

TOWN OF BUTNER, NORTH CAROLINA

LAND DEVELOPMENT ORDINANCE

Adopted: September 24, 2008

Effective: October 1, 2008

As Amended Through July 7, 2016

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ARTICLE 1 – GENERAL PROVISIONS

1.1 Title

This document shall officially be known as the “Land Development Ordinance of the Town of Butner, North Carolina” and may be referred to throughout the document as the “LDO” or the “Ordinance”.

1.2 Authority

This Ordinance consolidates the Town’s land use regulatory authority as authorized by the North Carolina General Statutes, and is adopted pursuant to the authority granted to the Town of Butner by Chapter 160A, Article 19, of the North Carolina General Statutes and any special legislation enacted for the Town by the North Carolina General Assembly.

1.3 Effective Date

This Ordinance shall become effective on October 1, 2008

1.4 Applicability and Jurisdiction

1.4.1 General Applicability

The provisions of this Ordinance shall apply to the use and development of all land within the corporate limits of the Town of Butner, North Carolina and its Extraterritorial Jurisdiction (ETJ) unless such use or development is expressly exempted by a specific Section or Subsection of this Ordinance.

1.4.2 Application to Government Units

Except as stated herein, the provisions of this Ordinance shall apply to:

- (A) Development and use of land owned by the Town;
- (B) Development and use of land by public colleges or universities;
- (C) Development and use of State and county buildings in accordance with the standards set forth in NCGS 160A-392; and
- (D) To the full extent permitted by law, the development and use of land owned or held in tenancy by the government of the United States

1.5 Purpose and Intent

The purpose of this Ordinance is to protect the health, safety, and general welfare of the citizens of the Town of Butner. The intent of this Ordinance is more specifically to:

- 1.5.1 Preserve the overall quality of life for the residents of the Town;
- 1.5.2 Protect the character and quality of established residential neighborhoods;
- 1.5.3 Maintain economically vibrant and aesthetically attractive commercial areas;

- 1.5.4 Promote economic development and expand the range of employment opportunities for the residents of the Town of Butner;
- 1.5.5 Lessen congestion and ensure safe and functional streets through the provision of a well designed and interconnected street network.;
- 1.5.6 Promote pedestrian and non-vehicular transportation;
- 1.5.7 Preserve vital natural resources and protect the environmental quality of the Town and its environs;
- 1.5.8 Ensure the provision of adequate light, air and open space;
- 1.5.9 Ensure the availability of a range of housing options; and
- 1.5.10 Provide for the timely provision of public facilities and services in conjunction with future development.

1.6 General Rules of Interpretation

1.6.1 Authority of Interpretation

Ordinance Administrator has authority to determine the interpretation of this ordinance. Any person may request an interpretation by submitting a written request to the Ordinance Administrator, who shall respond in writing. The Ordinance Administrator shall keep on file a record of all written interpretations of this ordinance.

1.6.2 Literal Interpretation

The language of this Ordinance must be read and interpreted literally. Regulations contained within this Ordinance are no more or less strict than stated.

1.6.3 Rules of Language and Construction

For the purposes of interpreting the general language and sentence construction of this Ordinance, except where as otherwise noted, the following rules of construction apply unless the context clearly indicates otherwise:

(A) Meaning of Words

Words listed in Article 17, Definitions, have the specific meaning assigned, unless the context expressly indicates another meaning. Words that are not defined are given their common meaning.

(B) Tense

Words used in the present tense include the future tense. The reverse is also true.

(C) Singular and Plural

Words used in the singular include the plural. The reverse is also true.

(D) Mandatory Terms

The words “shall”, “will”, “must” and “may not” are mandatory or compulsory in nature, implying an obligation or duty to comply with the particular provision.

(E) Gender

Words used in the male gender include the female gender. The reverse is also true.

(F) Days

Any reference to “days” means calendar days unless otherwise specified. 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 of Butner, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or holiday observed by the Town of Butner.

(G) Reference

Any reference to an Article, Section or Paragraph means an Article, Section or Paragraph of this Ordinance, unless otherwise specified.

(H) Tables, Figures and Illustrations

Tables, figures and illustrations are provided for reference only and do not define or limit the scope of any provision of this Ordinance. In case of any difference of meaning or implication between the text of this Ordinance and any table, figure or illustration, the text shall govern.

(I) Current Versions and Citations

All references to other Town, County, State or Federal regulations in this Ordinance are intended to be references to the most current versions and citations, unless otherwise expressly indicated. When referenced regulations have been repealed and not replaced by other regulations, requirements for compliance are no longer in effect.

(J) Lists and Examples

Unless otherwise expressly indicated, lists of items or examples that use “including,” “such as” or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

(K) Delegation of Authority

Whenever a provision appears requiring a specific officer or employee of the Town to perform an act or duty, that provision will be construed as authorizing the officer or employee to delegate that responsibility to others over whom he has authority. Delegation of authority is not allowed when the provisions of this Ordinance or other laws or regulations expressly prohibit such delegation.

(L) Calculations and Rounding

Unless otherwise specified within this Ordinance, all calculations that result in a part or fraction of a whole number must be rounded up to the next highest whole number.

1.7 Conflicting Provisions

1.7.1 Conflict with State or Federal Regulations

If any provisions of this Ordinance are inconsistent with those of the State or Federal government, the more restrictive provisions shall govern unless the State or Federal regulation is intended to preempt the local regulation. The more restrictive provision is the one that imposes greater restrictions or more stringent controls. Regardless of any other provision of this Ordinance, no land may be developed or used, and no structure may be erected or maintained in violation of any State or Federal regulation.

1.7.2 Conflict with Local Regulations

If the provisions of this Ordinance are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the Town, the more restrictive provision governs. The more restrictive provision is the one that imposes greater restrictions or more stringent controls.

1.7.3 Conflict with Private Agreements and Contracts

This Ordinance is not intended to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements or permits previously adopted or issued pursuant to law. The Town has no responsibility for monitoring or enforcing private agreements or contracts.

1.8 Official Zoning Map

1.8.1 Generally

The Official Zoning Map designates the location and boundaries of the zoning districts established by this Ordinance. The Official Zoning Map shall be kept on file with the Town Clerk, and is available for public inspection during normal business hours. The original official version of the map shall be certified by the Town Clerk, and shall bear the seal of the Town. It shall be the final authority as to the status of the current zoning district classification of land within the Town's jurisdiction, and shall only be amended in accordance with the provisions of this Ordinance.

1.8.2 Incorporation by Reference

The Official Zoning Map is hereby incorporated by reference and made part of this Ordinance.

1.8.3 Interpretation of District Boundaries

(A) A boundary shown on the map as approximately following the centerline of a street, highway or alley is construed as following such centerline.

- (B) A boundary shown on the map as approximately following a parcel boundary is construed as following the parcel boundary as it actually existed at the time the zoning boundary was established.
- (C) A boundary shown on the map as approximately following a river, stream, lake or other watercourse is construed as following the actual centerline of the watercourse.
- (D) A boundary shown on the map as approximately following the corporate limits of the Town is construed as following that boundary.
- (E) A boundary shown on the map as approximately parallel to, or as an extension of, a feature described above is construed as being actually parallel to, or an extension of, the feature.

1.9 Transitional Provisions

1.9.1 Effect on Valid Building Permits and Vested Rights

Unless the property owner consents, this Ordinance does not apply to the completion of the development of buildings or uses for which either:

- (A) Building permits have been issued pursuant to NCGS 160A-417 prior to October 1, 2008, so long as the permits remain valid and unexpired pursuant to NCGS 160A-418 and unrevoked pursuant to NCGS 160A-422; or
- (B) A vested right has been established pursuant to NCGS 160A-385.1 and such right remains valid and unexpired pursuant to NCGS 160A-385.1.

1.9.2 Other Approvals Granted Prior to the Effective Date

Variances, special use permits, subdivision plats, site plans and other similar development approvals that are valid on September 30, 2008 will remain valid until their expiration date if applicable. Development may be completed in accordance with such approvals even if such building, development or structure does not fully comply with the provisions of this Ordinance. If development is not commenced and diligently pursued in the time allowed under the original approval or any extension granted, then the building, development or structure must meet the standards of this Ordinance in effect at the time of any re-application.

1.9.3 Applications in Process Prior to Effective Date

Applications for building permits, variances, special use permits, subdivision plats, site plan approvals and other similar development approvals that were submitted in complete form and are pending approval on October 1, 2008 must be reviewed wholly under the terms of the Ordinance in effect on September 30, 2008. Any re-application for an expired approval must meet the standards of this Ordinance in effect at the time of re-application.

1.9.4 Violations Continue

Violations of the previous Ordinance which are in violation of this Ordinance will continue to be a violation and will be subject to penalties and enforcement action under

Article 4, Enforcement. The adoption of this Ordinance does not affect nor prevent any pending or future action to abate violations of previous Ordinances.

1.10 Severability

Should any Article, Section, clause, phrase or word of this Ordinance be held invalid or unconstitutional by a court of competent jurisdiction of either the State of North Carolina or the United States, such decision does not affect, impair or invalidate the validity of the remaining parts of this Ordinance which can be given effect without the invalid provision.

