities for live entertainment or dancing, and valet parking services.

12.7.2. Office Use Category

The Office use category includes office buildings housing activities conducted in an office setting, usually with limited contact with the general public, and generally focusing on the provision of business services, professional services (e.g., lawyers, accountants, engineers, architects), or financial services (e.g., lenders, brokerage houses, tax preparers). Example use types include office buildings and parks, and service establishments. This use category does not include offices that are a component of or accessory to a principal use in another use category, such as administrative government services (categorized in the Community and Government Service use category), medical/dental offices (categorized in the Health Care use category), or banks or financial institutions (categorized in the Retail Sales and Service use category). Accessory uses may include cafeterias, recreational or fitness facilities, incidental commercial uses, or other amenities primarily for the use of employees in the business, office building, or office park.

12.7.3. Recreation / Entertainment Uses

The Recreational/Entertainment use category includes use types providing indoor or outdoor facilities for recreation or entertainment-oriented activities by patrons or members. Example use types include golf courses, country clubs, and indoor and outdoor private recreation facilities (including tennis and swim clubs). This use category includes adult establishments (as defined in Section 12.12, "Terms and Uses Defined"). It does not include recreational facilities that are accessory to community and government service uses (categorized in the Other Institutional use category), or that are reserved for use by a particular residential development's residents and their guests (e.g., residential support recreation facility). Accessory uses may include offices, concessions, snack bars, and maintenance facilities.

12.7.4. Funeral Related Use Category

The Funeral Related use category includes use types providing services related to the burial or cremation of deceased persons. Example use types include funeral homes, cemeteries, and crematoriums. The category also includes stonemasonry and sales of monuments. A wide range of accessory uses may be included, depending on the use type.

12.7.5. Retail Sales and Service Category

The Retail Sales and Service use category includes use types involved in the sale, rental, and incidental servicing of goods and commodities that are generally delivered or provided on the premises to a consumer. They may also include uses that provide personal services, or product repair or services for consumer and business goods. Example use types include convenience stores, farmers' markets, service establishments, personal service establishments, retail stores, and shopping centers. This use category does not include sales or service establishments related to vehicles (categorized in the Vehicle Service, Sales, and Related Uses use category), or entertainment establishments primarily engaged in selling food or beverages for on-site consumption (categorized in the Eating and Drinking Establishments use category), or establishments primarily selling supplies to contractors or retailers (categorized in the Wholesale Establishments use type), or the provision of financial, professional, or business services in an office setting (categorized in the Office use

category), or uses providing recreational or entertainment opportunities (categorized in the Recreation/Entertainment use category), or uses categorized as Adult Establishments (refer to Section 12.12, "Terms and Uses Defined"). Accessory uses may include offices, storage of goods, assembly or repackaging of goods for on-site sale, concessions, ATM machines, and outdoor display of merchandise.

12.7.6. Vehicles Services, Sales, and Related Uses Use Category

The Vehicle Service, Sales, and Related Uses use category includes use types involving the direct sales and servicing of automobiles (including motorcycles and trucks) and recreational vehicles, whether for personal transport, commerce, or recreation. Example use types include automobile repair, automobile service stations, automobile sales or rental, car wash/detailing, recreational vehicles sales, rental, or service, and tire capping and retreading. Accessory uses may include offices, sales of parts, maintenance facilities, outdoor display, and vehicle storage.

12.7.7. Lodging Use Category

The Lodging use category includes use types providing lodging units or rooms for short-term stays of typically less than 30 days for rent, lease, or interval occupancy. Example use types include hotels/motels and bed and breakfasts. This use category does not include rooming houses, which are generally occupied for tenancies of a month or longer, and thus categorized in the Group Living use category. Accessory uses may include pools and other recreational facilities, restaurants, bars, limited storage, laundry facilities, gift shops, supporting commercial activities, meeting facilities, and offices.

Section 12.8. Industrial Use Classification

12.8.1. Industrial and Services Uses Category

The Industrial and Services Uses category includes use types involving the repair or servicing of industrial, business, or consumer machinery equipment, products, or by-products. Firms that service consumer goods do so by mainly providing a centralized source of services separate from retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. The category also includes use types involving the storage or movement of goods. Example use types include construction-related activities, industrial and large equipment sales and rental, research laboratories, warehousing and distribution, and wholesale establishments. The category also includes industrial parks and mini-storage facilities. Accessory activities may include limited retail or wholesale sales, offices, parking, and storage.

12.8.2. Manufacturing Use Category

The Manufacturing Uses category includes use types involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, made for transfer to other plants, or made to order for firms or consumers. This use category divides such uses into light, medium, and heavy manufacturing use types, based on the general extent of off-site impacts and extent of outdoor storage. Goods are generally not displayed or sold on-site, but if so, such sales are a subordinate part of total sales. Relatively few customers come to the manufacturing site. Accessory uses may include limited retail sales and wholesale sales, offices, cafeterias, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, fueling facilities, and security and caretaker's quarters.

12.8.3. Extraction, Landfill, Recycling Use Category

The Extraction, Landfill, and Recycling use category is characterized by activities related to the extraction of naturally occurring materials and the processing and disposal of solid wastes. This use does not include the extraction of natural gas from shale rock layers by hydraulic fracturing ("fracking"). Example use types include

excavation of earth products such as stone, gravel, sand, or soil; sanitary, reclamation, and debris landfills; and recycling facilities. This use category does not include facilities for the drop-off, collection, or temporary holding of household or business recyclables (classified as minor utilities in the Transportation, Communication, and Utility Uses use category). Accessory uses may include offices, storage areas, and vehicle washing facilities.

Section 12.9. Interpretation of Unlisted Uses

12.9.1. Procedure for Interpreting Unlisted Uses

The Planning Director shall interpret whether a particular principal use or accessory use or structure not expressly listed in Chapter 3, "Use Standards," is allowed in a particular zoning district—as a permitted principal use, a special use, or a permitted accessory use or structure—based on the standards in Subsection B or C below, as appropriate.

12.9.2. Criteria for Allowing Unlisted Principal Uses

The Planning Director shall interpret an unlisted principal use as an allowed permitted use or a Special Use in a particular zoning district only after finding that the nature, function, and duration of the use and the impact of allowing it in the zoning district are so similar to those of a use type or use category that is allowed in the zoning district that the unlisted use should be deemed allowed in the same manner (i.e., as a permitted use or a special use) as the similar use type or use category and subject to the same use-specific standards. In making such interpretation, the Planning Director shall consider the relevant characteristics of the unlisted use relevant to the those of listed and defined use types and/or of the use categories described in this Section, the purpose and intent statements in this Ordinance concerning the zoning district (Chapter 2, "Zoning Districts"), and the character of use types allowable in the district. The relevant characteristics of the unlisted use that should be considered in making this interpretation include, but are not limited to, the following:

1. Actual or projected characteristics of each activity likely to occur at the unlisted use;
2. The type, size, orientation, and nature of buildings, and structures devoted to each activity;
3. The number and density of employees and customers per unit area of site in relation to business hours and employment shifts;
4. Vehicles used and their parking requirements, including the ratio of the number of spaces required per unit area or activity;
5. Transportation demands, including the volume and frequency of trips generated to and from the site, the split of traffic volume among various means of transportation, and other characteristics of trips and traffic;
6. Relative amounts of sales from each activity;
7. The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building, and the predominant types of items stored;
8. Customer type for each activity;
9. How each use is advertised, including signage;
10. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;
11. Any special public utility requirements for serving the proposed use type, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
12. The impact on adjacent lands created by the proposed use type, which should not be greater than that of other use types allowed in the zoning district.

12.9.3. Standards for Allowing Unlisted Accessory Uses and Structures

The Planning Director shall interpret an unlisted use or structure as an allowable accessory use or structure to a principal use allowed in a particular zoning district only after finding that:

1. The use or structure is accessory to the principal use, in accordance with the definitions of "accessory use" and "accessory structure" in this Section's description of the relevant use category;
2. The nature, function, and potential impacts of the use or structure are so similar to those of uses or structures that are accessory to the principal use, or of accessory uses allowable in the zoning district, that the unlisted use or structure should be deemed allowable in the same manner as the similar accessory uses or structures;
3. The use or structure is compatible with the character of principal and accessory uses allowable in the district; and
4. Allowing the use or structure as an accessory use or structure is consistent with the purpose and intent statements in this Ordinance concerning the zoning district (see Chapter 2, "Zoning Districts").

12.9.4. Effect of Allowing Unlisted Uses as Permitted Use or Special Use

On interpreting an unlisted use or structure as allowed in a zoning district, and finding that the use or structure is likely to be common or would lead to confusion if it remains unlisted, the Planning Director may initiate an application for a text amendment to this Ordinance in accordance with Section 10.4.11, "Text Amendment Review Procedures," to list the use or structure in Chapter 3, "Use Standards," as a permitted principal use, a special use, or a permitted accessory use or structure, as appropriate. Until final action is taken on the text amendment application, the interpretation of the Planning Director shall be binding.

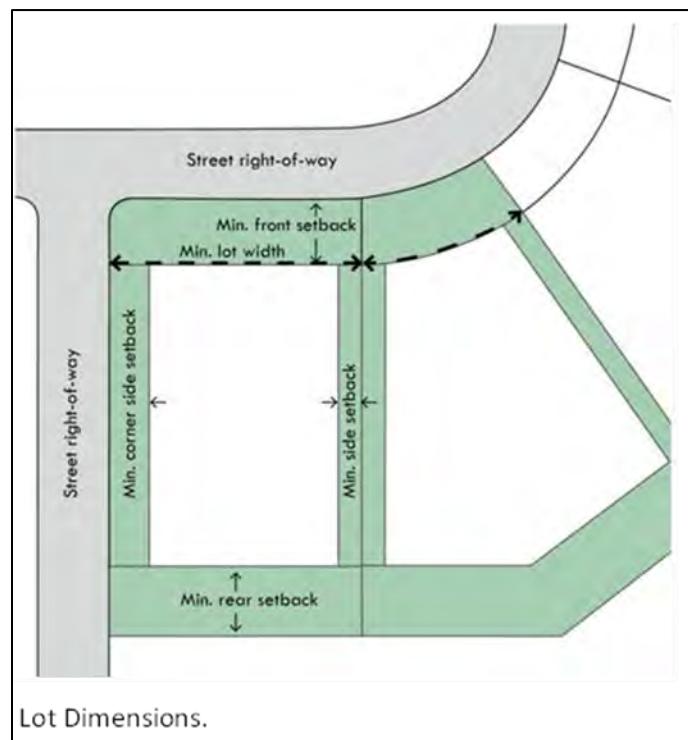
Section 12.10. Measurement

12.10.1. Net Lot Area

Net lot area shall be determined by measuring the total horizontal land area (in acres or square feet) within the lot lines of the lot, excluding public street rights-of-way and private street easements. For purposes of determining net density or lot coverage, any part of the net lot area dedicated as recreation area, park, greenway, or other public open space in conjunction with or part of development approval in accordance with this Ordinance shall continue to be considered part of the net lot area of the development site.

12.10.2. Lot Width

Lot width shall be determined by measuring the distance along a line delineating the minimum front setback applicable to the lot, between its intersections with the side lot lines, or for corner lots, between a corner side lot line and the opposite side lot line. (Refer to Section 12.10.1, Figure "Lot Dimensions.")



12.10.3. Net Density (Dwelling Units Per Acre)

- A. All Net density (expressed as dwelling units per acre) shall be determined by dividing the total number of dwelling units located or proposed on a lot by the net lot area (refer to Section 12.10.1 above). If net lot area is measured in square feet, that result shall be multiplied by 43,560. For purposes of determining maximum net density, an accessory dwelling unit shall not count as a dwelling unit.
- B. Prior to calculating density, the applicant shall deduct 10 percent of the buildable land for right of way dedication and all unbuildable land.

C. Maximum net density standards apply only to development comprised of dwelling uses (e.g., household living uses). For a mixed-use development containing dwelling units and nonresidential principal uses, net density shall be determined by dividing the total number of dwelling units located or proposed on the lot by that portion of the net lot area allocated to the dwelling uses (and not allocated to nonresidential or non-dwelling uses).

12.10.4. Lot Coverage

Lot coverage (expressed as a percentage of net lot area) shall be determined by measuring the total horizontal land area (in acres or square feet) covered by all solid surfaces built upon areas (hard surfaces and buildings) on the lot, dividing that coverage area by the net lot area (refer to Section 12.10.1 above), and multiplying the result by 100.

12.10.5. Structure Height

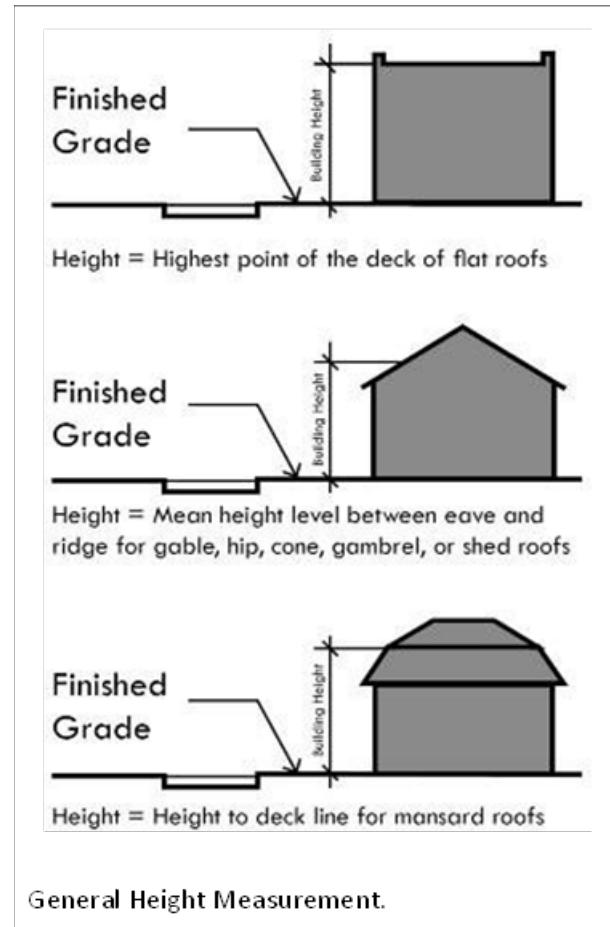
The height of a structure generally shall be determined by measuring the vertical distance from the mean elevation of the finished grade at the base of the structure up to the highest point of the structure. For buildings, height shall be measured from the mean elevation of the finished grade at the base of the front of the building up to:

1. The deck for a flat roof;
2. The mean height level between eaves and ridge for a gable, hip, cone, gambrel, or shed roof; or.
3. The deck line of a mansard roof. (See Figure, "General Height Measurement.")