ARTICLE 2 – ADMINISTRATION

2.1 General

2.1.1 Administrative Bodies

The following elected and appointed bodies and Town staff members shall have powers and responsibilities in administering this Ordinance and for reviewing and making decisions on applications for development approval, appeals and amendments to the Ordinance:

- (A)** Town Council
- (B)** Planning Board
- (C)** Board of Adjustment
- (D)** Ordinance Administrator
- (E)** Floodplain Administrator

2.1.2 Organization

With the exception of the Town Council, each of the Boards provided for by this Ordinance must adopt rules and maintain records in conformance with the following:

(A) Rules of Conduct

A Board must adopt rules necessary to conduct its affairs and to establish Board organization, procedures and the conduct of its meetings.

(B) Conformance of Rules

The rules adopted by a Board must be in accordance with State law and the provisions of this Ordinance.

(C) Election and Terms of Officers

Each Board shall elect a Chairman and Vice Chairman from its membership. These officers shall serve for a term of one year, or until the expiration of the term of their appointment to the Board on which they serve.

(D) Record of Meetings

Each Board must keep accurate minutes of its proceedings and the actions taken in its meetings. When holding a quasi-judicial hearing, the Board of Adjustment shall keep a full transcript of the meeting and maintain a record of all evidence presented in the course of the hearing.

(E) Temporary Disqualification

- (1)** A Town Council member shall not vote on any Zoning Map or Land Development Ordinance amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. (160A-381D)
- (2)** Members of appointed boards providing advice to the Town Council shall not vote on recommendations regarding any Zoning Map or Land Development Ordinance amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. (160A-381D)
- (3)** A member of the Board of Adjustment or any other body exercising the functions of a Board of Adjustment 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 conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close 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. (160A-388(e1))

2.2 Town Council

2.2.1 Organization

Unless specifically modified in this Ordinance, the Town Council must conform to the rules and procedures that it utilizes during the conduct of its regular business.

2.2.2 Powers and Duties

In the application and enforcement of this Ordinance, the Town Council has the following powers and duties:

(A) Final Approval Authority

The Town Council is the approving authority for the following:

- (1)** Land Development Ordinance Text Amendments
- (2)** Zoning Map Amendments
- (3)** Conditional Zoning District Classifications
- (4)** Major Subdivision Preliminary Plats
- (5)** Major Subdivision Final Plats
- (6)** Establishment of Vested Rights

2.3 Planning Board

2.3.1 Authority and Establishment

The Town of Butner Planning Board is hereby established pursuant to the authority of NCGS 160A-361,

2.3.2 Membership

The Planning Board shall consist of seven members. Five of these members shall be residents of the Town of Butner and shall be appointed by the Butner Town Council. The two remaining members shall be residents of the Town's extraterritorial jurisdiction (ETJ) and shall be appointed by the Granville County Board of Commissioners. All members shall have the same rights, privileges and duties regardless of whether matters to be decided arise within the city or within the extraterritorial (ETJ) area.

2.3.3 Quorum

Four or more members of the Planning Board shall constitute a quorum.

2.3.4 Powers and Duties

In the application and enforcement of this Ordinance, the Planning Board has the following powers and duties:

(A) Review and Recommendation

The Planning Board has review and recommendation responsibility for the following:

- (1)** Land Development Ordinance Text Amendments
- (2)** Zoning Map Amendments
- (3)** Conditional Zoning District Classifications
- (4)** Major Subdivision Preliminary Plats
- (5)** Major Subdivision Final Plats
- (6)** Establishment of Vested Rights

2.3.5 Voting

(A) Required Vote for Recommendation of Approval

The concurring affirmative vote of a majority of the members present and qualified to vote is required to make a recommendation or any other decision in favor of an applicant. Tie votes must be considered recommendations or decisions for denial.

(B) Vote of the Chairman

The Chairman of the Planning Board, or Vice Chairman serving in that role in his absence or temporary disqualification, shall vote as any other member of the Board.

2.4 Board of Adjustment

2.4.1 Authority and Establishment

The Town of Butner Board of Adjustment is hereby established pursuant to the authority of NCGS 160A-388

2.4.2 Membership

The Board of Adjustment shall consist of seven regular members. Five of these regular members shall be residents of the Town of Butner and shall be appointed by the Butner Town Council. The two remaining regular members shall be residents of the Town's extraterritorial jurisdiction (ETJ) and shall be appointed by the Granville County Board of Commissioners. Three alternate members shall be appointed to the Board of Adjustment to serve in the case of the absence or temporary qualification of one or more regular Board members. All members shall have the same rights, privileges, duties regardless of whether matters to be decided arise within the city or within the extraterritorial (ETJ) area.

2.4.3 Quorum

No final action shall be taken on any matter unless a quorum of the Board is present. For all matters except the granting of a Variance, a quorum shall consist of four (4) members of the Board. A quorum for granting a Variance, Floodplain Variance or Watershed Variance shall be determined as set out in Section 2.4.4(C) below.

2.4.4 Powers and Duties

In the application and enforcement of this Ordinance, the Board of Adjustment has the following powers and duties:

(A) Final Approval Authority

The Board of Adjustment is the approving authority for the following:

- (1)** Variances
- (2)** Watershed Variances
- (3)** Floodplain Variances
- (4)** Special Use Permits

(B) Appeals

The Board of Adjustment shall hear and decide on the following appeals:

- (1) Appeals of administrative decisions.
- (2) Appeals of denials for Minor Subdivision approval.
- (3) Appeals of denials for Site Plan approval.
- (4) Appeals of denials for the issuance of a Land Development Permit.
- (5) Appeals of denials for the issuance of a Stormwater Management Permit.
- (6) Appeals of denials for the issuance of a Floodplain Development Permit
- (7) Appeals of denials for Recombination Plat approval.

(C) Voting

The concurring vote of four-fifths (4/5) of the members of the Board shall be necessary to grant a Variance including Watershed Variances and Floodplain Variances from the provisions of the Ordinance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of the certiorari. For the purposes of this Section, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered "members of the board" for calculation of the requisite supermajority if there are no qualified alternates available to take the place of such members. (160A-388(e))

2.5 Ordinance Administrator

2.5.1 Appointment

The Town Council shall appoint an Ordinance Administrator who shall be charged with administering and enforcing the provisions of this Ordinance. The Ordinance Administrator may delegate any authority or duties prescribed to him in order to ensure the efficient administration of the Ordinance.

2.5.2 Powers and Duties

In the application and enforcement of this Ordinance, the Ordinance Administrator has the following powers and duties:

(A) Review and Recommendation

The Ordinance Administrator has review and recommendation responsibility for the following:

- (1) Land Development Ordinance Text Amendments
- (2) Zoning Map Amendments

- (3) Conditional Zoning District Classifications
- (4) Concept Plan - Conditional Zoning District Classification
- (5) Concept Plan – Special Use Permit
- (6) Major Subdivision Preliminary Plats
- (7) Major Subdivision Final Plats
- (8) Establishment of Vested Rights

(B) Final Approval

The Ordinance Administrator has final approval authority for the following:

- (1) Land Development Permits
- (2) Minor Subdivision Plats
- (3) Recombination Plats
- (4) Site Plans
- (5) Concept Plan – Subdivision
- (6) Concept Plan – Site Plan
- (7) Tree Preservation and Protection Plans
- (8) Stormwater Management Permits

(C) Additional Duties

The Ordinance Administrator has the following additional duties:

- (1) Establish application content requirements and a submission schedule for review of applications and appeals.
- (2) Maintain the Official Zoning Map and related materials
- (3) Enforce the regulations contained within this Ordinance.
- (4) Maintain the official copy of the Land Development Ordinance and ensure that it is updated upon the approval of a text amendment.
- (5) Maintain a record of all permits and approvals.

2.6 Floodplain Administrator

2.6.1 Appointment

The Town Council shall appoint an Ordinance Administrator who shall be charged with administering and enforcing the provisions of this Ordinance. The Ordinance Administrator may delegate any authority or duties prescribed to him in order to ensure the efficient administration of the Ordinance. The Ordinance Administrator will act as the Floodplain Administrator unless the Town Council appoints a Floodplain Administrator.

2.6.2 Powers and Duties

In the application and enforcement of the Flood Damage Prevention Portions of this Ordinance, the Floodplain Administrator has the following powers and duties:

(A) Review and Recommendation

The Floodplain Administrator has review and recommendation responsibility for the following:

- (1)** Floodplain development applications for all proposed development within the Special Flood Hazard Areas to assure all necessary Local, State and Federal permits have been received
- (2)** Floodplain Variance

(B) Final Approval

The Ordinance Administrator has final approval authority for the following:

- (1)** Floodplain development permits for all proposed development within the Special Flood Hazard Areas
- (2)** Interpretation for 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), as needed.
- (3)** Floodplain Development Permits

(C) Additional Duties

The Ordinance Administrator has the following additional duties:

- (1)** Establish application content requirements and a submission schedule for review of applications and appeals.
- (2)** Maintain the official copy of the Land Development Ordinance and ensure that it is updated upon the approval of a text amendment.
- (3)** Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State

Coordinator for the National Flood Insurance Program, or its successor 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 Section 16.6.5
- (6)** Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with Section 3.2.11(G).
- (7)** Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Section 3.2.11(G).
- (8)** Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Section 3.2.11(G).
- (9)** When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Section 3.2.11(G) and Section 16.6.2(B).
- (10)** When Base Flood Elevation (BFE) data has not been provided in accordance with Section 16.5.2, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Section 16.6.3(B), in order to administer the provisions of this ordinance.
- (11)** When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with Section 16.5.2, 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
- (12)** 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.
- (13)** 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.

- (14)** 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.
- (15)** 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.
- (16)** 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
- (17)** Enforce the regulations contained within this Ordinance related to Floodplain and Flood Damage Prevention as outlined in Article 4 of this Ordinance.
- (18)** Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with Article 3, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- (19)** Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

2.7 Summary of Review and Approval Authority

The following table summarizes review and approval authority under this Ordinance:

Table 2-1: Summary of Review and Approval Authority

APPLICATION TYPE	REVIEWING / DECISION-MAKING BODY			
	ORDINANCE ADMINISTRATOR	PLANNING BOARD	BOARD OF ADJUSTMENT	TOWN COUNCIL
Land Development Ordinance Text Amendment	R	R		D
Zoning Map Amendment	R	R		D
Conditional Zoning Classification	R	R		D
Major Subdivision Preliminary Plat	R	R		D
Major Subdivision Final Plat	R	R		D
Minor Subdivision	D		A	
Recombination Plat	D		A	
Variance			D	
Watershed Variance			D	
Floodplain Variance			D	
Special Use Permit			D	
Land Development Permit	D		A	
Site Plan	D		A	
Concept Plan – Subdivision	D		A	
Concept Plan – Site Plan	D		A	
Concept Plan – Conditional Zoning Class.	R			
Concept Plan – Special Use Permit	R			
Concept Plan – Gateway District	R	R		D
Tree Preservation and Protection Plan	D		A	
Stormwater Management Permit	D		A	
Floodplain Development Permit	D		A	
Administrative Appeal			D	

R – Review / Recommendation D – Decision A – Hears Appeal of Decision

ARTICLE 3 – REVIEW AND APPROVAL PROCEDURES

3.1 Common Review Procedures

Applications for development approval shall utilize the procedures set forth in this Section.

3.1.1 Authority to File Applications

(A) General

Applications submitted under this Ordinance in accordance with Section 3.1.5, Application Submission, shall be submitted by the landowner or a person acting on the behalf of the landowner with their authorization and consent.

(B) Applicant not the Owner

If the applicant is not the owner (or sole owner) of the land, or is a contract purchaser of the land, a notarized form supplied by the Town and signed by the owner(s) consenting to the submission of the application shall be submitted along with all the required application information. With the exception of applications to amend the official zoning map initiated by the Town Council, Planning Board or Ordinance Administrator subject to Section 3.2.(C) of this ordinance.

3.1.2 Application Content

The Ordinance Administrator shall establish the requirements for the general form and content of applications required by this Ordinance. These shall be in addition to any specific application content requirements established by the Ordinance.

3.1.3 Fees

The Town Council shall establish, and may modify from time to time, a schedule of fees that must be paid in full prior to the review of any submitted application.

3.1.4 Submission and Review Schedule

The Ordinance Administrator shall establish a submission and review schedule (including time frames for review) for development applications. This schedule may be amended and updated as determined necessary.

3.1.5 Application Submission

All applications shall be submitted to the Ordinance Administrator on such forms and in such numbers as have been established for that type of development application. Applications which do not meet the requirements of Section 3.1.6, Determination of Completeness, shall be considered incomplete, and their review deferred until such time that all requirements of that Section have been fulfilled.

3.1.6 Determination of Completeness

(A) Review for Completeness

Upon the receipt of an application, the Ordinance Administrator shall review the application for completeness. A complete application is one that:

- (1)** Contains all information and materials established by the Ordinance Administrator, or set forth elsewhere in the Ordinance, for the particular type of development application;
- (2)** Is in the form established by the Ordinance Administrator for the particular type of development application;
- (3)** Includes information in sufficient detail to evaluate the application to determine whether it complies with the appropriate standards of this Ordinance; and
- (4)** Is accompanied by the fee established for the particular type of application.

(B) Incomplete Applications

If the application is determined to be incomplete, the Ordinance Administrator shall notify the applicant of the deficiencies within ten business days following submittal. Following notification, the applicant may correct the deficiencies and resubmit the application for review.

3.1.7 Final Approval by the Ordinance Administrator

When an application that is subject to final approval by the Ordinance Administrator is submitted and determined to be complete, he shall review the application and approve or deny it based on the standards set forth in the Ordinance. Following his approval or denial of the application, the Ordinance Administrator shall notify the applicant of his decision within the time period set forth in the submission and review schedule.

3.1.8 Preparation of Staff Report

When an application which will be considered by a reviewing or decision-making body is submitted and determined to be complete, the Ordinance Administrator shall review the application and prepare a written staff report.

- (A)** The staff report shall be addressed to the reviewing or decision-making body as appropriate, and shall state whether the application complies with all appropriate standards of this Ordinance and all other applicable policy documents.
- (B)** The Ordinance Administrator may include a recommendation for approval or denial of the application in the staff report. Proposed conditions of approval may also be included in the report if the Ordinance Administrator determines that such conditions may be necessary to mitigate any potentially adverse impacts of the proposed development.

3.1.9 Public Hearings

Public hearings will be scheduled for LDO text amendments, zoning map amendments, conditional zoning district classifications, and the establishment of vested rights. The Ordinance Administrator shall be responsible for scheduling public hearings for all applications for which one is required. The hearing may be scheduled for either a regular meeting or a special called meeting of the Town Council. Hearings shall be scheduled in a manner that will allow sufficient time for public notice to be given in accordance with statutory requirements.

3.1.10 Public Notification of Legislative Decisions

(A) Content

All public notices required under this Ordinance shall comply with NCGS 160A-364 and 160A-384. Additionally, all notices, except for posted notices shall:

- (1)** Identify the date, time and location of the meeting or public hearing.
- (2)** Identify the property involved by the street address (if applicable) or by the legal description and/or parcel identification number (PIN).
- (3)** Describe the nature and scope of the proposed action.
- (4)** Indicate that interested parties may appear at public hearings and speak on the matter.
- (5)** Indicate how additional information on the matter can be obtained.

(B) Published Notice

When the provisions of this Ordinance require that notice of a public hearing or meeting be published pursuant to NCGS 160A-364, the Ordinance Administrator shall publish a notice of the meeting or public hearing once a week for two successive weeks in a newspaper having general circulation in the Town. The first notice shall be published not less than 10 days nor more than 25 days prior to the date fixed for the hearing or meeting. In computing such period, the day of publication is not included but the day of the hearing or meeting shall be included.

(C) Mailed Notice

- (1)** When the provisions of this Ordinance require that mailed notice be provided pursuant to NCGS 160A-384, the Ordinance Administrator shall prepare a notice of the public hearing or meeting and deliver the notice via first class mail to the following persons:
 - (i)** The applicant;
 - (ii)** Listed property owner(s) directly affected by the proposed action if the applicant is not the owner;

- (iii) Listed owners of adjacent property; and
 - (iv) Listed owners of property lying within 500 feet of the boundary of the subject property or zoning district boundary, as applicable.
- (2) Mailed notices shall be deposited in the mail no fewer than 10 days and no more than 25 days prior to the date of the public hearing or meeting.
 - (3) The Ordinance Administrator shall certify to the Town Council that the required mailed notice procedures have been followed. This certification shall be conclusive evidence that the terms of this Subsection have been met as set forth in NCGS 160A-384(a).
 - (4) Mailed notice shall not be required when an application to amend the Official Zoning Map includes more than 50 different lots or tracts, owned by at least 50 different landowners, provided that the Town publishes a notice (occupying at least one-half of a newspaper page) in a newspaper of general circulation once a week for two consecutive weeks beginning at least 10 but not more than 25 days prior to the public hearing date. Affected landowners residing outside of the Town's jurisdiction or the newspaper's circulation area shall be notified via first class mail in accordance with the procedures set forth in subsections (1) and (2) above.

(D) Posted Notice

- (1) When the provisions of this Ordinance require that notice be posted pursuant to NCGS 160A-384(C), the Ordinance Administrator shall post the notice on the subject property at least 10 days prior to the first public hearing or meeting. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the Town shall post sufficient notices to provide reasonable notice to interested persons. In computing such period, the day of the posting shall not be counted, but the day of the hearing shall be counted. Posted notices shall remain in place until such time that the approving authority has rendered its final decision on the matter.
- (2) If no part of the subject property is visible from a public right-of-way the notice shall be posted along the nearest street in the public right-of-way in such a manner as to ensure consistency with the intent of this Subsection.

(E) Constructive Notice

- (1) Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with the applicable notice requirements. Minor defects in notices may include, but are not limited to:
 - (i) Errors in legal descriptions; or
 - (ii) Typographical or grammatical errors that do not impede the communication of the notice to affected parties.

- (2) Failure of an affected party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date and place of a public hearing or meeting and the location of the subject property(ies) shall be strictly adhered to.
- (3) If question arises at the hearing or meeting regarding the adequacy of the notice, the reviewing or decision-making body shall direct the Ordinance Administrator to make a formal finding as to whether there was substantial compliance with the notice requirements of this Ordinance, and such findings shall be made available to the reviewing or decision-making body prior to further action being taken on the request.

(F) Summary of Notice Requirements

The following table summarizes the public notice requirements for development applications requiring legislative decisions.