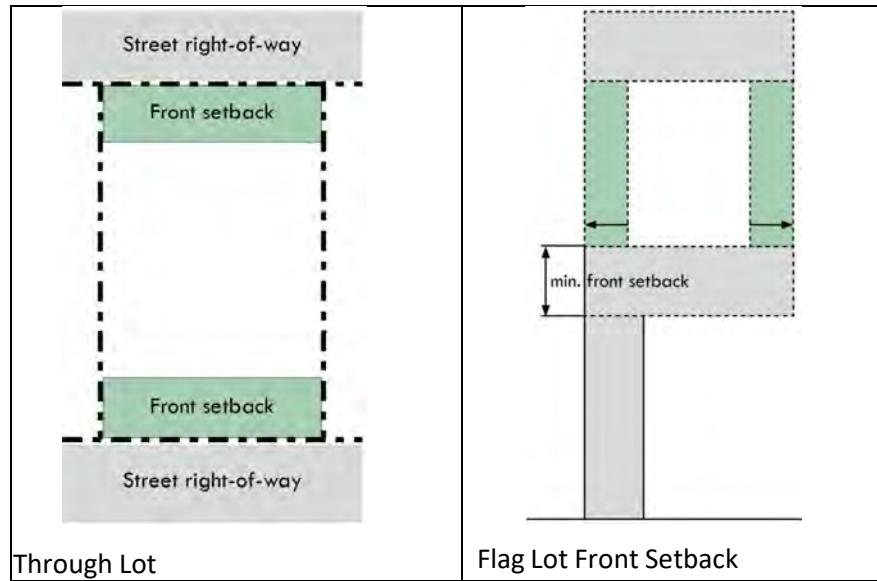
12.10.6. Setback

In Front, corner side, side, and rear setbacks on a lot shall be determined by measuring the horizontal distance along a straight line extending at a right angle from the lot's front, corner side, side, or rear lot line (as appropriate) to the foundation of the nearest structure on the lot. The area defined by a minimum setback and the lot line from which it measured is a required front, corner side, side, or rear yard (as appropriate). (Refer to Section 12.10.1, Figure "Lot Dimensions.") Allowable encroachments into required yards shall be ignored when measuring setbacks (refer to Section 12.11.4, "Allowable Encroachments into Required Yards").

1. Corner Lot. On a corner lot, the front and corner side setbacks shall be measured—and the minimum front and corner side setback requirements applied—from the front or corner side lot line, as appropriate. On a corner lot where the intersecting right-of-way boundaries are defined by a radius, the front and corner side setbacks shall be measured—and the minimum front and corner side setback requirements applied—from the front or corner side lot line, as appropriate, extended to form an intersecting angle with an extension of the corner side or front lot line, as appropriate. (Refer to Section 12.10.1, Figure "Lot Dimensions.")
2. Through Lot. On a through lot, the front setback shall be measured—and the minimum front setback requirement applied—from each of the parallel or nearly parallel street-fronting lot lines. (See Figure below, "Through Lot.")
3. Flag Lot. On a flag lot, the front setback shall be measured within the "flag" portion of the lot, from the lot line delineating the base of that portion. (See Figure below, "Flag Lot Front Setback.")



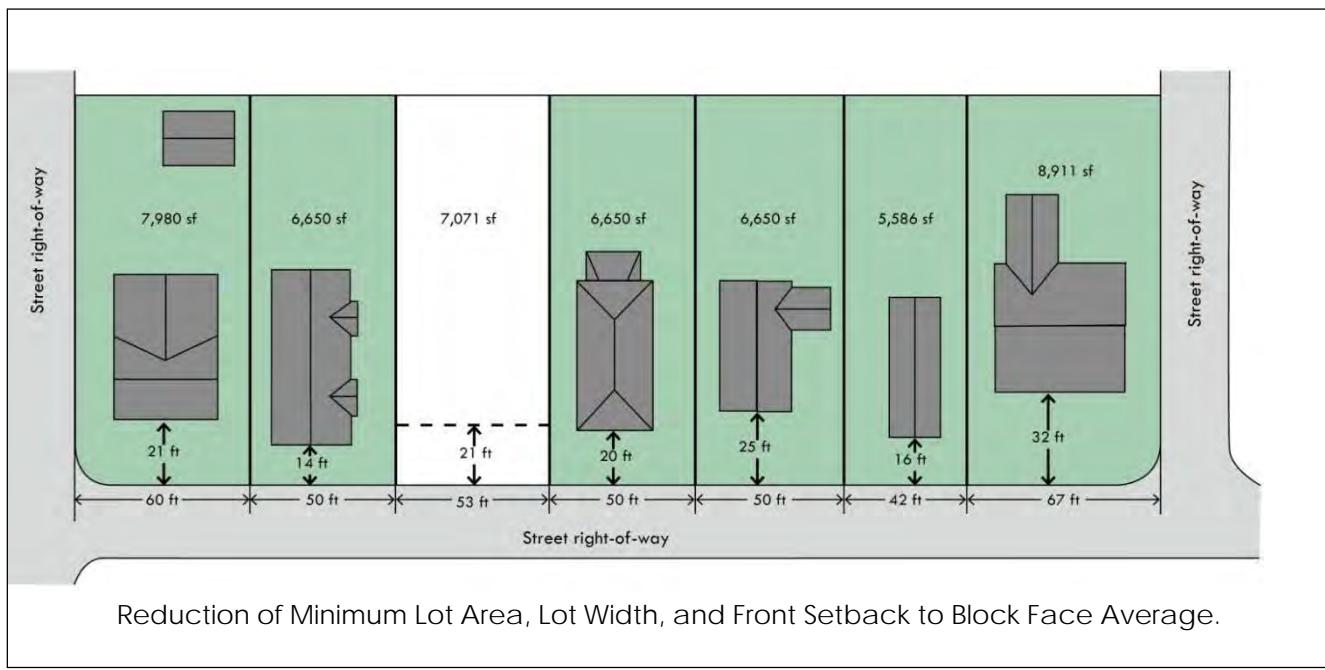
General Height Measurement.



Section 12.11. Exceptions and Variation

12.11.1. Reduction of Minimum Net Lot Area or Width to Block Face Average

If the average net area or width of existing lots located on the same block face and in the same zoning district is less than the minimum net lot area or minimum lot width (as appropriate) applied to a lot by the standards in Chapter 2, "Zoning Districts", the minimum net lot area or minimum lot width (as appropriate) applicable to a lot on the block face shall be reduced to such average. Calculation of the average shall exclude any net lot area or width (as appropriate) that exceeds the next largest net lot area or next widest lot width by more than 25 percent. (See Figure below, "Reduction of Minimum Lot Area, Lot Width, and Front Setback to Block Face Average.")



12.11.2. Reduction of Minimum Front Setbacks to Block Face Average

If the average front setback on improved lots located on the same block face and in the same zoning district is less than the minimum front setback applied to a lot by the standards in Chapter 2, "Zoning Districts", the minimum front setback applicable to a lot on the block face shall be reduced to such average. Calculation of the average shall exclude any front setback that exceeds the next deepest setback by more than 15 feet. (See Figure 12.11.1, "Reduction of Minimum Lot Area, Lot Width, and Front Setback to Block Face Average.")

12.11.3. Exceptions to Maximum Structure Height

The maximum structure height limits established in Chapter 2, "Zoning Districts", shall not apply to the following structures or structural elements:

1. Monuments, water towers, silos, granaries, barns, utility transmission towers, derricks, cooling towers, fire towers, and other similar structures not intended for human occupancy.
2. Spires, belfries, cupolas, domes, chimneys, elevator shaft enclosures, ventilators, skylights, mechanical equipment and appurtenances, and similar rooftop structures or structural elements not intended for human occupancy, provided they:
 - a. Cover not more than 50 percent of the roof area of the structure to which they are attached;
 - b. Comply with applicable screening requirements for mechanical equipment and appurtenances in Section 5.5.3, "Screening Standards"; and
 - c. Extend above the applicable maximum height limit by no more than 12 feet or 25 percent of the height limit (unless otherwise allowed in this Ordinance).
3. Ham radio antennas, roof-mounted satellite dishes, and television or radio antennas, provided they comply with height limits established for the specific use in Section 3.3.5, "Accessory Use-Specific Standards."
4. Roof-mounted solar energy collection systems, in accordance with the height standards in Section 3.2.5.D.3.c, "Solar Energy Collection System" (as an accessory use).
5. Small wind energy systems, in accordance with the height standards in Section 3.3.5.B.21, "Small Wind Energy System."

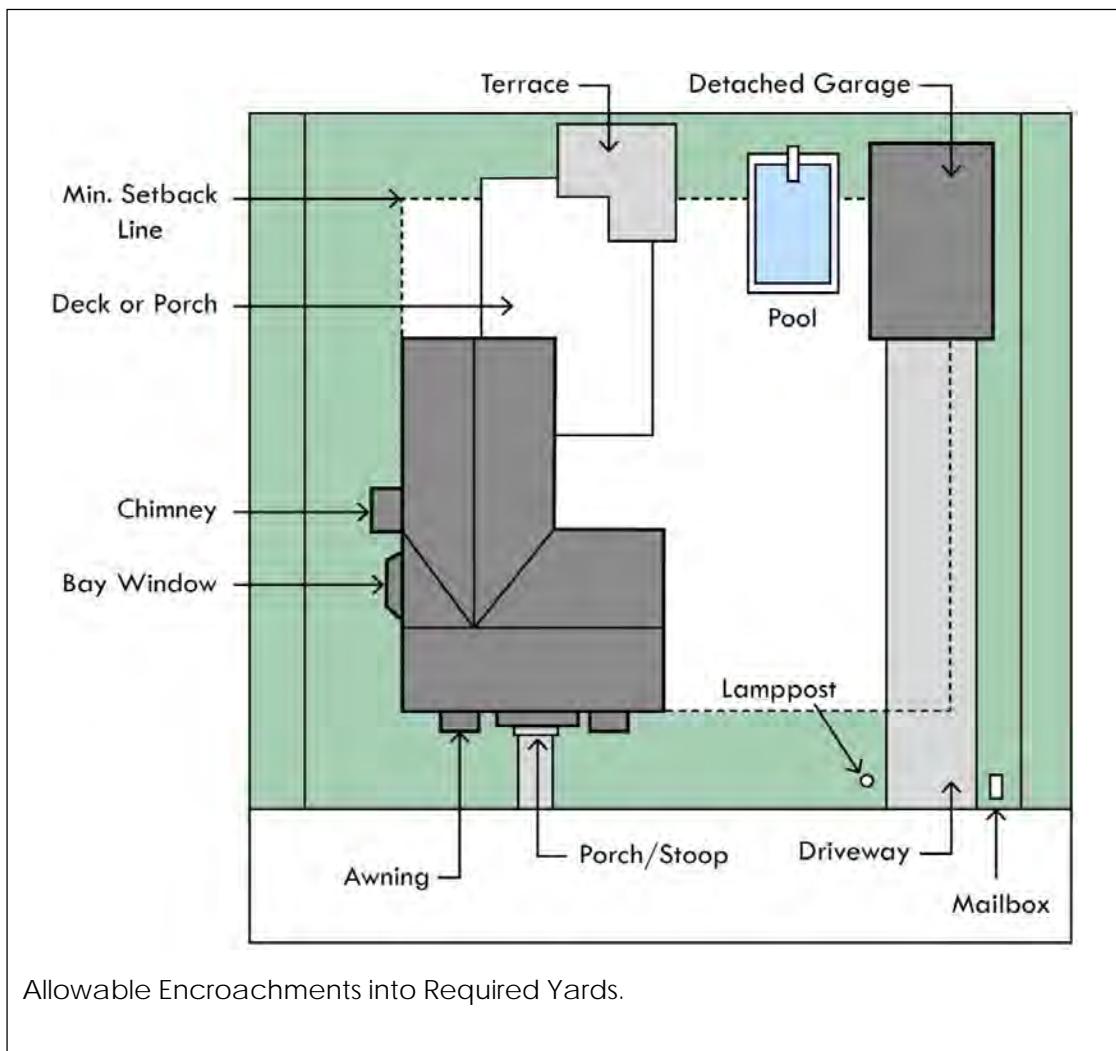
12.11.4. Allowable Encroachments into Required Yards

Every part of every required yard shall remain open and unobstructed from the ground to the sky except as otherwise allowed in Table 12.11.4, "Allowable Encroachment into Required Yards," or allowed or limited by provisions in Chapter 3, "Use Standards," Chapter 5, "Development Standards," Section 4.4, "Stormwater Management," or elsewhere in this Ordinance.

Allowable Encroachments into Required Yards	
FEATURE	EXTENT AND LIMITATIONS OF ENCROACHMENT
1. Open balconies and fire escapes	May extend up to five feet into any required minimum yard
2. Decks, porches (screened or unscreened), stoops, or exterior stairways	May extend up to five feet into any required minimum yard; decks and porches on a single-family attached dwelling may extend to a rear lot line that abuts permanent open space or to within 3 feet of a rear lot line that abuts another single-family attached dwelling lot, provided that any stairs leading to the deck or porch is at least 3 feet from the rear lot line
3. Bay windows	May extend up to three feet into any required minimum yard
4. Chimneys or fireplaces	May extend up to three feet into any required minimum yard
5. Moveable awnings	
6. Roof eaves and overhangs, or marquees	
7. Windowsills or entablatures	May extend up to 18 inches into any required minimum yard
8. Patios or terraces, or walkways	May extend into or be located in any required minimum yard if no higher than the floor elevation of the ground floor.