Table 3-2: Summary of Notice Requirements

APPLICATION TYPE	NOTICE TYPE		
	PUBLISHED NOTICE	MAILED NOTICE	POSTED NOTICE
Land Development Ordinance Text Amendment	✓		
Zoning Map Amendment	✓	✓	✓
Conditional Zoning District Classification	✓	✓	✓
Establishment of Vested Rights	✓	✓	✓

3.1.11 Public Notification of Quasi-Judicial Decisions

Quasi-judicial hearings will be scheduled for special use permits, variance, watershed variances, floodplain variances, and appeals of administrative decisions. The Ordinance Administrator shall be responsible for scheduling quasi-judicial public hearings for all applications for which one is required. The hearing may be scheduled for either a regular meeting or a special called meeting of the Board of Adjustment. Hearings will be scheduled in a manner that allows sufficient time for notice to be given in accordance with statutory requirements.

3.1.12 Notice of Quasi-Judicial Hearings.

Notice of quasi-judicial hearings shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the zoning or unified development ordinance. In the absence of evidence to the contrary, the Town may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the Town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

3.1.13 Quasi-Judicial Decisions.

The Board of Adjustment shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the Board of Adjustment's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the Board of Adjustment. A quasi-judicial decision is effective upon filing the written decision with the Town Clerk. The decision of the Board of Adjustment shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

3.1.14 Judicial Review of Quasi-Judicial Decisions.

Pursuant to NCGS 160A-388(e2)(2), every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to NCGS 160A-393. A petition for review shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with Section 3.1.13. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition. This section is a summary of state law only and parties are advised to consult the North Carolina General Statutes which shall govern judicial review of quasi-judicial decisions.

3.1.15 Conditions of Approval

(A) General

When a decision-making body may, according to the express terms of this Ordinance, approve a development application with conditions, such body may impose reasonable and appropriate conditions or restrictions on the approval. The conditions may, as appropriate, ensure compliance with the general goals and policies of this Ordinance, or with particular standards of this Ordinance, in order to prevent or minimize adverse effects from the proposed development on surrounding lands.

(B) Limitations

- (1)** The restrictions and conditions imposed must be directly related, in both type and scope, to the impact that the proposed development would have on the public and surrounding lands.
- (2)** All conditions imposed shall be expressly set forth in the motion by the decision making body to approve the development application.

3.1.16 Deferral of Application

(A) Request Prior to Publication of Notice

An applicant may request that a decision-making body's consideration of an application at a public hearing be deferred by submitting a written request for deferral to the Ordinance Administrator prior to the publication of notice for the public hearing. The Ordinance Administrator may grant such requests for good cause. The date of the new public hearing at which the application will be heard shall be set at the time the deferral is granted.

(B) Request After Publication of Notice

If a request for deferral of consideration of an application by a decision-making body is submitted subsequent to publication of notice, the request for deferral shall be placed on the public hearing agenda and acted upon by the decision-making body. The decision-making body may grant such requests for good cause. The date of the new public hearing at which the application will be heard shall be set at the time the deferral is granted. If a deferral is granted, the application may be subject to additional application fees to defray the costs of processing the application and advertising the public hearing, if any. Any additional fees must be paid to the Town prior to the readvertisement of the public hearing notice

3.1.17 Changes to Application after Notice of Public Hearing

(A) Clerical Errors

Minor additions, deletions, or corrections constituting clerical errors in an application may be made without referral of the application, as amended, back to the Ordinance Administrator for review and preparation of a staff report, or to any review bodies as is required for the original review of the application.

(B) Major Changes

No substantive changes to a development application related to uses, densities, intensities, street layout, access, open space configuration or other major element shall be made after notification of a public hearing. Major changes by the applicant after notification of a public hearing require that the original application be withdrawn and a new application be submitted along with any required fees. The resubmitted application must go through the entire review process as if it were a new application in order to ensure the proper review of all changes.

(C) Conditions of Approval

Proposed changes in conditions of approval may be considered by the Town Council or Board of Adjustment without referral back to the Ordinance Administrator or other recommending body.

3.1.18 Withdrawal of Application

(A) Submission of Request

Any request for withdrawal of an application subject to a public hearing shall be submitted in writing to the Ordinance Administrator, or shall be made through a verbal request at the public hearing for which the application has been scheduled.

(B) Prior to Notice of Public Hearing

The Ordinance Administrator shall approve a request for withdrawal of an application if it has been submitted prior to public notification of the application.

(C) Subsequent to Notice of Public Hearing

(1) If the request for withdrawal of an application is submitted subsequent to public notification, the request for withdrawal shall be placed on the public hearing agenda and acted upon by the decision-making body.

(2) Whenever an application subject to a requirement for a public hearing before the Town Council is withdrawn after public notification, but prior to a decision by the Town Council, no similar application may be submitted for the same property for a period of 90 days following the withdrawal.

(D) Fees

Fees shall not be refunded for withdrawn applications.

(E) Waiting Period

No more than two withdrawals of the same type of development application for the same property may be filed within any single 12 month period, and no similar type of application may be filed for the same land within one year following the second withdrawal.

(F) Notification of Decision to Applicant

Within a reasonable period of time after a decision on an application, the Town Clerk shall notify the applicant of the decision in writing. Within a reasonable period of time after the decision, a copy of the decision shall also be made available to the public in the office of the Town Clerk.

(G) Lapse of Approval

Lapse of approval (also referred to as “expiration”) shall occur as provided by this Ordinance for the various types of development applications. If no provision for lapse is given by this Ordinance for a particular type of development permit or approval, and if no lapse period is imposed as part of an approval by the decision-making body, lapse shall occur if development is not commenced or a subsequent permit authorized by that approval, or an extension is not obtained within two years.

(H) Examination of Application and Supporting Documents

At any time upon reasonable request and during normal business hours, any person may examine an application, a finalized staff report and materials submitted in support of or in opposition to an application in the office of the Town Clerk. Copies of such materials shall be made available at a reasonable cost.

3.2 Standards, Procedures and Requirements for Development Applications

This Section includes the review procedures, standards and related information for each of the development application procedures as summarized in Table 2-1, Review and Decision Responsibilities.

3.2.1 Zoning Map Amendment

(A) Purpose

The purpose of this Section is to provide a uniform means for amending the Official Zoning Map.

(B) Authority

The Town Council may adopt an ordinance amending the Official Zoning Map upon compliance with the provisions of this Section.

(C) Initiation

An application to amend the Official Zoning Map may be initiated by the Town Council, the Planning Board, the Ordinance Administrator or a resident of the Town of Butner.

(D) Conditional Zoning District Classification Distinguished

(1) Applications for an amendment to the Official Zoning Map that are accompanied by applicant sponsored conditions or limitations shall be considered as a Conditional Zoning District Classification, and shall be reviewed in accordance with this Section and Section 3.2.3, Conditional Zoning District Classification.

(2) In no case shall an application for an amendment to the Official Zoning Map be converted into an application for a Conditional Zoning District Classification, nor shall an application for a Conditional Zoning District Classification be converted into an application for an amendment to the Official Zoning Map. If such a conversion is desired by the applicant, he shall withdraw the original request and resubmit a new application and any required fees for the desired process.

(E) Procedures

(1) Preliminary Procedures

The preliminary procedures and requirements for submission and review of an application are established in Section 3.1, Common Review Procedures.

(2) Review and Recommendation by Ordinance Administrator

Prior to the submission of the application to the Planning Board, the Ordinance Administrator shall review the application and make a written recommendation which he shall present to the Planning Board during the meeting at which it considers the application.

(3) Review and Recommendation by the Planning Board

Following the review by the Ordinance Administrator the application shall be forwarded to the Planning Board for its review and recommendation. During the meeting the Planning Board shall consider the application, relevant supporting materials, the Ordinance Administrator's recommendation and any comments given by the public on the matter. Within 45 days of the first meeting on an application, the Planning Board shall make a written recommendation to the Town Council. In making its recommendation, the Planning Board shall include a written statement summarizing the amendment's consistency with the Land Use Plan and any other relevant plans having applicability to the proposed amendment in accordance with NCGS 160A-383.

(4) Review and Action by Town Council

Following the receipt of a recommendation from the Planning Board, the Town Council shall conduct a public hearing to review and consider the application, the relevant supporting materials, the Ordinance Administrator's recommendation, the recommendation of the Planning Board and the comments given during the hearing (if any). Following the close of the public hearing, the Town Council shall take one of the following actions:

- (i)** Approve the application as requested.
- (ii)** Approve the application with a reduction in the size of the area requested.
- (iii)** Approve the application to a more restrictive base zoning district.
- (iv)** Deny the application.
- (v)** Remand the application back to the Planning Board for further consideration.

Regardless of the decision on the application, the Town Council shall adopt a statement on the proposed amendment's consistency with the

Land Use Plan and any other relevant plans having applicability to the proposed amendment, as well as the reasonableness of the action and how the action furthers the public interest in accordance with NCGS 160A-383. Where a rezoning is approved that has the effect of creating an isolated district (a zoning district surrounded entirely by dissimilar zoning districts) that is less than 10 acres in size, the Town Council shall also adopt a statement analyzing the reasonableness of the approval of the small scale rezoning in accordance with NCGS 160A-382.

(F) Protest Petitions

(1) General

Applications to amend the Official Zoning Map which are subject to a valid protest petition as set forth in NCGS 160A-385 shall only be approved by an affirmative vote of at least three-fourths (3/4) of the members of the Town Council who are eligible to vote on the matter.