Chapter 12. Interpretation and Definitions

9. Signs, projecting or free-standing	May extend into or be located in any required minimum yard in accordance with Section 6.7, "Signage."
11. Flagpoles	May be located in any required yard if less than 20 feet high, set back from side and rear lot lines by at least ten feet, and set back from abutting street rights-of-way by a distance equal to the flagpole height
12. Lighting fixtures, projecting or free-standing (including lampposts)	May be located in any required minimum yard
13. Mailbox, freestanding	May be located in any required minimum yard
14. Fences or walls (including associated gates and arbors)	May be located in any required minimum yard, subject to the limitations in Section 5.8, Fences and Walls.
15. Accessory structures other than those listed above	May be located minimum of 5 feet from the side or rear property line, subject to the limitations in Section 3.3, "Accessory Uses and Structures."
16. Swimming pool	May be located in any required minimum side or rear yard
17. Vegetation and landscaping and minor ornamental yard or garden features such as retaining walls, fountains, ponds, birdbath, sculptures and similar landscaping features	May be located in any required minimum yard



Section 12.12. Terms and Uses Defined

ACCESSORY DWELLING UNIT. An ancillary or secondary living unit to a single-family detached dwelling use that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary dwelling unit. For purposes of determining maximum density, an accessory dwelling unit shall not count as a dwelling unit.

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

ACCESSORY USE. A use customarily incidental and subordinate to the principal use and located on the same lot with such principal use. Off-premise signage shall not be considered an accessory use.

ACCESSWAY. A roadway or driveway (including alleys) that provides a means for vehicular travel between communities, neighborhoods, properties, and origin and destination points within a property (e.g., parking spaces and loading/unloading spaces).

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

ADMINISTRATIVE ADJUSTMENT. Refer to Section 10.4.18, "Administrative Adjustment."

ADMINISTRATIVE DECISION. Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this Chapter or local government development regulations. These are sometimes referred to as ministerial decisions or administrative determinations.

ADMINISTRATIVE HEARING. A proceeding to gather facts needed to make an administrative decision.

ADMINISTRATIVE MANUAL. A manual containing details on the mechanics of the development review process, information for potential applicants, and development review application forms.

ADT (AVERAGE DAILY TRAFFIC). The average number of vehicles in both directions that pass a specific point along a roadway in a 24-hour period, as measured throughout the year.

ADULT ESTABLISHMENT. An Adult Bookstore or Adult Theater. An Adult Bookstore is 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 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. An Adult Theater is 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.

AFFECTED PARTY. Owners of land adjoining the land subject to an application and any other person who could suffer an adverse effect to a property interest from a proposed development.

AFFORDABLE HOUSING. Affordable housing is generally defined as housing on which the occupant is paying no more than 30 percent of gross income for housing costs, including utilities.

AGGRIEVED PARTY. A person with a legally recognized interest that will be injuriously affected by a decision made in administering this Ordinance.

AGRICULTURE SUPPORT SERVICES. Agriculture Support Services include use types that provide support and services to agricultural, horticultural, and farming activities, off-site, and that are not directly related to ongoing agricultural, horticultural, or farming uses. Examples of Agricultural Support Services include agricultural research facilities, and farm machinery sales and rental.

AGRITOURISM ACTIVITY. Events and activities conducted on a working farm offered to the public or to invited groups for the purpose of recreation, education, or active involvement in the farm operation, and that are related to agriculture or natural resources and directly associated with and incidental to on-going agricultural activity on-site. Agritourism activities include, but are not limited to, farm tours, hayrides, corn mazes, petting zoos, classes related to agricultural products or skills, picnic and party facilities offer in conjunction with such activities.

ALLEY. A specialized accessway that primarily functions to provide secondary vehicular access and/or service and delivery vehicle access between a street and the rear or sides of lots or buildings. Alleys also may provide primary vehicular access for dwellings designed to have no driveway access from the fronting street.

ALTERATION. Any addition to the height or depth of a building; (b) any change in the location of any of the exterior walls of a building; or (c) any increase in the interior accommodations of a building.

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

AMI. AMI is an abbreviation for 'area median income,' this is a statistic by the U.S. Department of Housing and Urban Development (HUD) commonly used for the purposes of determining the eligibility of applicants for certain housing programs.

AMORTIZATION. A provision requiring nonconforming signs as determined in Section 6.7, "Signage" of this ordinance to either become conforming or be removed within a set period of time, known as the amortization period.

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

APPLICANT. A person who submits a development application requesting a development permit or approval authorized by this Ordinance.

APPRAISED VALUE. The monetary value estimated for a parcel of land, portion of land, improvement on land, or other commodity by a person who is registered, licensed, or certified as a real estate appraiser by the North Carolina Appraisal Board.

ARBOR. An open wood-framed roof, supported by regularly spaced posts or columns, and often covered with lattice and climbing plants such as vines or roses, that shades a walk, patio, or passageway.

ARCADE. A series of arches supported by columns, piers, or pillars, either freestanding or attached to a wall to form a gallery.

ARCHITECTURAL FEATURE. A part, portion, or projection of a building or structure that contributes to its character or style, exclusive of signs, that is not necessary for the structural integrity of the building or to make said building habitable.

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

AREA OF SPECIAL FLOOD HAZARD. See Special Flood Hazard Area (SFHA)".

ARCHITECTURAL LIGHTING. Exterior lighting that is designed to highlight structures, plantings, or significant architectural features in a direct or indirect fashion.

ART. A fountain, sculpture, or similar object that is sited within a development as a focal point and is intended for the enjoyment of the general public. It can be located on both private and public property.

ASSESSED VALUE. The monetary value that a parcel of land, portion of land, improvement on land, or other commodity is assigned by the Wake County Revenue Department for the purposes of taxation.

AUTOMOBILE REPAIR, COMMERCIAL. Establishments, excluding vehicle paint finishing shops, that repair, install, or maintain the mechanical components or the bodies of large trucks, mass transit vehicles, large construction or agricultural equipment, or commercial boats. Truck stops and fueling facilities are included in this commercial vehicle repair and maintenance use category equipment, or other similar vehicles. These facilities may require outdoor areas for vehicle parking and equipment storage.

AUTOMOBILE REPAIR, MAJOR. General repair, rebuilding or reconditioning of engines, motor vehicles, or trailers, such as collision services, body repair and frame straightening, painting and upholstering, vehicle steam cleaning and undercoating. Parking or storage of vehicles for parts, as in a junkyard, is prohibited.

AUTOMOBILE REPAIR, MINOR. Minor repairs, incidental replacement of parts, and maintenance and servicing of passenger automobiles and trucks not exceeding one and one-half ton capacity.

AUTOMOBILE SALES AND RENTAL. Storage and display for sale or lease of more than two motor vehicles.

AUTOMOBILE SALES OR RENTAL, COMMERCIAL. Storage and display for sale or lease of more than two motor vehicles, including the sale or rental of large trucks, mass transit vehicles, large construction or agricultural equipment, or other similar vehicles.

AUTOMOBILE SERVICE STATION. A building or other structure or a tract of land where gasoline or other similar fuel is dispensed directly to users of motor vehicles. The following activities are included in this definition: the dispensing of oil, greases, antifreeze, tires, batteries, and automobile accessories directly to users of motor vehicles, tuning motors, minor wheel and brake adjustment, waxing and polishing and other minor servicing and repair to the extent of installation of the items enumerated above; washing of automobiles, provided that no chain conveyor, blower, steam cleaner, or other mechanical device is employed.

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.

BALCONY. An exterior platform at an opening in a building facade (generally a door opening in the upper floors of the facade), which is enclosed by a railing, balustrade, or parapet.

BAR OR NIGHTCLUB. An establishment having as its principal or predominant use the serving of beer, wine, or liquor for consumption on the premises, and which sets a minimum age requirement for entrance, consistent with State law. May also include live or recorded music, dancing, indoor games, and food service (as an accessory use).

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

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

BASEMENT. Any area of the building having its floor subgrade (below ground level) on all sides.

BED AND BREAKFAST. A residence engaged in renting one or more sleeping rooms to persons for temporary occupancy (refer to Section 3.2.5.E.4.a, Bed and Breakfast-1 and 3.2.5.E.4.b Bed and Breakfast-2).

BIKE LANE. A designated area within a street roadway or other vehicular accessway that is reserved for bicycle travel and separated from the rest of the roadway or vehicular accessway by painted lines or other pavement markings.

BIKE LOCKER. A locker or box in which a single bicycle is placed and locked in.

BIKE PATH. A designated accessway reserved for bicycle travel that is not within a street roadway or other vehicular accessway. A bike path may be within a greenway or may parallel a street or other vehicular accessway, but are typically separated from them by landscaping.

BIKE RACK. A stand used for mounting and securing two bicycles when not in use.

BIKEWAY. Any improved bicycle accessway that is specifically designated as being open to bicycle travel, regardless of whether such facility is designated for the exclusive use of bicycles or is shared with other transportation modes. Bikeways include bike lanes within roadways and off-street bike paths.

BLOCK. A unit of land bounded by streets or by a combination of streets and parks or open space, railroad rights-of-way, waterways or any barrier to the continuity of development.

BLOCK FACE. Properties abutting one side of a street or public right-of-way and lying between the two nearest intersecting streets or rights-of-way, or intersecting right-of-way and railroad right-of-way, unsubdivided land, water course or Town boundary.

BMP. Best Management Practices.

BOARD OF ADJUSTMENT*. Refer to Section 9.3, "Board of Adjustment."

BONA FIDE FARM. Property that is located in the Town's extraterritorial jurisdiction and that is used for bona fide farm purposes is exempt from the Town's zoning regulation to the same extent bona fide farming activities are exempt from county zoning.

BREWERY. An establishment primarily engaged in the brewing ale, beer, malt liquors, and nonalcoholic beer that is permitted to do so in accordance with NCGS 18B-1104 and regulations of the Alcoholic Beverage Control Commission, with a capacity less than 15,000 barrels per year. Brewing establishments with a capacity less than 15,000 barrels are generally classified as microbreweries. Accessory uses include a restaurant, a public tasting room, and retails sales of ale or beer, or related products.

BRICK. Block made of kiln-fired material, usually clay or ground shale, laid in small, individual units with concrete mortar joints.

BRIDGE. A structure carrying a walkway, bikeway, roadway, or railway over a depression or obstacle such as a watercourse, ravine, roadway, or railway. Roadway bridges cannot be constructed of wood.

BROADCAST STUDIO. Commercial and public communications use including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings.

BROADCASTING STATION. Commercial and public communication uses including radio and television broadcasting and receiving stations and studios, including ancillary outdoor communications equipment such as transmission towers and satellite dishes.

BUILDING CODE. The North Carolina State Building Code and any amendments thereto.

BUILDING FOOTPRINT. The portion of a lot covered by a building or structure at the surface level, measured on a horizontal plane.

BUILDING FRONTRAGE. The linear distance along the exterior building wall that faces a public right-of-way abutting the lot on which the building is located.

BUILDING HEIGHT. Refer to Section 12.10.5, "Structure Height."

BUILDING MASS. The three-dimensional bulk of a building.

BUILDING OFFICIAL. The person authorized by the Town Manager to issue Building Permits for the construction, alteration, reconstruction, or demolition of all or part of any building in accordance with the Building Code.

BUILDING PERMIT. An approval signed by the Building Official authorizing the construction, alteration, reconstruction, or demolition of all or part of any building as complying with the Building Code (refer to Section 10.4.3.G, "Building Permit").

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.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILD-TO-LINE. The minimum and maximum allowable setback of a building from the abutting street.

BUILT-UPON AREA (BUA). That portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. "Built-upon area" does not include a wooden slatted deck, the water area of a swimming pool, or pervious or partially pervious paving material to the extent that the paving material absorbs water or allows water to infiltrate through the paving material. The project site or area must exclude any land adjacent to the area disturbed by the project that has been counted as pervious by any other development regulated under a federal, State or local stormwater regulation.

CALIPER. Diameter measurement of a tree-trunk taken at six inches above ground level for trees up to and including four inches in caliper. For trees larger greater than four inches in caliper, measurement of caliper shall be taken at 12 inches above ground level.

CANDELA. A measure of luminous or light intensity in a certain direction. Useful in determining how much light is shining out of a fixture and in what direction.

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.

CAR WASH/DETAILING. An establishment providing the exterior washing of vehicles where vehicles are manually driven or pulled by a conveyor through a system of rollers and/or brushes. Interior cleaning and/or drying may be conducted manually by vehicle operator or on-site attendants. Interior cleaning and/or drying may be conducted **manually** by the vehicle operator or on-site attendants. (Also see the definition of "Mobile Auto Detailing.")

CARPORT. See Garage.

CEMETERY. A place used for interment of human or animal remains or cremated remains, including a burial park for earth internments, a mausoleum for vault or crypt internments, a columbarium for cinerary internments, or a combination thereof.

CHANGE IN USE. A change in the principal use(s) of a structure or land, or a portion thereof, including a change from one use type to another use type as listed in Section 3.2.4, "Principal Use Table." A change in use also occurs when one tenant of flex space in a building takes control of over 50 percent of the total area of the building's flex space.

CHANGEABLE COPY. Copy that is, or can be, changed manually in the field or through mechanical or electronic means, (e.g. reader boards with changeable letters).

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

CLOSE FAMILIAL RELATIONSHIP. A spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes step, half, and in-law relationships.

CLOTHESLINE. A cord, rope, or wire stretched between two points above ground level on which clothes are hung to dry or air.

CLUBS, LODGES, AND BANQUET HALLS. Facilities used for social, intellectual, recreational, ceremonial or athletic purposes. May accommodate private functions such as banquets, weddings, receptions, and anniversaries, and facilities may include kitchens serving food and alcohol for scheduled events.

CLUSTER (OR CLUSTER DEVELOPMENT). See "Conservation Subdivision."

CODE OF ORDINANCES. The Pittsboro, North Carolina Code of Ordinances.

COLLECTOR STREET. Major streets used for traffic of moderate speeds and high peak traffic volumes. Primary circulation routes are within a neighborhood or other limited area.

COLLEGE, UNIVERSITY, OR VOCATIONAL SCHOOL. A post-secondary institution for higher learning that grants associate, bachelor, or higher degrees. This use also includes community colleges and vocational schools that grant associate or bachelor's degrees or may offer certificate courses in business and technical fields.

COLONIAL WATERBIRD NESTING COLONY. An area where 2 or more colonial waterbirds are nesting or have nested within the past 2 years. Colonial waterbirds are any species of heron, egret, anhinga, tern, skimmer, plover, ibis, pelican, stork, and gull.

COMMERCIAL CONTAINER. Common exterior refuse containers such as garbage dumpsters and compactors, cardboard receptacles and compactors, large recyclable containers, and grease/oil tanks.

COMMERCIAL MESSAGE. A message by a person or business establishment 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.