(2) Valid Protest Petitions

For a Protest Petition to be valid, it must be signed by:

- (i)** The owners of at least twenty percent (20%) of the land area within the area subject to the application for amendment; or
- (ii)** The owners of at least five percent (5%) of the land within a one hundred (100) foot buffer extending along the perimeter of the area subject to the application for amendment. A street right-of-way shall not be considered in computing the buffer distance, provided that the right-of-way is less than one hundred (100) feet in width. If an area less than an entire parcel is proposed for rezoning, the buffer shall be computed from the exterior parcel boundary.

In accordance with NCGS 160A-386, no protest against any change in or amendment to a zoning ordinance or zoning map shall be valid or effective for the purposes of NCGS 160A-385 unless it is in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment, and unless it shall have been received by the Town Clerk in sufficient time to allow the Town at least two normal work days, excluding Saturdays, Sundays and legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition.

(G) Zoning Map Amendment Standards

Amending the Official Zoning Map is a matter committed to the legislative discretion of the Town Council. In determining whether to approve or deny a proposed amendment, the Town Council shall consider and weigh the relevance of the following factors:

- (1)** Whether, and to the extent which, the proposed amendment is consistent with the Land Use Plan, and any other relevant plans.

- (2) Whether, and to the extent which, the proposed amendment addresses a demonstrated community need.
- (3) Whether, and to the extent which, the proposed amendment is compatible with existing and proposed uses surrounding the land subject to the amendment.
- (4) Whether, and to the extent which, the proposed amendment would result in a logical and orderly pattern of development.
- (5) Whether, and to the extent which, the proposed amendment would encourage premature development in the area subject to the amendment.
- (6) Whether, and to the extent which, the proposed amendment would result in adverse impacts to property values in the area surrounding the land subject to the amendment.
- (7) Whether, and to the extent which, the proposed amendment would result in significantly adverse impacts on the natural environment.

3.2.2 Land Development Ordinance Text Amendment

(A) Purpose

The purpose of this Section is to provide a uniform means for amending the text of the Land Development Ordinance.

(B) Authority

The Town Council may adopt an ordinance amending the text of the Land Development Ordinance upon compliance with the provisions of this Section.

(C) Initiation

An application to amend the text of the Land Development Ordinance may be initiated by the Town Council, the Planning Board, the Ordinance Administrator, a resident of the Town of Butner, or any other person having a financial or other interest in land located within the Town's zoning jurisdiction.

(D) Procedures

(1) Preliminary Procedures

The preliminary procedures and requirements for submission and review of an application are established in Section 3.1, Common Review Procedures.

(2) Review and Recommendation by Ordinance Administrator

Prior to the submission of the application to the Planning Board, the Ordinance Administrator shall review the application and make a written recommendation which he shall present to the Planning Board.

(3) Review and Recommendation by Planning Board

Following the review and recommendation by the Ordinance Administrator the application shall be forwarded to the Planning Board for its review and recommendation. During the meeting the Planning Board shall consider the application, relevant supporting materials, the Ordinance Administrator's recommendation and any comments given by the public on the matter. Within 45 days of the first meeting on an application, the Planning Board shall make a written recommendation to the Town Council. In making its recommendation, the Planning Board shall include a written statement summarizing the amendment's consistency with the Land Use Plan and any other relevant plans having applicability to the proposed amendment in accordance with NCGS 160A-383.

(4) Review and Action by Town Council

Following the receipt of a recommendation from the Planning Board, the Town Council shall conduct a public hearing to review and consider the application, the relevant supporting materials, the Ordinance Administrator's recommendation, the recommendation of the Planning Board, and the comments given during the hearing (if any). Following the close of the public hearing, the Town Council, shall take one of the following actions:

- (i)** Approve the amendment as proposed;
- (ii)** Approve a revised amendment;
- (iii)** Remand the application back to the Planning Board for further consideration; or
- (iv)** Deny the proposed amendment.

Regardless of the decision on the application, the Town Council shall adopt a statement on the proposed amendment's consistency with the Land Use Plan and any other relevant plans having applicability to the proposed amendment as well as the reasonableness of the action and how the action furthers the public interest in accordance with NCGS 160A-383.

(E) Land Development Ordinance Text Amendment Standards

Amending the text of the Land Development Ordinance is a matter committed to the legislative discretion of the Town Council. In determining whether to approve or deny a proposed amendment, the Town Council shall consider and weigh the relevance of the following factors:

- (1)** Whether, and to the extent which, the proposed amendment is consistent with the Land Use Plan, and any other relevant plans.

- (2) Whether, and to the extent which, the proposed amendment addresses a demonstrated community need.
- (3) Whether the proposed amendment is in conflict with any other provision of this Ordinance or other related Town regulations.
- (4) Whether, and to the extent which, the proposed amendment is consistent with the purpose of the zoning districts in the Ordinance, or will improve compatibility among uses and will ensure efficient development in the Town.
- (5) Whether, and to the extent which, the proposed amendment would result in significantly adverse impacts on the natural environment.

3.2.3 Conditional Zoning District Classification

(A) Purpose

A Conditional Zoning District Classification allows particular land uses to be established only in accordance with specific standards and conditions adopted as part of the establishment of the district. In cases where the standards of a base zoning district are inadequate to ensure the compatibility of a proposed development with immediately surrounding lands, the landowner may apply for an amendment to the Official Zoning Map to a Conditional Zoning District Classification. Conditional zoning districts are subject to additional conditions or restrictions above and beyond the standards of the parallel base zoning district as a means of ensuring compatibility of the proposed development with the use of neighboring lands.

(B) Procedure

Approval of a Conditional Zoning District Classification shall require an amendment to the Official Zoning Map (using the procedures established in 3.2.1, Zoning Map Amendment) accompanied by the submission of applicant sponsored conditions limiting the scope of the development proposal and a Concept Plan (reviewed in accordance with Section 3.2.6(D)(3), Concept Plan – Conditional Zoning District Classification).

(1) Preliminary Procedures

The preliminary procedures and requirements for submission and review of an application are established in Section 3.1, Common Review Procedures.

(2) Concept Plan Review by the Ordinance Administrator

Applications for a Conditional Zoning District Classification shall be subject to review of a Concept Plan (see Section 3.2.6, Concept Plan) by the Ordinance Administrator prior to the preparation of a Staff Report.

(3) Review and Recommendation by the Planning Board

After the review of the Concept Plan and the preparation of a Staff Report, the application shall be referred to the Planning Board for review and recommendation. During the meeting, the Planning Board shall consider the application, the relevant supporting materials, the Concept Plan, the Staff Report and the public comments given at the meeting. Within 45 days of the first meeting on an application, the Planning Board shall make a written recommendation to the Town Council.

(4) Review and Action by Town Council

Following the receipt of a recommendation from the Planning Board, the Town Council shall hold a public hearing on the application. At the public hearing, the Town Council shall consider the application, the relevant supporting materials, the Concept Plan, the Staff Report, the recommendation of the Planning Board and comments given at the public hearing (if any). After the close of the public hearing, the Town Council shall, by a simple majority of all members present and qualified to vote, approve, approve with conditions or deny the application. In the event of a valid protest petition, a motion for approval shall require a three-fourths (3/4) majority vote in accordance with NCGS 160A-385.

(C) Conditions

- (1)** No use shall be authorized within a conditional zoning district except those uses proposed by the applicant, and approved by the Town Council. In no case shall any use prohibited within a parallel base zoning district be authorized in a corresponding conditional district.
- (2)** No condition shall be less restrictive than the parallel base zoning district or any applicable overlay district standards.
- (3)** No condition shall be included that specifies the ownership status, race, religion or character of the occupants of dwelling units, the minimum value of improvements or any other exclusionary device.
- (4)** No changes in the Concept Plan or proposed conditions that are less restrictive than those in the application (e.g. smaller setbacks, more dwelling units, greater height, more access points, new uses, fewer improvements, etc.) shall be proposed by the applicant following public notification. Nothing in this Subsection shall limit the application of new or more restrictive conditions after public notification, provided such conditions are received by the Ordinance Administrator in writing and signed by all owners of the property at least ten business days prior to the final decision on the application by the Town Council.
- (5)** In addition to any conditions proposed by the applicant, the Town Council may attach any additional conditions in accordance with Section 3.1.11, Conditions of Approval (e.g. limitations on location, hours of operation, extent of the proposed uses, etc.), but the Town Council shall not attach a condition that requires a landowner to waive a vested right.

(D) Effect of Approval

Lands subject to a Conditional Zoning District Classification shall also be subject to the approved Concept Plan and approved conditions. The approved Concept Plan and conditions shall constitute the standards for the approved conditional zoning district, and are binding on the land as an amendment to this Ordinance and the Official Zoning Map.

(E) Designation

A Conditional Zoning District Classification shall bear the same designation as the parallel base zoning district, but shall also include the suffix "CD" along with the ordinance number establishing the Conditional Zoning District Classification.

(F) Minor Deviation

A minor deviation to a Concept Plan or approved conditions shall not be considered as an amendment, and shall be approved by the Ordinance Administrator. A minor deviation shall be limited to technical considerations which could not be reasonably anticipated during the approval process, or any other change which has no material effect on the character of the approved development or any if its approved conditions. The following shall constitute minor deviations:

- (1) Driveway relocations
- (2) Structure floor plan revisions; and
- (3) Facility design modifications for amenities and the like.

Changes that materially affect the basic configuration or intent of the Concept Plan or approved conditions are not considered to be minor deviations, and shall be amendments that may only be considered in accordance with the procedure used to establish the conditional zoning district.