COMMUNITY GARDEN. A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

COMPOSTING FACILITY. A facility where organic matter derived primarily from off-site is processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

COMPREHENSIVE PLAN. Those plans and policies adopted by the Town Board of Commissioners to address Pittsboro's growth and development—including, but not limited to, the Land Use Plan, the Town Center Plan, and other small area plans that provide guidance on desired development in specific geographic areas and corridors, as well as the Transportation Plan, the Parks and Recreation Master Plan, and other functional plans related to public infrastructure and services.

CONDITIONAL ZONING. Refer to Section 10.4.13., "Conditional Rezoning Review Procedures."

CONGREGATE LIVING FACILITY. A facility that provides housing, shared dining and recreational opportunities, limited medical care, personal services, and significant social facilities to meet the needs of the residents. The use may include facilities for elderly, their spouses, and surviving spouses, as well as facilities for persons who are developmentally disabled or orphaned. For purposes of calculating residential density, each bedroom shall be considered the equivalent of dwelling unit.

CONSERVATION AREA. Areas of a property designated for conservation, with no development activity permitted. These areas are to be maintained in existing natural vegetation and should not be cleared of natural vegetation except for the following: prescribed burning for wildlife habitat management purposes; minimal thinning of understory vegetation below the tree canopy by no more than 30% of vegetation cover to maintain scenic views; and clearing to remove invasive species.

CONSERVATION SUBDIVISION. The grouping of buildings in order to conserve land resources and provide for innovative and flexible project design.

CONSTRUCTION. The erection of any building or structure or any preparations (including land disturbing activities) for the same.

CONSTRUCTION TRAILER. A manufactured structure temporarily placed on or adjoining the site of new construction and used during the construction process as an office for construction management and site security.

CONSTRUCTION-RELATED ACTIVITIES. Activities related to the building industry, such as offices for general and special trade building contractors, storage of construction equipment and materials, sales and rentals of heavy equipment, and retail sales of associated merchandise, provided the principal commodity sold is construction material.

CONTINUING CARE RETIREMENT COMMUNITY. A facility that provides housing, shared dining and recreational opportunities for individuals over the age of 62. Facilities may include enhanced medical care, personal services, and significant social facilities to meet the needs of the residents. For purposes of calculating residential density, each bedroom shall be considered the equivalent of .25 dwelling unit.

CONVENIENCE STORE. A retail establishment that offers for sale, primarily, the following types of Chapters: bottled drinks, candy, canned foods, bread, milk, cheese, tobacco products, beer, wine, papers and magazines, and general hardware Chapters. Fast food may be offered as a secondary activity of the

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convenience store. A convenience store use is frequently combined with an automobile service station use and sometimes a restaurant or specialty eating establishment.

COPY. Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign display surface area.

CORNICE. The uppermost horizontal molded projection or other uppermost horizontal element located at the top of a building or a portion of a building.

CORPORATE LIMITS. The boundaries of the Town established and amended from time to time in accordance with Chapters 4 and 4A of Chapter 160A of the North Carolina General Statutes.

CORRECTIONAL FACILITY. A prison, jail, penal institutional, or other facility used to confine inmates.

COUNTRY CLUB. A chartered, nonprofit membership club catering primarily to its members, providing, but not limited to, one or more of the following recreational and social activities: golf, swimming, tennis, riding, hunting, camping and boating. May include support facilities such as club houses, dining areas, locker rooms, or pro shops.

COUNTY. Chatham County, North Carolina.

CREMATORIUM. A location containing properly installed, certified apparatus intended to be used for the act of cremation. Also see Funeral Home.

CROSS ACCESS. Vehicular access provided between the vehicular use areas of two or more adjacent development sites or parcels that is intended to allow travel between the sites without the use of a street.

CROSSWALK. A public pedestrian right-of-way, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

CUL-DE-SAC STREET. A short street designed to have one end permanently closed, with the closed end terminated by a vehicular turnaround.

CULTURAL FACILITY. A public or private nonprofit facility that provides services to the public—including, but not limited to, museums, libraries, interpretive centers, and visitor information kiosks.

DAY CARE CENTER. A building or structure and associated outdoor area where care, protection and supervision are provided for a fee, on a regular schedule at least twice a week, to more than six children or aging adults at one time.

DBH (DIAMETER AT BREAST HEIGHT). The diameter of a tree four and a half (4.5) feet above ground level.

DECIDUOUS. Plant material that seasonally drops (loses) its leaf material.

DECK. A roofless outdoor space built as an above ground platform, freestanding or attached, projecting from the wall of a structure and supported by posts or pillars.

DEDICATION. The offer of real property by its owner(s) for a public purpose and its acceptance by a government entity having jurisdiction over the public function for which it will be used. Dedications may be made for streets, recreation areas, parks, greenways, utility easements, etc.

DENSITY, NET. The number of dwelling units on a lot divided by the net lot area of the tract or parcel (refer to Section 12.10.3, "Net Density (Dwelling Units per Acre)").

DESIGN FLOOD. See "Regulatory Flood Protection Elevation."

DETERMINATION. A written, final, and binding order, requirement, or determination regarding an administrative decision.

DEVELOPER. A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

DEVELOPMENT. Any of the following:

The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.

The excavation, grading, filling, clearing, or alteration of land.

The subdivision of land as defined in G.S. 160D-802

The initiation or substantial change in the use of land or the intensity of use of land. This definition does not alter the scope of regulatory authority granted by this Chapter.

DEVELOPMENT APPLICATION. The completed form or forms and all accompanying documents, exhibits, and fees required by this Ordinance to be submitted as part of the review of a request for a development approval or permit.

DEVELOPMENT APPROVAL OR PERMIT. An administrative or quasi-judicial approval made pursuant to G.S. 160D that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to G.S. 160D, including plat approvals, permits issued, development agreements entered into, and building permits issued.

DEVELOPMENT REGULATION. A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to G.S. 160D, or a local act or charter that regulates land use or development.

DEVELOPMENT SITE. The lot or parcel within which development exists or is proposed.

DISTILLERY. A business or operation for distilling alcoholic liquors from grains, either in the form of large-format distilleries or small format "craft distilleries."

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

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

DITCH OR CANAL. A man-made channel other than a modified natural stream constructed for drainage purposes that is typically dug through inter-stream divide areas. A ditch or canal may have flows that are perennial, intermittent, or ephemeral, and may exhibit hydrological and biological characteristics similar to perennial or intermittent streams.

DORMITORY. A structure specifically designed for a long-term stay by students at a college, university, sports academy, or nonprofit organization for the purpose of providing rooms for sleeping purposes. One common kitchen and some common gathering rooms for social purposes may also be provided.

DRIVE AISLE. An area within a parking lot or parking deck that provides one- or two-way movement and maneuvering between rows of parking stalls.

DRIVE-THROUGH SERVICE FACILITY. A facility used to provide products or services to customers who remain in their vehicles, whether through a window or door in a building, a machine in a building or detached structure (e.g., ATM), or via a mechanical device (e.g., a pneumatic tube system). In addition to the pick-up window or door, drive-through service facilities also may include remote menu boards and ordering stations. Use types that commonly have drive-through service include banks, restaurants, specialty eating or drinking establishments, and drug stores.

DRIVeway. An accessway that functions solely to provide direct and immediate vehicular access between a street and the principal origin and destination points within an abutting development, or part of a large

development. It generally handles low vehicular travel speeds and traffic volumes, though may also handle moderate to high traffic volumes within large commercial and mixed-use developments.

DUMPSTER. A container used for the temporary storage of waste.

DWELLING. A building that contains one or two dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING UNIT, ACCESSORY (ADU). A dwelling that is accessory to a primary, single family dwelling, with characteristics described below. Use- specific standards for ADU's are provided in Section 3.3.5, Accessory Use-Specific Standards. ADU's have a separate kitchen, bathroom, and bedroom. ADU's are either attached or detached from the primary single-family dwelling. ADU's are smaller, and secondary to the primary dwelling. If detached, the ADU's building design and site features are integrated with the primary dwelling so that the lot maintains the function and character of a single-family dwelling (as opposed to a duplex dwelling). For purposes of determining maximum density, an ADU shall not count as a dwelling unit.

DWELLING UNIT, AFFORDABLE HOUSING. A dwelling unit regardless of whether the unit is to be owner or renter occupied, committed for a minimum 30-year term as affordable, through covenants, restrictions, or officially adopted agreements, that serves a qualifying person/household.

DWELLING UNIT, MARKET RATE. A dwelling unit, regardless of whether the unit is to be owner or renter occupied, that is intended to be available for sale or occupancy at the prevailing market value for the area similar to comparable real estate transactions.

DWELLING, DUPLEX. A single detached dwelling on a lot that contains two dwelling units. The units may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings.

DWELLING, LIVE/WORK. A structure or portion of a structure combining a residential dwelling unit for one or more persons with an integrated workspace principally used by one or more of the dwelling unit residents.

DWELLING, MANUFACTURED. A factory-built structure, transportable in one or more Sections, that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. This includes any structure with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.), as amended. This does not include travel trailers or recreation vehicles.

DWELLING, MULTIFAMILY. A dwelling containing three or more dwelling units. Units may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings. Multifamily dwellings include what are commonly called apartments, or condominium units, but not single-family attached dwellings.

DWELLING, SINGLE-FAMILY DETACHED. A single detached dwelling on a lot, other than a manufactured home dwelling, that contains a single dwelling unit (excluding any accessory dwelling unit).

EASEMENT. An interest in land granted by the owner to another party that entitles its holder to a specific use, including a grant by the property owner for use by the public, a utility company, or person(s) of land for specified purposes.

EAVES. The edge or edges of a roof usually projecting beyond the sidewall of a building.

ELECTRONIC GAMING OPERATION. A business where persons utilize electronic machines to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed. This does not include: games of chance as part of an amusement center (See Private

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Recreation/Entertainment Facility); any lottery approved by the State of North Carolina; or any gambling activities prohibited by State law (NCGS 14-289-14- 309).

ELEVATED BUILDING. A non-basement building that has its lowest floor elevated floor above ground level by foundation walls, pilings, columns, posts, piers, or shear walls,.. posts, piers, pilings, or columns.

EMERGENCY SERVICES. A government facility for public services such as fire and police protection, Emergency Medical Services (EMS), emergency operation centers, and related administrative services.

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

ENGINEER, LICENSED PROFESSIONAL. A professional individual licensed by the State of North Carolina to practice in the field of engineering sciences. Also referred to as a Professional Engineer.

ENGINEERED STORMWATER CONTROL. A physical device designed to trap, settle out, or filter pollutants from stormwater runoff; to alter or reduce stormwater runoff velocity, amount, timing, or other characteristics; to approximate the pre-development hydrology on a developed site; or to achieve any combination of these goals. Engineered stormwater control includes physical practices such as constructed wetlands, vegetative practices, filter strips, grassed swales, and other methods installed or created on real property. "Engineered stormwater control" is synonymous with "structural practice," "stormwater control facility," "stormwater control practice," "stormwater treatment practice," "stormwater management practice," "stormwater control measures," structural stormwater treatment systems," and similar terms used in this ordinance. It is a broad term that may include practices that do not require design by a professionally licensed engineer.

EQUESTRIAN FACILITY. Either of the following: A facility designed and intended for the display of equestrian skills and the hosting of events including, but not limited to, show jumping, dressage, and similar events of other equestrian disciplines; or a use associated with the keeping of horses or ponies as domesticated animals or pets. Such uses include stalls, feeding areas, paddocks, haylofts, corrals, and other similar outdoor exercise/instruction/performance areas.

EVERGREEN. Plant material that retains its leaf material year-round.

EVIDENTIARY HEARING. A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under this Chapter.

EXCAVATION. The mechanical removal of earth material.

EXISTING BUILDING AND EXISTING STRUCTURE. Any building and/or structure for which the "start of construction" commenced before February 2, 2007.

EXISTING AND ONGOING USE. For purposes of riparian buffer regulations, existing and ongoing uses are uses or activities consisting of either of the following: Any of the following land uses that was present within the riparian buffer on February 14, 2011, and has continued to exist since that time: agriculture, buildings, industrial facilities, commercial areas, transportation facilities, maintained lawns, utility lines and on-site sanitary sewage systems, any of which involve either specific, periodic management of vegetation or displacement of vegetation by structures or regular activity. Change of ownership through purchase or inheritance is not a change of use.

Projects or proposed development that are determined by the Town of Pittsboro to meet at least one of the following criteria:

- Projects requiring a 401 Certification/404 Permit, and which was issued prior to February 14, 2011.
- Projects that require a state permit, such as landfills, NPDES wastewater discharges, land application of residuals and road construction activities, have begun construction or are under contract to begin construction and had received all required state permits and certifications prior to February 14, 2011;
- Projects reviewed through the Clean Water Act Section 404/National Environmental Policy Act Merger 01 Process (published by the US Army Corps of Engineers and Federal Highway Administration, 2003) or its immediate successor and that reached agreement with DENR on avoidance and minimization by February 14, 2011; or

- Projects that are not required to be reviewed by the Clean Water Act Section 404/National Environmental Policy Act Merger 01 Process (published by the US Army Corps of Engineers and Federal Highway Administration, 2003) or its immediate successor if a Finding of No Significant Impact has been issued for the project, the project had the written approval of the Town of Pittsboro prior to February 14, 2011, and that approval is still effective.

EXISTING DEVELOPMENT. Development not otherwise exempted by this Ordinance that meets either of the following criteria:

- It either is built or has established a statutory or common-law vested right as of May 24, 2021, of this ordinance; or
- It occurs after May 24, 2021, of this ordinance but does not result in a net increase in built-upon area and does not decrease the infiltration of precipitation into the soil.

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before May 24, 2021, of the floodplain management regulations adopted by the community.

EXISTING TREE CANOPY. Tree canopy that existed for at least two years prior to development as evidenced by the aerial photography and/or satellite imagery on file with or approved by the Town of Pittsboro Planning Department.

EXPANSION. An increase in the floor area of an existing structure or building, or the increase of area of a use.

EXTRACTION OF EARTH PRODUCTS. A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operations, mining, and soil mining. Specifically excluded from this use is grading and removal of dirt associated with an approved Site Plan or subdivision or excavations associated with, and for the improvement of, a bona fide farm.

EXTRATERRITORIAL JURISDICTION (ETJ). That part of the planning jurisdiction of the Town located outside the Town's corporate boundaries, established and amended from time to time in accordance with NCGS 160D-203 and 160D-204. The Town shall update its ETJ population with each decennial census.

FAÇADE. The entire exterior wall of a building facing a lot line measured from the grade to the eave or highest point of a flat or mansard roof. Facades may be on the front, side, or rear elevation of the building.