(G) Expiration

The Town Council may hold a public hearing in accordance with the Zoning Map Amendment procedure in Section 3.2.1 to abolish the Conditional Zoning District Classification unless an application for a Building Permit (or other similar permit for uses which do not involve the construction of a structure) for any part of the associated Concept Plan is submitted within two years of the initial approval. Such time period shall not be extended with transfer of ownership.

(H) Extension

Upon written application by the owner, submitted at least 30 days prior to the expiration of the Conditional Zoning District Classification, and upon showing good cause, the Town Council may grant one extension, not to exceed 6 months, for an applicant to obtain a Building Permit (or other similar permit for uses which do not involve the construction of a structure). Failure to obtain a

Building Permit (or other similar permit for uses which do not involve the construction of a structure) within the time established in the extension shall result in the expiration of the Conditional Zoning District Classification.

3.2.4 Special Use Permit

(A) Purpose

Special uses are uses that are generally compatible with the other uses permitted in a zoning district, but require individual review of their location, design, configuration, density and intensity of use, and usually require the imposition of conditions to ensure the appropriateness of the use at a particular location.

(B) Authority

The Board of Adjustment is authorized to review and decide applications for Special Use Permits in accordance with this Section. Only those uses identified as Special Uses in Table 7-1, Table of Permitted Uses, are authorized to be considered as Special Uses under this Section. The designation of a use as a Special Use does not constitute an authorization that such use shall be approved through a Special Use Permit in accordance with this Section. Rather, each proposed Special Use shall be evaluated by the Board of Adjustment for compliance with the standards set forth in this Section and the applicable standards for the use in Section 7.3, Use Specific Standards (if applicable).

(C) Initiation

Application for a Special Use Permit may only be initiated by the owner(s), an authorized agent, lessee, or contract purchaser(s), of the property for which the Special Use Permit is designated in accordance with Section 3.1.1.

(D) Procedures

(1) Preliminary Procedures

The preliminary procedures and requirements for submission and review of an application are established in Section 3.1, Common Review Procedures.

(2) Concept Plan Required

A Concept Plan must be submitted as part of the application for a Special Use Permit. The Concept Plan shall conform to the requirements set forth in Section 3.2.6(E), Concept Plan Content Standards.

(3) Action by Board of Adjustment

After proper notice and scheduling of a public hearing, the Board of Adjustment shall conduct a quasi-judicial public hearing on the application. At the public hearing, the Board of Adjustment shall consider the application, the relevant supporting materials, the Concept Plan and

any evidence presented at the quasi-judicial public hearing. After the close of the public hearing, the Board of Adjustment shall approve, approve with conditions, or deny the application based on the standards in Section 3.2.4(E), Special Use Permit Standards. In accordance with the standards set forth in NCGS 160A-388(E), granting approval or conditional approval of a Special Use Permit shall require an affirmative vote of the majority of the members of the Board of Adjustment who are eligible to vote.

(E) Special Use Permit Standards

- (1) That the proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
- (2) That the proposed use is in compliance with all standards in Section 7.3, Use Specific Standards.
- (3) That the proposed use is compatible with the character of surrounding property and uses permitted in the zoning district(s) of surrounding property.
- (4) That the proposed use is configured in a manner to minimize any adverse effects on surrounding lands.
- (5) That the proposed use will not adversely impact traffic circulation on or in the vicinity of the site.
- (6) That the proposed use will not be detrimental to the value of adjacent or nearby property.
- (7) That the proposed use is in full compliance with all other relevant Town laws and ordinances, State and Federal laws, and regulations.

(F) Conditions of Approval

In approving a Special Use Permit, the Board of Adjustment may impose additional reasonable and appropriate conditions on the permit approval in accordance with NCGS 160A-388(c). All additional conditions imposed must be accepted by the applicant.

(G) Effect of Approval

Issuance of a Special Use Permit shall authorize only the particular Special Use that is approved in the permit. All subsequent development and use of the property must be in accordance with the approved Special Use Permit and conditions (if applicable). Nothing in this Subsection shall prevent the establishment of a different use of land provided such use is established in accordance with the requirements in this Ordinance.

(H) Recordation

When the Board of Adjustment approves a Special Use Permit, the Town shall, at the applicant's expense, record the Special Use Permit in the office of the Register of Deeds of Granville County within 30 days of its issuance.

(I) Subsequent Development

Development authorized by the Special Use Permit shall not be carried out until the applicant has secured all other permits required by this Ordinance. A Special Use Permit does not ensure that the use shall receive subsequent approval for other applications for permit approval unless the relevant and applicable portions of this Ordinance are met.

(J) Expiration

(1) General

The Board of Adjustment may prescribe a time limit within which development activity shall begin or be completed under the Special Use Permit, or both. Failure to begin or complete such development activity within the time limit specified shall void the Special Use Permit. Unless specified otherwise by the Board of Adjustment, a Special Use Permit shall automatically expire two years from the date of its issuance if:

- (i)** The development authorized by the permit has not commenced, and no substantial construction, alteration, demolition, excavation or other similar work required by the permit is completed; or
- (ii)** Less than ten percent (10%) of the total amount of development approved as part of the permit is completed, when construction, alteration, demolition, excavation or other similar work is required; or
- (iii)** The development approved by the Special Use Permit is discontinued and not resumed for a period of one year.

(K) Extension

Upon written application submitted at least 30 days prior to the expiration of the permit period by the applicant, and upon a showing of good cause, the Ordinance Administrator may grant one extension not to exceed six months. Failure to submit an application for an extension within the time limits established by this Section shall result in the expiration of the Special Use Permit.

(L) Minor Deviation

Minor field alterations or minor revisions to approved Special Use Permits may be approved by the Ordinance Administrator if the Special Use still meets the intent of the standards established with the original approval. Minor field alterations and revisions include, but are not limited to, small shifts in the location of structures, parking areas, landscaping, utilities, driveways and other

site features in order to accommodate the existence of circumstances found during construction that could not have been anticipated as the Concept Plan was developed. Any other change shall be considered as an amendment.

(M) Amendment

A Special Use Permit may be amended, extended or modified only in accordance with the procedures and standards established for its original approval.

3.2.5 Variance

(A) Purpose

The purpose of a Variance is to allow certain deviations from the standards of this Ordinance (such as height, yard setback, lot coverage, or similar numeric standards), when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as exceptional topographical conditions, narrowness, shallowness, or the shape of a specific parcel of land), the literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest. Variances to the standards established in Article 15, Water Supply Watershed Protection or Article 16, Flood Damage Prevention shall be subject to additional requirements as set forth in Sections 3.2.5(L) and 3.2.5.(M) respectively.

(B) Authority

The Board of Adjustment shall review and decide any applications for variances from the requirements of this Ordinance in accordance with this Section.

(C) Initiation

Application for a Variance may only be initiated by the owner(s), an authorized agent, lessee or contract purchaser(s), of the property for which the Special Use Permit is designated in accordance with Section 3.1.1.

(D) Procedures

(1) Preliminary Procedures

The preliminary procedures and requirements for submission and review of an application are established in Section 3.1, Common Review Procedures.

(2) Action by Board of Adjustment

After appropriate notice has been given, the Board of Adjustment shall conduct a quasi-judicial hearing on the application. At the hearing, the Board of Adjustment shall consider the application, the relevant support materials and the sworn testimony given at the public hearing. Within a reasonable time following the close of the public hearing, the Board of

Adjustment shall approve, approve with conditions, or deny the application based on the standards in Section 3.2.5(E), Required Findings of Fact. In accordance with the standards set forth in NCGS 160A-388(e), granting approval or conditional approval of a Variance shall require an affirmative vote of at least four-fifths (4/5) of the members of the Board of Adjustment who are eligible to vote.

(E) Required Findings of Fact

When unnecessary hardships would result from carrying out the strict letter of the LDO, the Board of Adjustment shall vary any of the provisions of the LDO upon a showing of all of the following:

- (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with the knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as self-created hardship.
- (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

(F) Conditions of Approval

In approving a Variance, the Board of Adjustment may impose additional appropriate conditions on the Variance provided that the conditions are reasonably related to the Variance in accordance with NCGS 160A-388.

(G) Recordation

When the Board of Adjustment grants a Variance, the Town shall, at the applicant's expense, record the written decision on the Variance in the office of the Register of Deeds of Granville County within 30 days of its issuance.

(H) Subsequent Development

Development authorized by the Variance shall not be carried out until the applicant has secured all other permits required by this Ordinance. A Variance does not ensure that the use shall receive subsequent approval for other applications for permit approval unless the relevant and applicable portions of this Ordinance are met.

(I) Variance Runs with the Land

A Variance is not a personal right, but runs perpetually with the land for which the Variance has been granted. As such, the provisions of an approved Variance shall continue with the transfer of ownership of the land.