FAIRGROUNDS. A permanent location for fairs and other large gatherings and celebrations, generally scheduled for a temporary time period.

FAMILY CARE HOME. A home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than six resident persons with disabilities. Persons with disabilities means a person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in NCGS 122C-3(11)b.

FAMILY CHILD CARE HOME. A private residence where care, protection, and supervision are provided for a fee, on a regular schedule, at least twice a week, to no more than six children (including any children of the day care provider).

FARM. A single tract of land, or identifiable portion of a tract, used for the production, and activities relating or incidental to the production, of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture.

FARM PRODUCT SALES. Seasonal sale of farm products raised on the premises where products are raised as an accessory to an agricultural use.

FARMERS' MARKET. A public market held in a structure or open area, where farmers sell produce and other farm products they have grown, gathered, or raised directly to consumers. A farmers' market may be a principal use, occurring regularly for all or most of the year, or a temporary use, occurring only occasionally or periodically for only a limited time period during the year.

FENCE OR WALL. An artificially erected freestanding barrier used to enclose (and protect) an area, restrict or prevent access to an area, to conceal or screen an area, and/or for decorative purposes. A fence may be open or solid and generally consists of wood, metal, concrete, or plastic posts connected by boards, rails, panels, wire, or mesh. A wall is generally solid and consists of masonry, stone, brick, tile, concrete, or plaster. Natural growth barriers such as hedges are not considered fences or walls.

FINISHED GRADE. The final elevation of the ground surface after completion of authorized development and associated man-made alterations of the ground surface such as grading, grubbing, fillings, or excavating.

FIRE CHIEF. The Fire Chief for the Town of Pittsboro, North Carolina.

FIXTURE. An assembly that holds the lamp (bulb) in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

FLAG LOT. An irregularly shaped lot where the buildable portion (flag) of the lot is connected to a street by a narrow non-buildable strip (pole) that does not meet the minimum lot width requirement at the minimum setback for that specific zoning district (refer to Section 12.10.6.3, "Flag Lot").

FLOOD OR FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- The overflow of inland or tidal waters; and/or
- The unusual and rapid accumulation or runoff of surface waters from any source.

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

FLOOD HAZARD BOUNDARY MAP (FHBM). An official map of a community, issued by the FEMA, where the boundaries of the special flood hazard areas have been defined as Zone A.

FLOOD HAZARD. A hazard to land or improvements due to overflow water having sufficient depth or velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of watercourses.

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

FLOOD INSURANCE RATE MAP (FIRM). "Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (see also DFIRM)

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

FLOOD LAMP. A form of lighting designed to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

FLOOD LIGHT. A form of lighting designed to direct its output in a diffuse, more or less specific direction, with reflecting or refracting elements located external to the lamp.

FLOOD OR FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- The overflow of inland waters; and/or
- The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD PRONE AREA. See Floodplain.

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

FLOODPLAIN. Any land area susceptible to inundation by water from any source.

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

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

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

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

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

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

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

FOOT-CANDLE (FC). A quantitative unit measuring the amount of light (illumination) falling onto a given point. One foot-candle equals one lumen per square foot.

FORESTER, REGISTERED. An individual registered by the State of North Carolina as qualified to practice forestry by reason of their special knowledge and training in natural sciences, mathematics, silviculture, forest protection, forest mensuration, forest management, forest economics, and forest utilization.

FORESTRY. A woodland area where all of the following occur:

- The growing of trees;
- The harvesting of timber, leaves or seeds;
- The regeneration by either timely replanting of trees or natural generation in accordance with a forest management plan acceptable to the Division of North Carolina Forest Resources; and
- The application of "best management practices" including the NC Department of Environment, Health and Natural Resources, "Forestry Practice Guidelines related to Water Quality", and all successor documents.

FREEBOARD. The height added to the BFE to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed. The BFE plus the freeboard establishes the "regulatory flood protection elevation".

FREIGHT TERMINAL. An area for storing and switching of short-line and long-haul freight. Also see Warehousing and Distribution.

FRONT OR FRONTAGE. The "front" or "frontage" is that side of a lot abutting on a street or way, and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary sideline of a corner lot.

FRONTAGE ROAD. A road that is parallel to any freeway or expressway and provides access to adjacent land.

FUEL OIL SALES. The sale of fuel for commercial vehicles, and bulk refueling for industrial, commercial, or residential purposes. Storage tanks may be located above-ground. Also see Automobile Service Stations.

FUEL PUMP. A machine used to pump gasoline or similar fuels for passenger vehicles, trucks, and commercial vehicles.

FULL CUTOFF. A fixture light distribution where no light intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10 percent of the lamp's light intensity is emitted at or above an angle 10 degrees below that horizontal plane, at all lateral angles around the fixture.

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

FUNERAL HOME. An establishment engaged in undertaking services such as preparing the dead for burial and arranging and managing funerals. Also see crematorium.

FUTURE CONDITIONS FLOOD HAZARD AREA. Flood hazard areas shown on the FIRM that have been determined with input from the local community, for example to account for land use planning and local flooding patterns.

GAMING OPERATION. See Electronic Gaming Operation.

GARAGE. A structure used or designed to be used to provide shelter for the parking and storage of motor vehicles or boats. A garage is an enclosed building whereas a carport is a roofed structure open on one or more sides. Garages and carports are commonly attached to and considered part of a dwelling or other principal building, but may also exist as a detached accessory structure.

GARDEN CENTER. The retail handling, sales, and outdoor storage of any Chapter, substance, or commodity related to, but not limited to the planting, maintenance, or harvesting of garden plants, shrubs, or small trees that can be carried by customers without the assistance of equipment or retail personnel.

GAZEBO. A freestanding, roofed, open-air accessory structure.

GLARE. The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, causing annoyance, discomfort or loss of visual performance and ability.

GOLF COURSE. A tract of land laid out with at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards. Accessory uses of a golf course may include a clubhouse (with or without

eating facilities), shelters, a driving range, putting green, maintenance facilities, an irrigation system, and outdoor storage of materials and equipment.

GOVERNMENT MAINTENANCE, STORAGE, OR DISTRIBUTION FACILITY. A facility housing government shops, maintenance and repair centers, equipment, and outdoor storage yards.

GOVERNMENT SERVICES, ADMINISTRATIVE. A building containing offices of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to, local or state government agency administration, public assistance, postal services, employment services, or motor vehicle licensing and registration services.

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 adjacent to the sign.

GREEN ROOF. A roof of a structure that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. Green roofs are sometimes known as rooftop gardens.

GREENHOUSE. A structure, primarily of glass, in which temperature and humidity can be controlled for the cultivation or protection of plants.

GREENHOUSE/NURSERY. A facility where ornamental trees and plants are stored or grown for wholesale or retail sale. This use may include bulk storage of mulch, fertilizer, and other landscaping materials, as well as the sale of tools, equipment, and other materials normally associated with home landscaping or related industries.

GREENWAY. A pedestrian trail or multi-use path constructed of pervious or impervious surfaces and related structures—including, but not limited to, boardwalks, steps, rails, and signage.

GROSS FLOOR AREA. The area within the inside perimeter of the exterior walls with no deduction for corridor, stairs, closets, thickness of walls, columns, or other features, exclusive of areas open and unobstructed to the sky.

GROSS LAND AREA. All area within the boundaries of a zoning lot.

GROUND COVER. Low-growing plants other than turf grass that grow in a spreading fashion to form a more or less solid mat of vegetation, generally planted to provide decorative landscaping or permeable cover for bare earth that prevents soil erosion.

GROUND FLOOR (NONRESIDENTIAL). The first-floor level of any building or structure at or above finished grade not including a basement or cellar.

GROUP CARE HOME. A facility licensed by the State of North Carolina 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.

HARD SURFACE. As pertaining to driveways, drive aisles, parking, loading areas, and storage for vehicles, recreation vehicles, travel trailers, commercial equipment, trailers, boats, and other similar uses—it is a durable surface constructed of concrete, asphalt, brick pavers, or similar material.

HAZARDOUS WASTE MANAGEMENT FACILITY. Means, as defined in NCGS 130A, Chapter 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

HEDGE. A group of shrubs planted in line or in groups that forms a compact, dense, visually opaque living barrier that demarcates and/or screens an area from on-site or off-site views.

HELIPORT. A facility used for helicopter take-off and landing.

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

HISTORIC STRUCTURE. Any structure that is:

- Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or
- Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program."
- Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

HIGH INTENSITY DISCHARGE (HID). High intensity discharge lighting, a bulb type including mercury vapor, metal halide, high pressure or low- pressure sodium lighting, which glows when an electric current is passed through a gas mixture inside the bulb.

HOME OCCUPATION. A business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling, is incidental and secondary to the residential use of the lot and does not adversely and/or perceptively affect the character of the lot or surrounding area.

HOSPITAL. An institution licensed by the state that provides primary health services and medical or surgical care to humans, primarily inpatients, who are sick or injured, and including as an integral part of the institution, related facilities such as clinical laboratories, outpatient facilities, training facilities, central services facilities, staff offices, pharmacies and gift shops. Hospitals offer facilities and beds for use beyond 24 hours by persons needing medical treatment or service. This use type does not include urgent care facilities, nursing homes, or medical/dental offices.

HOTEL/MOTEL. A building or group of buildings used, kept, maintained, advertised as, or held out to the public as a place where at least ten guest rooms are offered for rental for occupancy by transient or permanent guests or tenants, most commonly on an overnight basis. Such uses may include kitchenettes, microwaves, and refrigerators for each guest unit. Accessory uses may include restaurants, bars or lounges, conference and meeting rooms, business centers, newsstands, gift shops, exercise or fitness facilities, swimming pools, etc.

IESNA. The Illuminating Engineering Society of North America, a non-profit professional organization of lighting specialists that has established recommended design standards for various lighting applications.

ILLUMINANCE. The amount of light falling on a surface as measured in lux or foot-candles.

INDUSTRIAL AND LARGE EQUIPMENT SALES AND RENTAL. An establishment primarily engaged in the sale and rental of tools, trucks, tractors, recreational vehicles (RV's), boats, construction equipment, agricultural implements, boats, manufactured homes, and similar large-format equipment and products, and related rental storage. For personal storage, see Mini-Storage.

INDUSTRIAL ASSEMBLY, HEAVY. The fitting or joining of parts of a mechanism by means of fasteners, nuts and bolts, screws, glue, welding, or other similar technique—but not including the construction, stamping, or reshaping of any of the component parts. Heavy industrial assembly uses are distinguished from light industrial assembly uses by their potential for off-site impacts, not necessarily being entirely within an enclosed building, and not being limited in the extent of outdoor storage involved.

INDUSTRIAL ASSEMBLY, LIGHT. The fitting or joining of parts of a mechanism by means of fasteners, nuts and bolts, screws, glue, welding, or other similar technique that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the lot on which the use is located—but not including the construction, stamping, or reshaping of any of the component parts. Light industrial assembly uses are conducted entirely within enclosed buildings but may include areas used for outdoor storage of goods and materials that do not exceed 25 percent of the combined floor area of all buildings on the lot.

INDUSTRIAL PARK. A development containing three or more separate buildings used for industrial purposes that is designed, constructed, and operated on an integrated and coordinated basis.

INTERMITTENT STREAM. One which flows only at certain times of the year when it receives water from springs or from some surface source such as melting snow in mountainous areas.

INTERNAL REFRACTIVE LENS. A glass or plastic lens installed between the lamp and the Sections of the outer fixture globe or enclosure. "Refractive refers" to the redirection (bending) of the light as it goes through the lens, softening and spreading the light being distributed from the light source, thereby reducing direct glare.

INTERPRETATION. Refer to Section 10.4.22, "Written Determination."

INTERSECTION SIGHT DISTANCE AREA. An area of unobstructed sight distance along the approaches of a street or driveway to an intersection.

ISA. The International Society of Arboriculture.

ISOLATED WETLAND. Wetlands with no apparent surface water connection to perennial rivers and streams, estuaries, or the ocean.

JORDAN LAKE. The surface water impoundment operated by the US Army Corps of Engineers and named B. Everett Jordan Reservoir, as further delineated for purposes of the Jordan nutrient strategy in 15A NCAC 2B .0262(4).

JORDAN LAKE WATERSHED. All lands and waters draining to B. Everett Jordan Reservoir.

JORDAN NUTRIENT STRATEGY OR JORDAN WATER SUPPLY NUTRIENT STRATEGY. The set of rules in 15A NCAC 2B .0262 through .0273 and .0311(p).

JUNKYARD OR RECYCLING FACILITY*. Any land or buildings used, in whole or in part, for the commercial collection, storage, and sale of wastepaper, rags, scrap metal, bottles, or other discarded materials, and including the storage and dismantling of motor vehicles or machinery for parts; or for the collection and storage of recyclable materials (e.g., scrap metal, glass, tires) and the sorting and processing of such materials in preparation for shipment to others for use in manufacturing new products.

KENNEL. A commercial establishment where six or more domestic pets are kept, boarded, bred, or trained.

LAND. The earth, water, and air, above, below, or on the surface, and including any mineral resources and natural resources and any improvements or structures customarily regarded as land.

LAND DISTURBING ACTIVITY. Any use of the land that results in a change in the natural cover or topography that may cause or contribute to sedimentation.

LANDFILL, DEBRIS. A landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth, or other uncontaminated solid waste from land clearing and construction activities. Also see Composting Facility.

LANDFILL, SANITARY / TRANSFER STATION. A landfill where trash, garbage, construction debris, stumps, limbs, leaves and other solid waste is placed in trenches and covered with earth under permit and regulation by the North Carolina Division of Waste Management. Also includes transfer stations, where solid waste is collected and then distributed to another off- site facility.

LANDOWNER. Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and agent or personal representative of the owner.

LANDSCAPE ARCHITECT, REGISTERED. An individual registered by the State of North Carolina as qualified to practice landscape architecture by reason on their special knowledge of natural, physical, and mathematical sciences, and the principles and methodology of landscape architecture and landscape architectural design.

LANDSCAPING. Shall be defined as any living plant material such as trees, shrubs, ground cover, and grass used in spaces void of impervious material or building structure.

LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED). Verification by the U.S. Green Building Council of a building or development that is designed and constructed using strategies aimed at improving environmental performance including, but not limited to, energy savings, water efficiency, CO₂ emissions reduction, and indoor environmental quality in the form of LEED certification.

LEGISLATIVE DECISION. The adoption, amendment, or repeal of a regulation under this Chapter or an applicable local act. The term also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of Chapter 10 of G.S 160D.

LEGISLATIVE HEARING. A hearing to solicit public comment on a proposed legislative decision.

LETTER OF MAP CHANGE (LOMC). An official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

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

LIBRARY. See Cultural Facility.

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

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

LIGHT EMITTING DIODE (LED). LED is a type of exterior lighting that includes an electronic semiconductor device that emits light when an electric current passes through it. It is considered to be more energy-efficient than conventional lighting fixture technologies such as high-pressure sodium (HPS) and metal halide (MH).

LIGHT SOURCE. The element of a lighting fixture that is the point of origin of the lumens emitted by the fixture.

LIGHT TRESPASS. The occurrence when light emitted by a lighting installation falls outside the boundaries of the property on which the installation is sited. This can have adverse effects on residents, vehicle operators and pedestrians, the natural environment.

LOADING AREAS. A portion of the vehicle use area where merchandise and/or supplies are delivered and unloaded.

LOADING DOCK. The area where trucks maneuver in order to back up against the loading and unloading platform.

LOCAL RESIDENTIAL STREET. Street that is used primarily for access to the abutting residential properties.

LOGO. A business trademark or symbol.

LOOP STREET. Streets that originate and terminate at T-intersections with other streets.

LOT AREA. The amount of horizontal land area contained within the lot lines of a lot or site.

LOT AREA, NET. The amount of horizontal land area contained within the lot lines of a lot or site, excluding public street rights-of-way and private street easements.

LOT COVERAGE. Refer to Section 12.10.4, "Lot Coverage."

LOT LINE. A line forming a boundary of a lot.

LOT. A portion of a subdivision or any other parcel of land, intended as a unit of ownership, the transfer of ownership, or development.

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

LOW IMPACT DEVELOPMENT. A manner of land development that seeks to protect waterways, habitat, baseflow, and groundwater recharge. Low Impact Development also protects water quality by minimizing the pollutant loading to waterways from developed areas.

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

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

LUMEN. A quantitative unit measuring the amount of light emitted by a light source. A lamp is generally rated in lumens.

MAINTAINED FOOT-CANDLE. See Foot-candle.

MAJOR ARTERIAL. Major streets used for traffic of moderate to fast speeds and high volumes between major local centers of employment, recreation, and suburban centers. Access is provided at intersections with other arterials, collector streets, and some minor streets.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MANUFACTURING, HEAVY. An establishment engaged in manufacturing or other industrial processing of products primarily from extracted or raw materials or bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors, or vibration beyond the property line. Heavy manufacturing is distinguished from light and medium manufacturing by its potential for off-site impacts, not necessarily being entirely within an enclosed building, and not being limited in the extent of outdoor storage it involves. This does not include uses constituting a heavy industrial assembly use.

MANUFACTURING, LIGHT. The manufacture and other industrial processing of goods and materials entirely within an enclosed building, using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the lot on which the facility is located. Light manufacturing may include the outdoor storage of goods and materials, but is distinguished from medium manufacturing in that areas used for outdoor storage area do not exceed 25 percent of the combined floor area of all buildings on the lot. Examples include, but are not limited to: production or repair of small machines or electronic parts and equipment; computer design and development; apparel production; sign making; manufacture of electric, electronic, or optical instruments or devices; manufacture of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture of cosmetics; and manufacturing of components, jewelry, clothing,

trimming decorations, and any similar item. This does not include uses constituting a light industrial assembly use.

MANUFACTURING, MEDIUM. The manufacture and other industrial processing of goods and materials entirely within an enclosed building, using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the lot or parcel on which the facility is located. Medium manufacturing may include the outdoor storage of goods and materials, but is distinguished from light manufacturing in that areas used for outdoor storage area may exceed 25 percent of the combined floor area of all buildings on the lot. This does not include uses constituting a light industrial assembly use.

MARGINAL ACCESS STREET. Streets parallel and adjacent to arterials which provide access to abutting property and protection from through traffic.

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

MARQUEE. A permanent canopy, often constructed of metal and glass, that projects over the entrance of a building, generally a place of assembly such as a cinema, theater, auditorium, or arena.

MAXIMUM EXTENT PRACTICAL. The degree to which a project meets an adopted standard in which all possible efforts to comply with the standards or regulation or minimize harmful or adverse effects have been undertaken by an applicant, but full compliance cannot be obtained, and no feasible or practical alternative exists.

MECHANIC'S OR MATERIALMAN'S LIEN. A security interest in the title to real or personal property for the benefit of those who have supplied labor or materials that improve the property, as authorized and regulated in accordance with Chapter 2 of Chapter 44A of the North Carolina General Statutes.

MECHANICAL EQUIPMENT. Includes, but is not limited to, heating, venting and air conditioning equipment, water tanks and their supporting structures, stair and elevator bulkheads, screens, baffles and other accessory installations but shall not include telecommunication equipment and conventional television antennas.

MEDIUM BASE. The size of lamp socket designed to accept a medium or Edison base lamp.

MICRO-BREWERY. An establishment primarily engaged in the brewing ale, beer, malt liquors, and nonalcoholic beer that is licensed to do so in accordance with NCGS 18B-1104 and regulations of the Alcoholic Beverage Control Commission, with a capacity less than 15,000 barrels per year, and with 75 percent or more of its ale, beer, and malt liquors sold off-site. A restaurant/brewery where more than 25 percent of produced ale, beer, and malt liquors are sold on-site is classified as a restaurant (with the brewery as an accessory use). Accessory uses include a restaurant, a public tasting room, and the retail sales of ale or beer, or related products.

MINI-STORAGE. A building or group of buildings divided into separate self-contained units or areas offered for rent for self- service storage of household and personal property. The storage units or areas are designed to allow private access by the tenant for storing and removing personal property. Accessory uses may include leasing offices, incidental sales or rental of moving supplies and equipment, and living quarters for a resident manager or security guard. The rental of trucks or trailers is a separate principal use and not considered accessory to this use. For RV or boat storage, see Industrial and Large Equipment Sales and Rental.

MINOR ARTERIAL. Other arterials used for traffic of moderate speeds and high volumes which connect to higher- classified arterials. Access is provided by other arterials, collector streets and some minor streets.

MIXED USE PLANNED DEVELOPMENT. Refer to Section 2.5.4, "Mixed Use Planned Development."

MOBILE AUTO DETAILING. A business engaged in traveling to and thoroughly cleaning and refurbishing of automobiles, inside and out, at the site where the automobile is parked.

MOBILE CLASSROOMS. Temporary building installed on the grounds of a school or church to provide additional classroom space where there is a shortage of capacity.

MONUMENT*. Metal or concrete markers placed on the land.

MOTOR FREIGHT TERMINAL. A business operation with the primary purpose of the transfer, storage, and distribution of goods and materials and the distribution of goods and materials to another location for the purpose of resale or use at the place distributed to. Involves use of tractor-trailer or tandem truck vehicles for the movement of goods. If the motor freight terminal contains no more than 15,000 square feet of floor area and has no more than seven loading areas, it is classified as a small motor freight terminal. All other motor freight terminals are classified as large motor freight terminals.

MUSEUM. See Cultural Facility.

NET DENSITY. Refer to Section 12.10.3, "Net Density (Dwelling Units per Acre)."

NEW CONSTRUCTION. Structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

NEW DEVELOPMENT. Development of a site that was previously unimproved (with no existing principal structures or uses) or that has been or will be cleared of structures. New development is distinguished from existing development and the expansion or alteration of existing development.

NONCONFORMING LOT. A lot that was lawfully created before the effective date of this Ordinance, or a subsequent amendment thereto, that does not conform to the lot area standards of this Ordinance or subsequent amendment.

NONCONFORMING SIGN. A sign that was lawfully established before the effective date of this Ordinance, or a subsequent amendment thereto, that does not conform to the signage standards of this Ordinance.

NONCONFORMING SITE FEATURE. Off-street parking or landscaping that lawfully existed before adoption of this Ordinance, or a subsequent amendment thereto, that does not comply with the off-street parking or landscaping standards of this Ordinance, or a subsequent amendment.

NONCONFORMING STRUCTURE. A structure other than a sign or site feature that was lawfully established before the effective date of this Ordinance, or subsequent amendment thereto, that does not comply with the lot area, setback, dimensional, elevation, location, material or other standards of this Ordinance or a subsequent amendment.

NONCONFORMING USE. A use of land, buildings, and/or structures that was lawfully established before the effective date of this Ordinance, or a subsequent amendment thereto, but does not comply with the use standards of this Ordinance or a subsequent amendment.

NONCONFORMITY. A nonconforming lot, use, structure, sign, or site feature.

NON-CONVERSION AGREEMENT. A document stating that the owner will not convert or alter what has been constructed and approved. violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. the agreement must be recorded in the Chatham County registry.

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

NOTICE OF VIOLATION. An initial notice indicating a violation of this Ordinance (refer to Section 11.5.1, "Notice of Violation and Opportunity for Correction").

NURSING HOME. A facility maintained for the purpose of providing nursing or convalescent care for three or more persons unrelated to the licensee. A nursing home is a home for chronic or convalescent patients, who on admission are not acutely ill and who do not usually require specialized medical facilities. Accessory uses may include dining rooms and recreation and physical therapy facilities for residents, and offices and storage facilities for professional and supervisory staff. This use type does not include congregate living facilities, where

the focus is on providing personal care rather than medical care, or hospitals, where more acute and specialized medical care is provided.

OFFICE BUILDING. A building primarily consisting of offices used for conducting the affairs of various businesses. Accessory uses may include uses intended to serve the daily needs of office employees, such as restaurant, coffee shop, newspaper, or candy stand.

OFFICE PARK, MEDICAL/ DENTAL. A development containing a number of separate buildings used for medical/dental offices that is designed, constructed, and operated on an integrated and coordinated basis. A medical/dental office park may include an urgent care facility or a hospital.

OFFICE, MEDICAL/DENTAL. A facility operated by one or more physicians, dentists, chiropractors, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.

OPACITY. A measurement indicating the degree of obscuration of light or visibility.

ORDINANCE. A legislative enactment of the Town.

ORDINARY MAINTENANCE AND REPAIR. The painting of a structure, the replacement of damaged or worn finishes or building materials, or other work done on a structure to correct any deterioration or decay of, or damage to, the structure, or any part thereof, and restore the structure as nearly as practical to its condition before the deterioration, decay, or damage.

OUT PARCEL. A parcel of land associated with a shopping center or multi-tenant property development. Outparcels of shopping centers shall be considered on the premises of the shopping center for the purpose of this ordinance.

OUTDOOR DISPLAY OF MERCHANDISE. The placement of products or materials for sale or rental outside the entrance of a retail or wholesale sales establishment.

OUTDOOR SALES, SEASONAL. A temporary outdoor business enterprise that is conducted primarily outdoors and offers for retail sale items that are, by their nature, in particular demand during a relatively short peak season—including, but not limited to, Christmas trees, pumpkins, produce, flowers, and fireworks.

OUTDOOR SEATING (AS ACCESSORY TO AN EATING OR DRINKING ESTABLISHMENT). The provision of on-site outdoor seating areas by an eating and drinking establishment where food or beverages are served for consumption. The accessory use also may include outdoor seating areas on public sidewalks in front of the establishment.

OUTDOOR STORAGE. The keeping, in an unroofed area, of any goods or materials, particularly goods and materials that have a large size, mass, or volume and are either not easily moved or carried or require a mechanical lifting devise (e.g., non- bagged mulch and lumber). This use does not include a junkyard or recycling facility, vehicle fleet storage, or the display and storage of vehicles as part of an automobile sales or rental use.

OWNER OR LANDOWNER. The legal or beneficial owner of land, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the land. "Owner" shall include long-term commercial tenants; management entities, such as those charged with or engaged in the management of properties for profit; and every person or entity having joint ownership of the property. A secured lender not in possession of the property does not constitute an owner, unless the secured lender is included within the meaning of "owner" under another description in this definition, such as a management entity.

PARAPET WALL. The portion of a façade wall that extends above the roof line.

PARK AND RIDE TERMINAL. An off-street parking facility designed or intended to provide peripheral collection and storage of motor vehicles to accommodate commuter traffic into or out of the community. Accessory structure may include passenger shelters.

PARKING DECK. A structure, or a portion of a structure, composed of one or more levels or floors used exclusively for the temporary storage of motor vehicles. A parking deck may be totally below grade or partially or totally above grade, with levels either being open to the sides (deck) or enclosed (garage). A parking deck may be a principal use of a lot or accessory to the principal use of the lot.

PARKING LOT. An off-street, hard-surfaced, ground level area approved for the temporary storage of motor vehicles. A parking lot may be a principal use of a lot or accessory to the principal use of the lot.

PASSIVE SOLAR. The use of the sun's energy for the heating and cooling of living spaces, where the building itself or some element of it takes advantage of natural energy characteristics in materials and air created by exposure to the sun. Buildings designed to maximize passive solar exposure have most of their windows located on a south-facing wall.

PERENNIAL STREAM. One which flows continuously.

PERIMETER BUFFER. Refer to Section 5.3, "Perimeter Buffer."

PERSON. Any individual, corporation, government agency, business trust, partnership, two or more persons having joint intent, or any other legal entity.

PILASTER. A rectangular column with a capital and base that is attached or affixed to a wall as an ornamental design feature.

PLACE OF WORSHIP. A structure, together with its accessory buildings and uses, where people regularly assemble to conduct religious worship, ceremonies, rituals, and related education. The structure and its accessory buildings and uses are maintained and controlled by a religious body. Places of worship include chapels, churches, mosques, shrines, synagogues, tabernacles, temples, and other similar religious places of assembly. Accessory uses may include administrative offices, classrooms, meeting rooms, and cooking and eating facilities. A place of worship may include other uses that generally exist as principal uses—e.g., day care center, school, cemetery, or recreational facility. Such uses are treated as principal uses and subject to the standards and limitations applicable to such uses.

PLANNED DEVELOPMENT. Refer to Section 2.5, "Planned Development Districts." For Mixed Use Planned Development Districts (MUPD), refer to Section 2.5.4, "Mixed Use Planned Development." For Planned Development Districts (PDD), refer to Section 10.4.12, "General Use Rezoning Review Procedure."

PLANNING AND DEVELOPMENT REGULATION JURISDICTION. The geographic area defined in Part 2 of G.S. 160D within which a city or county may undertake planning and apply the development regulations authorized by G.S. 160D.

PLANNING BOARD. Refer to Section 9.4, "Planning Board."