(J) Additional Standards for Watershed Variances

- (1)** The following additional requirements set out in 15A NCAC 02B.0104 shall apply to Watershed Variances:
 - (i)** A description of each project receiving a variance and the reason for granting the variance shall be submitted to the Environmental Commission on an annual basis by January 1.
 - (ii)** Board of Adjustment may attach conditions to the major or minor variance approval that support the purpose of the applicable local watershed protection ordinance.
 - (iii)** If the variance request qualifies as a major variance, and the Board of Adjustment decides in favor of granting the major variance, the Board of Adjustment shall then prepare a preliminary record of the hearing and submit it to the Environmental Management Commission for review and approval.
 - (iv)** If the Environmental Management Commission approves the major variance or approves with conditions or stipulations added, then the Environmental Management Commission shall prepare an Environmental Management Commission decision which authorizes the Board of Adjustment to issue a final decision which would include any conditions or stipulations added by the Environmental Management Commission.
 - (v)** If the Environmental Management Commission denies the major variance, then the Environmental Management Commission shall prepare an Environmental Management Commission decision to be sent to the Board of Adjustment. The Board of Adjustment shall prepare a final decision denying the major variance.
 - (vi)** For all proposed major and minor variances the Town shall notify and allow a reasonable comment period for all other local governments having jurisdiction within the watershed area governed by the applicable rules and the entity using the water supply for consumption.
 - (vii)** Appeals from the Board of Adjustment's decision on a major or minor variance request are made on certiorari to the Superior Court. Appeals from the Environmental Management Commission decision on a major variance request are made on judicial review to Superior Court.
 - (viii)** When the Town's ordinances are more stringent than the state's minimum water supply protection rules a variance to the Town's ordinance is not considered a major variance as long as the result

of the variance is not less stringent than the state's minimum requirements.

(K) Additional Standards for Floodplain Variances

(1) Additional Information Required

Applications for a Floodplain Variance shall include a written report evaluating the following factors. The contents of such report shall be considered by the Board of Adjustment as it makes its ruling on the Floodplain Variance.

- (i)** The danger that materials may be swept onto other lands to the injury of others;
- (ii)** The danger to life and property due to flooding or erosion damage;
- (iii)** The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (iv)** The importance of the services provided by the proposed facility to the community;
- (v)** The necessity of a waterfront location for the facility, where applicable;
- (vi)** The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (vii)** The compatibility of the proposed use with existing and anticipated development;
- (viii)** The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (ix)** The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (x)** 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
- (xi)** 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.

(2) Conditions for Floodplain Variances

- (i)** Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.

- (ii) 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.
- (iii) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (iv) Variances shall only be issued prior to development permit approval.
- (v) Variances shall only be issued upon:
 - (a) A showing of good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship; and
 - (c) 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

(3) Variances for Solid Waste Disposal Facilities or sites, Hazardous Waste Management Facilities, Salvage Yards, and Chemical Storage Facilities

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.

- (i) The use serves a critical need in the community.
- (ii) No feasible location exists for the use outside the Special Flood Hazard Area.
- (iii) The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.
- (iv) The use complies with all other applicable Federal, State and local laws.
- (v) The Town of Butner 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) Additional Notice Requirements

- (i) Any applicant to whom a Floodplain 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 Base Flood Elevation

increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will 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 Floodplain Variance actions, including justification for their issuance.

- (ii) The Ordinance Administrator shall report all Floodplain Variance approvals to the Federal Emergency Management Agency and the NC Department of Crime Control and Public Safety.

3.2.6 Concept Plan

(A) Purpose

The purpose of this Section is to establish a procedure for the review of a Concept Plan by the Ordinance Administrator prior to the submittal of an application for Site Plan approval or Subdivision Preliminary Plat approval, or as part of an application for a Conditional Zoning District Classification, Special Use Permit, or for a parcel in one of the Gateway Districts. The intent of the Concept Plan procedure is to allow the Town to consider the general design and configuration of a development proposal, and any applicant sponsored conditions, for general compliance with the requirements of this Ordinance prior to the consideration of a Conditional Zoning District Classification or a Special Use Permit by the bodies charged with their review and approval, or the preparation of highly technical and detailed engineered drawings required for a Site Plan or Subdivision Preliminary Plat approval.

(B) Applicability

Submittal of a Concept Plan shall be required prior to the consideration of approval of a Site Plan, Subdivision Preliminary Plat, Conditional Zoning District Classification or Special Use Permit.

(C) Concept Plan Types Distinguished

- (1) Concept plans associated with an application for a Site Plan or Subdivision Preliminary Plat approval shall be reviewed by the Ordinance Administrator, who shall provide written comments on the Concept plan to the applicant. Once an applicant receives comments on a submitted Concept Plan, they may then proceed with the preparation of the Site Plan or Subdivision Preliminary Plat.
- (2) Concept Plans associated with an application for a Conditional Zoning District Classification or Special Use Permit shall be considered as an applicant sponsored condition of approval and are further distinguished by the following:
 - (i) In the case of a Conditional Zoning District Classification, the Ordinance Administrator shall provide his recommendation on the Concept Plan to the Planning Board, which shall consider the Concept Plan in making its own recommendation to the Town Council. Following a recommendation from the Planning Board the

Town Council may approve, approve with conditions or deny approval of a Concept Plan associated with the application for Conditional Zoning District Classification.

- (ii) In the case of a Special Use Permit, the Ordinance Administrator shall review the Concept Plan for conformance to the Ordinance and forward his comments to the Board of Adjustment, which shall consider the Concept Plan as it makes its decision on approving, conditionally approving or denying approval of the Special Use Permit.
- (3) Concept Plans associated with an application for a Site Plan or Subdivision Preliminary Plat in one of the Gateway Districts shall be considered as an applicant sponsored condition of approval. The Ordinance Administrator shall provide his recommendation on the Concept Plan to the Planning Board, which shall consider the Concept Plan in making its own recommendation to the Town Council. Following a recommendation from the Planning Board the Town Council may approve, approve with conditions or deny approval of a Concept Plan for development in any of the Gateway Districts.

(D) Procedures

(1) Preliminary Procedures

The preliminary procedures for submission and review of a Concept Plan are established in Section 3.1, Common Review Procedures.

(2) Concept Plan – Site Plan or Subdivision Preliminary Plat

(i) Review by Ordinance Administrator

In the case of a Concept Plan submitted for review in association with a Site Plan or Subdivision Preliminary Plat, the Ordinance Administrator shall review the Concept Plan for compliance with the applicable standards set forth in the Ordinance and Section 3.2.6(E), Concept Plan Standards. Following his review he shall submit his comments in writing to the applicant, who may then begin the preparation of the Site Plan or Subdivision Preliminary Plat.

(3) Concept Plan – Conditional Zoning District Classification

(i) Review and Recommendation by Ordinance Administrator

In the case of a Concept Plan submitted in association with an application for Conditional Zoning District Classification, the Ordinance Administrator shall review the Concept Plan for compliance with the applicable standards set forth in the Ordinance and Section 3.2.6(E), Concept Plan Standards, and prepare a Staff report which he will forward to the Planning Board for consideration as it makes its recommendation on the Conditional Zoning District Classification.

(ii) Review and Recommendation by Planning Board

Following receipt of the Staff report from the Ordinance Administrator, the Planning Board shall review and make a recommendation on the Concept Plan as part of the Conditional Zoning District Classification process following the procedures in Section 3.2.3(B)(3).

(iii) Review and Action by Town Council

Following the receipt of a recommendation from the Planning Board, the Town Council shall review and make its decision on the Concept Plan as part of the Conditional Zoning District Classification process following the procedures in Section 3.2.3(B)(4).

(4) Concept Plan – Special Use Permit

(i) Review by Ordinance Administrator

In the case of a Concept Plan submitted in association with an application for a Special Use Permit, the Ordinance Administrator shall review the Concept Plan for compliance with the applicable standards set forth in the Ordinance and Section 3.2.6(E), Concept Plan Standards, and submit his comments to the Board of Adjustment for consideration as it makes its decision on the Special Use Permit Application.

(ii) Review and Action by Board of Adjustment

Following the receipt of comments from the Ordinance Administrator, the Board of Adjustment shall review the Concept Plan as part of the Special Use Permit application process following the procedures in Section 3.2.4(D)(3).

(5) Concept Plan – Gateway District

(i) Review and Recommendation by Ordinance Administrator

In the case of a Concept Plan submitted in association with an application for Site Plan or Subdivision Preliminary Plat in a Gateway District, the Ordinance Administrator shall review the Concept Plan for compliance with the applicable standards set forth in the Ordinance and Section 3.2.6(E), Concept Plan Standards, and prepare a Staff report which he will forward to the Planning Board for consideration as it makes its recommendation.

(ii) Review and Recommendation by Planning Board

Following receipt of the Staff report from the Ordinance Administrator, the Planning Board shall review and make a recommendation on the Concept Plan.

(iii) Review and Action by Town Council

Following the receipt of a recommendation from the Planning Board, the Town Council shall review and make its decision on the Concept Plan.

(E) Concept Plan Standards

A Concept Plan shall be reviewed for compliance with the applicable standards set forth in the Ordinance for the particular type of development and the following:

- (1)** Setbacks and lot coverage;
- (2)** Building envelopes for single family residential development;
- (3)** Building location and orientation for multi-family and nonresidential development;
- (4)** Building massing and roof form;
- (5)** Street layout;
- (6)** Right-of-way width and configuration;
- (7)** Public utility location and sizing;
- (8)** Landscaping
- (9)** Buffering
- (10)** Parking and loading;
- (11)** Open space and recreation facility configuration, acceptable uses, and types;
- (12)** Fencing, walls and screening;
- (13)** Stormwater management;
- (14)** Exterior lighting;
- (15)** Signage/Common Signage Plan
- (16)** Waste collection facilities
- (17)** Proposed use(s) and adjoining land use(s)
- (18)** Number and type of residential dwelling units, including density
- (19)** Minimum lot width

- (20)** Type and amount in square feet of non-residential uses, including floor area ratio.