PLANNING DIRECTOR. Refer to Section 9.2.1, "Planning Director."

PLAT. A map or plan of a parcel of land which is subdivided in accordance with this Ordinance.

POCKET NEIGHBORHOOD. Refer to Section 6.9, "Pocket Neighborhoods."

PORCH. A projection from an outside wall of a dwelling covered by a roof and/or sidewalls (other than the sides of the building to which the porch is attached) not more than two feet in height. A porch that projects beyond a setback or building restriction line may be screened, but may not be enclosed with glass, jalousies, canvas, plastic or any solid material to a height exceeding two feet.

POST-FIRM. Construction or other development for which the "start of construction" occurred on or after February 2, 2007, the effective date of the initial flood insurance rate map.

PRE-FIRM. Means construction or other development for which the "start of construction" occurred before February 2, 2007, the effective date of the initial Flood Insurance Rate Map.

PRIMARY ENTRANCE. The place of pedestrian ingress and egress to a building, parcel, or development used most frequently by the public.

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

PRINCIPAL ARTERIAL. Major streets used for high-speed, high-volume traffic between Pittsboro and other urban centers and regions.

PRINCIPAL BUILDING. A building that is occupied by or devoted to a principal use of the lot on which it is located. There may be more than one principal building on a lot.

PRIVATE RECREATION/ENTERTAINMENT FACILITY, INDOOR. A facility providing sports, theatrical productions, game-playing, or similar amusements to the general public within a completely enclosed building or buildings. Indoor recreation/entertainment facilities may be operated as nonprofit or for profit, and include, but are not limited to, arcades, indoor arenas, billiard parlors, bowling alleys, miniature golf courses, movie theaters, indoor tennis courts or swimming pools, or roller or ice skating, and instruction. This use does include facilities that are part of public parks or recreation facilities or public cultural facilities.

PRIVATE RECREATION/ENTERTAINMENT FACILITY, OUTDOOR. A facility offering sports, theatrical productions, game-playing, or similar amusements to the general public, but not solely within a fully enclosed building. Outdoor recreation/entertainment facilities may be operated for nonprofit or profit, and include, but are not limited to, amusement parks, outdoor theatres, outdoor tennis courts or swimming pools, miniature golf, batting cages, driving ranges, and instruction, and may require substantial space, generate noise or require outdoor lighting. This use does include facilities that are part of public parks or recreation facilities or cultural facilities.

PRODUCE STAND (AS ACCESSORY TO A FARM OR COMMUNITY GARDEN). A building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants grown on the same parcel of land where the stand is located. Such use may also involve the accessory sales of other products made from produce and plants grown on the premises, such as jams, jellies, pickles, sauces or baked goods.

PUBLIC FACILITIES. Any buildings, recreation areas, utility systems and roads which are owned, leased, operated or maintained by a public entity including water systems, wastewater systems, reclaimed water systems, stormwater management systems, existing and proposed major roads, bicycle, transit, and pedestrian systems, greenways, public open spaces, recreation areas, and facilities for police service, fire service, and public schools.

PUBLIC PARK OR RECREATION FACILITY. A natural or landscaped area, buildings, or structures such as restrooms, playground equipment, shelters, concession stands, maintenance buildings, athletic courts and fields, and educational centers, provided by a unit of government to meet the active or the passive recreational needs of people.

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

PUBLIC SQUARE OR PLAZA. A community space generally open and readily accessible to the public and used by pedestrians for passive recreation and as an outdoor meeting or gathering place. Such uses may be provided with amenities such as shelters, seating, fountains, art, and landscaping.

QUALIFYING PERSON / HOUSEHOLD. A household whose income falls into one of the targeted Area Median Income categories, such as 60% or less, 60% - 80%, and 80% - 120% of AMI.

QUASI-JUDICIAL. A decision involving the finding of facts regarding a specific applications of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations.

RAILROAD YARD. A series of railroad tracks for storing, sorting, or loading/unloading railroad cars and/or locomotives.

RAINWATER CISTERN. A catchment device to capture rainwater from a roof or other surface before it reaches the ground, which may be either above or below ground level.

REAL ESTATE SALES OFFICE, TEMPORARY. The temporary use of a dwelling unit or manufactured home as an office for the purpose of selling real estate during development.

RECLAIMED WATER. Clean water produced from the advanced treatment of wastewater.

RECREATION FACILITY, RESIDENTIAL SUPPORT. A private recreational facility for use solely by the residents and guests of a particular residential development, including residential subdivisions, multifamily, and mixed-use developments.

RECREATIONAL VEHICLE (RV). Means a vehicle, which is:

- Built on a single chassis;
- 400 square feet or less when measured at the largest horizontal projection;
- Designed to be self-propelled or permanently towable by a light duty truck;
- Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use, and
- Is fully licensed and ready for highway use.

RECREATIONAL VEHICLE RENTAL AND SERVICE. An establishment engaged in the rental and service of recreational vehicles such as motor homes, travel trailers, boats, and campers.

RECYCLING CENTER. A central location where recyclable materials are received, sorted, stored, and transferred onto freight for delivery to a secondary processing facility.

RECYCLING DROP-OFF STATION. A container or set of containers used for the collection and temporary storage of recyclable materials.

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

REGISTER OF DEEDS. The Chatham County Register of Deeds.

REGISTERED FORESTER. A person who by reason of special knowledge and training in natural sciences, mathematics, silviculture, forest protection, forest mensuration, forest management, forest economics, and forest utilization is qualified to engage in the practice of forestry.

REGULATORY FLOOD PROTECTION ELEVATION. The "base flood elevation" plus the "freeboard". In "special flood hazard areas" where base flood elevations (BFE) have been determined, this elevation shall be the BFE plus two (2) feet. In "special flood hazard areas" where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

REHABILITATION CENTER. A living facility for up to 9 people that specializes in treatment of conditions such as alcoholism, drug abuse, mental illness, or antisocial or criminal conduct.

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

RESEARCH LABORATOR. A facility that is designed or equipped for basic or applied research of experimental study, testing, or analysis in the natural and medical sciences or engineering, including any educational activities associated with and accessory to such research.

RESERVATION. The setting aside of real property for a specified use, purpose, or activity. Compare to "dedication." Which generally, involves the conveyance of real property to a government entity for a public purpose.

RESIDENTIAL STREET. Street that is used primarily for access to the abutting residential properties.

RESTAURANT. An establishment where meals or prepared food, including beverages and confections, are served to customers. Accessory uses may include bars, banquet rooms, catering services, pick-up facilities for take-out orders, windows for walk-up service, outdoor seating, and where specifically allowed drive-through service facilities. An establishment that sells both alcoholic beverages and food is classified as a bar or lounge

if it derives no more than 30 percent of its gross revenue from the sale of food and nonalcoholic beverages consumed on the premises.

RETAIL STORE. A building, property, or activity, the principal use or purpose of which is the sale of goods, products, or materials directly to the consumer. This use includes, but is not limited to, clothing stores, appliance stores, food stores, grocers, pharmacies, bookstores, florists, furniture stores, hardware stores, and pet stores. This use does not include convenience stores, automobile service stations, service establishments, restaurants, or adult establishments.

REZONING, CONDITIONAL. Refer to Section 10.4.13, "Conditional Rezoning Review Procedures."

REZONING, GENERAL. Refer to Section 10.4.12, "General Use Rezoning Review Procedures."

RIGHT-OF-WAY. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. An interest in land to the town which provides for the perpetual right and privilege of the town, its agents, franchise holders, successors, and assigns to construct, install, improve, reconstruct, remove, replace, inspect, repair, maintain, and use a public street, including related and customary uses of street rights-of-way such as sidewalks, bike paths, landscaping, mass transit facilities, traffic control, traffic control devices and signage, sanitary sewer, storm water drainage, water supply, cable television, electric power, gas, and telephone transmission and related purposes in, upon, over, below, and across the rights-of-way.

RIPARIAN. Of, or pertaining to, a stream.

RIPARIAN BUFFER AUTHORIZATION CERTIFICATE. Refer to Section 10.4.6, "Riparian Buffer Development Review Procedures."

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

ROOF FORM. The shape of a roof, of which there are many variations. The most common roof forms are sloped roofs (roofs constructed of flat Sections that are sloped) and flat roofs. Sloped roofs may be side gable roofs or end gable roofs (based on whether the gable ends are on the sides or front and back of the building) and may have dormers. The edges of flat roofs (particularly along the front of a building) are commonly defined by parapets and/or cornices.

ROOFLINE. The highest point of a flat roof and mansard roof and the lowest point of a pitched roof excluding any cupolas, chimneys, or other minor projection.

ROOMING HOUSE. A building, or portion thereof, that contains three or more sleeping rooms used or designed to provide rental lodging for five to nine individuals for compensation, whether the compensation be paid directly or indirectly. Rooming houses may provide meals to guests.

RURAL FAMILY OCCUPATION. A business, profession, occupation, or trade that is associated with a residential dwelling unit in rural zoning districts for the economic gain or support of a resident of the dwelling, is incidental and secondary to the residential use of the property, and does not adversely and/or perceptively affect the character of the surrounding area (refer to Section 3.3.5.B.19, Rural Family Occupation).

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

SATELLITE DISH. A round or parabolic antenna and its supporting structure used to send or receive radio or electromagnetic signals.

SAWMILL. A facility where logs are cut into lumber.

SCHOOL, ELEMENTARY. A school that includes all or part of the first through eighth grade and that may have a kindergarten or other early childhood program.

SCHOOL, HIGH. A school that includes all or part of grades nine to twelve.

SCHOOL, MIDDLE. A school that includes all or part of grades six through eight.

SERVICE DRIVE. A minor street used primarily for service access to the rear or side of a property.

SERVICE ESTABLISHMENT. Locations for rendering specialized professional services such as travel and insurance agencies, legal, engineering, architectural, surveying, accounting services, real estate offices, utility offices, banks, insurance, training centers, studios, and similar services whose primary function does not involve retail trade or stocking merchandise for sale. This use also includes businesses that provide services to customers at another location, such as a caterer, locksmith, exterminator, or contractor.

SERVICE ESTABLISHMENT, PERSONAL. A business primarily engaged in the provision of frequent or recurrent needed services of a personal nature that are not medically related. This use includes, but is not limited to, dry cleaners, laundries, tailors, hair stylists, cosmeticians, toning or tanning salons, tattoo parlors, nail care stores, clothing rental establishments, package delivery centers, print, photo, and copy shops, shoe repair shops, interior design studios, gyms and fitness centers, and dance and martial art studios. A personal care establishment does not include an adult establishment.

SETBACK. The shortest horizontal distance from a lot line of a lot to the nearest point of a structure on the lot.

SHOPPING CENTER. A building or a group of connected or freestanding buildings under single or multiple ownership that contains retail goods and service uses serving the needs of a neighborhood, community, and regional customer base.

SHRUB. A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.

SIDEWALK. A hard-surfaced, all-weather pedestrian walkway within a street right-of-way or easement.

SIGHT DISTANCE TRIANGLE. A defined area that shall remain free from visual obstruction. Refer to Section 6.3.6.F, Intersection Sight Distance Triangles.

SIGN PERMIT. Refer to Section 10.4.4, "Sign Permit Review Procedures."

SIGN STRUCTURE OR SUPPORT. Any structure that supports or is capable of supporting a sign, including decorative cover.

SIGN. Any object, device, or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention from locations off the premises on which the sign is located, 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 flags or works of art.

SIGN, 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.

SIGN, CANOPY. A sign attached to or painted onto a canopy or awning.

SIGN, DETACHED. 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.

SIGN, FLASHING. A sign that uses an intermittent or flashing light source to attract attention.

SIGN, GROUND-MOUNTED. A sign which extends from the ground, or which has a support which places the bottom thereof less than two feet from the ground.

SIGN, ILLUMINATED. A sign either internally or externally illuminated.

SIGN, MARQUEE. A sign attached to, or part of, a marquee.

SIGN, MONUMEN. 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.

SIGN, OFF-PREMISES. 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.

SIGN, ON-PREMISES. 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.

SIGN, OUTDOOR ADVERTISING. 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 can be changed frequently and the advertising space is for lease.

SIGN, PLANNED DEVELOPMENT. A sign used in conjunction with an approved planned development district.

SIGN, POLE. A detached sign erected and maintained on a freestanding frame, mast, or pole and not attached to any building. Pole signs do not include ground-mounted signs.

SIGN, PROJECTING. Any sign affixed to a building and supported only by the wall on which the sign is mounted. Does not include wall, awning, canopy, or marquee signs.

SIGN, ROOF. A sign erected or maintained (in whole or in part) upon or over the roof or parapet of a building.

SIGN, TEMPORARY. A sign which is not permanently installed in the ground or affixed to any structure or building, and only erected for a temporary period of time.

SIGN, VEHICULAR. Signs on parked vehicles visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property. Vehicular signs do not include business logos, identification or advertising on vehicles primarily used for other business purposes.

SIGN, WALL. 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.

SIGN, WINDOW. Any sign attached to or directly applied onto a window or glass door of a building intended for viewing from the exterior of such building.

SIGN, YARD. A temporary, self-supporting sign, that is installed directly on the ground.

SITE PLAN (MAJOR AND MINOR). Refer to Section 10.4.2, "Site Plan Review Procedures."

SITE-SPECIFIC DEVELOPMENT PLAN. A plan submitted to the Town as part of an application for a Special Use Permit, Site Plan (Major or Minor), or Subdivision in accordance with the provisions of NCGS 160D-802 and 160D-802.1 for local designation of site-specific development plans for the purposes of establishing vesting (refer to Section 10.4.9, "Site-Specific Development Plan Designation").

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

SMALL TREE. See Section 5.7, Recommended and Invasive Plant Lists.

SMALL WIND ENERGY SYSTEM. A wind energy conversion system consisting of a rotating wind turbine and related control or conversion equipment that converts the kinetic energy in wind into mechanical energy, has a rated capacity of not more than 100 kilowatts (kW), and is intended to primarily reduce on-site consumption of utility power for homes or businesses.

SOLAR ENERGY COLLECTION SYSTEM. A system consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in hot water heating or space heating and cooling, and/or that collects solar energy and converts it into electricity. As an accessory use, a solar energy collection system is designed to primarily meet on-site demands (but may include transfer of excess electricity to an electric utility grid) and components are typically mounted on the roof(s) of principal or accessory structures, but may be mounted on other parts of structures, or on the ground.

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

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

SPECIAL EVENTS. Temporary activities or events conducted by civic, philanthropic, educational, or religious organizations, or activities of a business or organization that is not part of its daily activities and are open to the public. Such activities include, but are not limited to, closeout sales, grand openings, fundraising or membership drives, carnivals, fairs, circuses, and tent revivals (refer to Section 3.4.5.B.6, Special Event).

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

SPECIAL USE PERMIT. Refer to Section 10.4.10, "Special Use Permit Review Procedures."

SPECIALTY FOOD SERVICE. Smaller-scale food and beverage service such as ice cream and coffee shops, juice bars, retail bakeries, and related uses that do not provide full restaurant meal service. Accessory uses may include pick-up facilities for take-out orders, windows for walk-up service, outdoor seating, and where permitted, drive-through service facilities.

STABLE. A building in which animals other than cats, dogs, and other small, domesticated animals are sheltered and fed.

STACKING LANE. That part of an accessway that accommodates temporary queuing of motor vehicles waiting to enter a parking lot.

START OF CONSTRUCTION. Includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

STATE. The State of North Carolina.

STORAGE OF PETROLEUM PRODUCTS. The use of tanks, both above and underground, to store petroleum-based products.

STORMWATER MANAGEMENT PERMIT. Refer to Section 4.4, "Stormwater Management."

STORMWATER SYSTEM. All engineered stormwater controls owned or controlled by a person that drains to the same outfall, along with the conveyances between those controls. A system may be made up of one or more stormwater controls.

STREET VENDOR. Any person or persons selling or offering for sale products on a street, sidewalk or alley.

STREET. Any public or private accessway used primarily for vehicular access and circulation, including the roadway and the right-of-way or access easement within which the roadway is located.

STRUCTURE HEIGHT. The vertical distance from the finished grade at the base of the structure up to the highest point of the structure—except that structure height for buildings is measured from the finished grade at the front of the building up to the deck of a flat roof, the deck line of a mansard roof, and the mean height level between the eaves and ridge of a gable, hip, cone, gambrel, or shed roof. Refer to Section 12.10.5, "Structure Height."

Chapter 12. Interpretation and Definitions

STRUCTURE. A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

SUBDIVIDER. Any person who subdivides or develops any land deemed to be a subdivision as herein defined.

SUBDIVISION. Refer to Section 10.4.25, "Minor Subdivision Plat Review Procedures" and Section 10.4.26, "Major Subdivision - Preliminary Plat Review Procedures."

SUBSTANTIAL DAMAGE . Damage of any origin sustained by a structure during any one- year period whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. see definition of "substantial improvement".

SUBSTANTIAL IMPROVEMENT. Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to this ordinance.

SURFACE WATERS. All waters of the state as defined in NCGS 143-212 except underground waters.

SWIMMING POOL. Any private recreational pool, pond, lake or open tank not located within a completely enclosed building and capable of containing water to a depth at any point greater than 24 inches.

SWIMMING POOL, ABOVE GROUND. A swimming pool whose exposed sides have a height of more than 24 inches, but less than four feet above the natural ground located adjacent to side swimming pool.

SWIMMING POOL, IN-GROUND. A swimming pool whose sides are not exposed and are below the natural ground located adjacent to said swimming pool.

TANDEM PARKING. An arrangement of vehicle parking spaces such that one or more spaces must be driven across in order to access another space or spaces.

TELECOMMUNICATIONS FACILITY. A facility used to transmit and/or receive radio, cellular, or wireless telecommunications. Usually consists of an antenna or group of antennas, feed cables, equipment cabinets or shelter, generator, towers (concealed and non-concealed), and attached wireless telecommunications facilities.

TECHNICAL BULLETIN AND TECHNICAL FACT SHEET. A FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

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

TEMPORARY OFFICE STRUCTURE. A building which may be used to house an office use for a limited period of time.

TEMPORARY PORTABLE STORAGE UNIT. A transportable unit designed and used primarily for temporary storage of building materials, household goods, personal items, and other materials for use on a limited basis.

TEMPORARY USE PERMIT. Refer to Section 10.4.5, "Temporary Use Permit Review Procedures."

TEMPORARY USE. A use established for a temporary period of time with the intent to discontinue such use on the expiration of the time period (refer to Section 3.4, Temporary Uses and Structures).

TEXT AMENDMENT. Refer to Section 10.4.11, "Text Amendment Review Procedures."

THOROUGHFARE. A thoroughfare shall mean and include all streets on the adopted thoroughfare plan. "Thoroughfare" is also synonymous with the term "Arterial" as used in ASHTO and NCDOT publications.

TIRE CAPPING AND RETREADING. Any business where tires are collected, stored, or maintained for the purpose of capping or retreading.

TOWN. Town of Pittsboro, North Carolina.

TOWN BOARD OF COMMISSIONERS OR BOARD OF COMMISSIONERS. The elected legislative governing body of the Town of Pittsboro.

TOWN CLERK. The Town Clerk of the Town of Pittsboro, North Carolina.

TOWN ENGINEER. Refer to Section 9.3.2, "Town Engineer."

TOWNHOUSE. A building constructed to accommodate 2 or more single family dwelling units constructed in a row of attached units separated by property lines. Units shall be placed on individual lots. Refer to "Duplex Dwelling" for two (2) dwellings on a single lot. Refer to "Multifamily Dwelling" for a building containing three (3) or more dwellings on a single lot. In a Mixed Use District, a townhouse may be used for nonresidential purposes. Townhouses are also referred to as subdivided attached, semi-attached, single family attached dwelling, and townhouse developments.

TRANSIT STATION. Any structure or transit facility that is primarily used as part of a transit system for the purpose of loading, unloading, or transferring of passengers or accommodating the movement of passengers from one mode of transportation to another.

TRANSPORTATION DEMAND MANAGEMENT (TDM). A strategy for reducing demand on the street system by reducing the number of vehicles using the streets and/or increasing the number of persons per vehicle. TDM attempts to reduce the number of persons who drive alone on the roadway during the commute period and to increase the number in carpools, vanpools, buses, and trains, or walking and biking.

TREE. A woody plant with a DBH equal to or exceeding five inches or a stump diameter exceeding six inches.

TREE CANOPY. The combined area encompassing the drip zones of a tree or group of trees, identified by on-the-ground survey or satellite imagery.

TREE, SHADE. A self-supporting woody perennial plant, usually with one vertical stem or main trunk, that naturally develops a more or less distinct and elevated crown and that, at maturity, provides shade to an area at least 35 feet in diameter. A shade tree may have two or more trunks, which is a natural characteristic of some species.

TREE, SPECIMEN. A specimen tree is a healthy living pine tree that has a trunk diameter at breast height (dbh) of eighteen (18) inches or more, or any other species that has a trunk diameter at breast height of twelve (12) inches or more.

TREE, STREET. Any shade tree placed in a street right-of-way.

TREE, UNDERSTORY. An evergreen or deciduous tree whose mature height for its species can be expected to not exceed 25 feet. These are ideal for planting in streetscapes where overhead power lines would necessitate unsightly pruning.

TRIP. A single travel movement with either the origin or destination of the trip inside the study area of the Transportation Impact Analysis.

TURF (OR TURF GRASS). Any of various spreading grasses grown to form a continuous carpet of grass whose roots tightly bind the layer of soil beneath it. Turf grass endures and typically requires regular mowing.

Chapter 12. Interpretation and Definitions

URBAN AGRICULTURE. Urban Agriculture includes the growing of fruits, herbs, and vegetables, and/or the keeping of chickens, rabbits, and bees as an accessory use on a residential property (refer to Section 3.3.5.B.25, "Urban Agriculture").

URGENT CARE FACILITY. A facility that provides urgent care medical service outside normal physician office hours or before a physician appointment is available, but with no provision for overnight or continuing care on an inpatient basis. This use does not include hospitals or medical/dental offices.

UTILITY FACILITY, MAJOR. A structure or facility that is a relatively major component of an infrastructure system providing community- or region-wide utility services. Examples of major utility facilities include potable water treatment plants, water towers, wastewater treatment plants, solid waste facilities, gas compressor stations, electrical substations, and public utilities with service and storage yards. This use does not include telecommunications facilities or towers.

UTILITY FACILITY, MINOR. A structure or facility that by itself is a relatively minor component of an infrastructure system providing community- or region-wide utility services and that needs to be in or near the neighborhood or use type where the service is provided. Examples of minor utility facilities include water and sewage pipes and pump stations, stormwater pipes and retention/detention facilities, telephone lines and local exchanges, electric lines and transformers, gas transmission pipes and valves, CATV lines, and public utilities without service and storage yards.

VALET PARKING. Parking of vehicles by an attendant provided by the establishment for which the parking is provided.

VARIANCE (RIPARIAN BUFFER). Refer to Section 10.4.21, "Variance (Riparian Buffer) Review Procedures."

VARIANCE (STORMWATER)*. Refer to Section 10.4.20, "Variance (Stormwater) Review Procedures."

VARIANCE (ZONING AND FLOOD DAMAGE PREVENTION). Refer to Section 10.4.19, "Variance – Zoning and Floodplain Review Procedures."

VARIANCE. A grant of relief from the requirements of this ordinance.

VEHICLE DISPLAY AREA. An area of a development site where motor vehicles, recreational vehicles, trailers, boats, or other vehicles are displayed for sale or lease.

VEHICLE USE AREA. Any area of the site where motor vehicles (including trucks, buses, cars, and motorcycles) are driven or stored. This includes parking spaces, drive aisles, loading docks, service drives, and entrance and internal drives.

VETERINARY CLINIC/HOSPITAL. A facility used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals and preventive care for healthy animals. Accessory uses may include animal grooming services, short-term boarding that is incidental to medical care or treatment, and limited retail sales of pet-related merchandise.

VIOLATION. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Chapters 4 and 5 is presumed to be in violation until such time as that documentation is provided.

WALKWAY. Any improved pedestrian accessway that is separate from vehicular accessways and traffic. Walkways include sidewalks alongside streets and off-street paved walkways and graded trails with durable surfacing.

WALL. See Fence or Wall.

WALL PACK. A type of light fixture typically flush-mounted on a vertical wall surface.

WAREHOUSING AND DISTRIBUTION*. A facility primarily engaged in the storage and distribution of manufactured products, supplies, and equipment, excluding bulk storage of petroleum products or other materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

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

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

WELLNESS CENTER. An establishment containing customized health services that may include fitness, personal training, and nutrition consulting, and that incorporates an individualized program with specific goals. Clients are generally under the supervision of licensed staff, which may include health care providers, nutritionists, personal trainers, and practitioners of medical and other specialties such as chiropractic, acupuncture, and biofeedback. Clients may be enrolled in an individualized nutritional and fitness program and may exercise independently or in small group settings. Amenities often include limited weights and cardio machines.

WHOLESALE ESTABLISHMENT. The sale of goods and materials in large quantities for resale to retail customers. Typically generates freight traffic and requires large indoor or outdoor storage space. Direct sales to customers shall not exceed twenty percent of the gross floor area of the wholesale structure. This use does not include heavy manufacturing or junkyard or recycling facilities.

WHOLESALE FOOD PREPARATION. An establishment or place of business primarily engaged in the preparing, selling, or distributing food and animal products to retailers, businesses, or other wholesalers.

WINERY. An establishment primarily engaged in the manufacture of unfortified or fortified wine that is permitted to do in accordance with NCGS 18B-1100 and regulations of the Alcoholic Beverage Control Commission. Accessory uses include a public tasting room and retail sales of wine and related products.

XERISCAPING. A landscaping technique that utilizes water conservation practices such as the planting of drought tolerant plants, mulching, and the instillation of efficient irrigation systems.

YARD. An area within a lot that lies between the principal structure(s) on the lot and the nearest lot lines. Yards are further classified as front yards, corner side yards, side yards, and rear yards.

YARD, CORNER SIDE. The yard between the side facade of the principal structure(s) on a lot and the nearest corner side lot line and extending between the front yard and rear yard of the lot.

YARD, FRONT. The yard between the front facade of the principal structure(s) on a lot and the front lot line and extending the full width of a lot.

YARD, REAR. The yard between the rear facade of the principal structure(s) on a lot and the rear lot line and extending the full width of the lot.

YARD, REQUIRED. The area within a lot that extends inward from front, corner side, side, and rear lot lines for the minimum front, corner side, side, and rear setbacks required for the zoning district in which the lot is located, and that is required to remain unoccupied and unobstructed from the ground upward except as may be specifically provided otherwise in this Code.

YARD, SIDE. The yard between the side facade of the principal structure(s) on a lot and the nearest side lot line and extending between the front yard and rear yard of the lot.

ZONE AE. Areas shown on the FIRM that are subject to a one percent or greater annual chance of flooding in a given year for which BFEs have been determined.

ZONE ONE. Refer to Section 4.2.3. B.1, "Zone One."

ZONE TWO. Refer to Section 4.2.3. B.2, "Zone Two."

ZONE X. Moderate flood hazard areas shown on the FIRM that are determined to be within one percent and 0.2 percent chance of annual flooding.

ZONING COMPLIANCE CERTIFICATE. Refer to Section 10.4.3, "Zoning Compliance Certificate."

ZONING DISTRICT. An area delineated on the Official Zoning Map within which a prescribed set of use regulations and development standards are applied to various types of development.

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ZONING DISTRICT, BASE. A zoning district within which a single set of use, intensity, dimensional, and development standards are applied (see 2.1.2.A, Base Zoning Districts).

ZONING DISTRICT, OVERLAY. A zoning district superimposed over one or more underlying base zoning districts that imposes standards and requirements in addition to those required by the underlying base zoning district (refer to Section 2.6, Overlay Districts).

ZONING MAP AMENDMENT. Refer to Section 10.4.12, "General Use Rezoning Review Procedures."

ZONING MAP, OFFICIAL. The Official Zoning Map on which the boundaries of various zoning districts are drawn and that is an integral part of this Ordinance.

CHAPTER 13. RECORD OF AMENDMENTS

13.1 Case File Numbers and Date of Change

- I. ZTA-2021-03 – May 24, 2021: Adoption of UDO by the Town of Pittsboro Board of Commissioners
- II. ZTA-2021-04 – October 25, 2021
- III. ZTA-2021-05 – November 8, 2021
- IV. ZTA-2021-06 – January 10, 2022
- V. ZTA-2022-02 – February 28, 2022
- VI. ZTA-2022-04 – June 13, 2022
- VII. ZTA-2022-05 – October 10, 2022