Concept Plans associated with an application for a Conditional Zoning District Classification to a Planned Unit Development District shall also include sufficient information to establish the development standards for the PUD as set forth in Article 6.3.6. Concept plans associated with a Site Plan or Subdivision Preliminary Plat for a parcel in any of the Gateway Districts shall also include sufficient information to establish the development standards as set forth in Article 6.5.

(F) Effect

Following the review of the Concept Plan by the Ordinance Administrator, the applicant may:

- (1)** Proceed with the preparation of a Site Plan or Subdivision Preliminary Plat in cases where Concept Plan review is required as part of an application for Site Plan or Subdivision Preliminary Plat approval; or
- (2)** Proceed with the consideration of the Concept Plan, Staff Report and conditions of approval by the Planning Board when the Concept plan was submitted as part of an application for Conditional Zoning District Classification, or Gateway District Approval; or
- (3)** Proceed with consideration of the Concept Plan and conditions of approval by the Board of Adjustment when the Concept Plan was submitted as part of an application for a Special Use Permit.

(G) Amendment

A Concept Plan may only be amended or modified in accordance with the procedures set forth for its initial approval.

3.2.7 Site Plan

(A) Purpose

The purpose of this Section is to establish the procedures and standards for the review and approval of a Site Plan that depicts site and building related details and engineered drawings.

(B) Applicability

All development, unless exempted in accordance with Section 3.2.7(C), Exemptions, shall be required to have a Site Plan approved in accordance with this Section prior to the issuance of a Land Development Permit.

(C) Exemptions

The following development shall be exempted from the requirements of this Section:

- (1) Internal or external construction that does not increase gross floor area, building height, the density or intensity of use, or affect parking requirements;
- (2) The construction of a single family dwelling or duplex on an individual lot;
- (3) The construction or placement of an accessory structure associated with a single family dwelling or duplex; and
- (4) Changes in use where there is no associated change in landscaping, buffering, off street parking requirements, lot coverage or other external site characteristics.

(D) Procedures

(1) Preliminary Procedures

The preliminary procedures and requirements for submission and review of a Site Plan are established in Section 3.1, Common Review Procedures.

(2) Review of Concept Plan

The review of a Concept Plan, in accordance with Section 3.2.6, shall be required prior to the consideration of a Site Plan.

(3) Review and Decision by Ordinance Administrator

Following the review and approval of a Concept Plan, the applicant shall prepare a Site Plan that reflects the configuration and composition depicted in the Concept Plan. Following the submission of a Site Plan by an applicant, the Ordinance Administrator shall review and approve, approve with modifications, or deny approval of the Site Plan based on the standards in Section 3.2.7(E), Site Plan Standards.

(E) Site Plan Standards

A Site Plan shall be approved only upon a finding that it adequately depicts the precise design, location and profile of all structures, site features and public facilities proposed for development, as well as all other technical considerations. In addition, the Site Plan shall demonstrate that all of the following standards are met:

- (1) The use is allowed in the zoning district in accordance with Table 7-1, Table of Permitted Uses;
- (2) The development and uses in the Site Plan comply with Section 7.3, Use Specific Standards
- (3) The development is consistent with the associated Concept Plan and applicant sponsored conditions (if applicable).

- (4) The development proposed in the Site Plan and its general layout and design comply with all appropriate standards in this Ordinance; and
- (5) The development complies with all other applicable Town requirements.

(F) Effect of Approval

The approval of a Site Plan allows the applicant to apply for a Land Development Permit to initiate land development activities in accordance with the approved Site Plan.

(G) Expiration

Site Plan approval shall automatically expire at the end of two years following initial approval if a Building Permit has not been issued and construction pursuant to that permit has not commenced for at least one building in the proposed development. A change in ownership shall not affect this time frame.

(H) Amendments

A Site Plan may be amended, extended or modified only in accordance with the procedures and standards established for its original approval. Changes to any approved site plan following the issuance of a Land Development Permit shall require a re-review of a Site Plan, may void the Land Development Permit and may require additional review fees at the discretion of the Ordinance Administrator.

3.2.8 Stormwater Management Permit

(A) Purpose

The purpose of this Section is to set forth the procedures and requirements for the review and approval of a Stormwater Management Permit that establishes compliance with the standards of Article 15, Water Supply Watershed Protection.

(B) Applicability

All land development activities ~~within the WPO-CA and WPO-GA districts~~ must have an approved Stormwater Management Permit unless specifically exempted by the development thresholds or general exemption established in Section 15.4.2.

(C) Procedures

(1) Preliminary Procedures

The preliminary procedures and requirements for submission and review of a Stormwater Management Permit Application are established in Section 3.1, Common Review Procedures.

(2) Review and Decision by Ordinance Administrator

Following the submission of a complete Stormwater Management Permit Application, the Ordinance Administrator shall review and approve, approve with modifications, or deny approval of the Stormwater Management Permit based on the standards in Section 3.2.8(D) Standards for Approval.

(D) Standards for Approval

The Stormwater Management Permit application shall detail how post-development stormwater runoff will be controlled and managed and how the proposed project will meet the requirements of Section 15.6, Stormwater Management Standards. All such plans shall be prepared by a qualified registered North Carolina professional engineer and/or 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 Stormwater BMP Design Manual, and that the designs and plans ensure compliance with this Ordinance.

(E) Effect of Approval

Approval 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.

(F) Certification and “As Built” Plans

Upon completion of a project, and before a certificate of occupancy shall be granted, the applicant shall certify that the completed project is in accordance with the approved Stormwater Management Permit and designs established therewith, 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 Ordinance.

(G) Other Permits

No certificate of compliance or occupancy shall be issued by the Town of Butner or any agency acting on behalf of the Town of Butner 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 Town of Butner may elect to withhold a percentage of permits

or certificates of occupancy until as-built plans are submitted and final inspection and approval has occurred.

(H) 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 Ordinance 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 permit.

In granting an extension, the Ordinance 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.

3.2.9 Subdivision

(A) Purpose and Intent

The purpose of this Section and Article 14, Subdivision Standards, are to promote the health, safety and general welfare of the residents of the Town by:

- (1) Providing for the orderly growth and development of the Town;
- (2) Coordinating streets and roads within proposed subdivisions with the Town's street system, State road network and all applicable transportation plans;
- (3) Providing easements and rights-of-way for utilities and future streets;
- (4) Avoiding congestion and overcrowding, and encouraging the proper arrangement of streets and other transportation infrastructure in relation to existing or planned streets;
- (5) Ensuring that there is adequate open space and recreation facilities to serve new development; and
- (6) Ensuring that there is proper recordation of landownership and/or property owner association records where applicable.

(B) Applicability

Unless exempted in accordance with Section 3.2.9(C), Exemptions, the following forms of development shall be required to have land subdivided in accordance with the procedures and standards of this Section prior to the transfer of title or sale of any lots, the issuance of a Zoning Permit or the issuance of a Building Permit for development:

- (1) The division of land into two or more lots, building sites, or other divisions for the purpose of immediate or future sale, lease or development;

- (2) All divisions of land involving the creation of a new street or the change or modification of an existing street;
- (3) Re-subdivision involving the further division or relocation of lot lines of any lot or lots within an already approved subdivision; and
- (4) The combination or consolidation of exiting lots of record.

(C) Exemptions

The following actions shall be exempt from the requirements of this Section:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased, and where the lots are equal to or exceed the standards set forth in this Ordinance. .
- (2) The public acquisition of land for public use by purchase of strips of land for the widening or opening of streets, placement of utilities or establishment of park land or greenway trails.
- (3) The division of land into parcels greater than ten (10) acres in size where no street right-of-way dedication is involved.
- (4) The division of a tract in single ownership whose entire area is not greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the Town as shown in this Ordinance.

Plats for subdivisions which are exempt from the requirements of this Section shall be submitted to the Ordinance Administrator who shall sign a Certificate of Exemption (see Appendix B) on the plat. This certificate must be signed prior to recordation of the exempt subdivision plat with the Granville County Register of Deeds.

(D) Subdivision Preliminary Plat (Major Subdivision)

(1) General

A Subdivision Preliminary Plat (Major Subdivision) establishes the general layout and design for the subdivision. Upon the approval of a Subdivision Preliminary Plat, applicants may begin to install streets, public utilities and other infrastructure. Following installation and approval of all required infrastructure, applicants may submit an application for a Subdivision Final Plat. Building Permits may not be issued before approval and recordation of a Subdivision Final Plat.

(2) Applicability

The Subdivision Preliminary Plat (Major Subdivision) procedures shall be utilized for the subdivision of land where any of the following apply:

- (i) New public or private streets are proposed;
- (ii) Changes to existing public rights-of-way are proposed;
- (iii) New public utilities are required to serve the proposed lots;
- (iv) Flag lots are created or modified;
- (v) More than 5 lots are proposed; or
- (vi) The total land area contained in the subdivision is more than 10 acres.

(3) Subdivision Preliminary Plat Content Standards

The required contents of a Subdivision Preliminary Plat are shown in Appendix A, Subdivision Plat Content Standards.

(4) Review and Approval Procedures

(i) Preliminary Procedures

The preliminary procedures and requirements for submission and review of a Subdivision Preliminary Plat are established in Section 3.1, Common Review Procedures.

(ii) Review of Concept Plan

Except for the subdivision activities list in Section 3.2.9(C), Exemptions, the submittal and review of a Concept Plan in accordance with the standards in Section 3.2.6, shall be required prior to the consideration of a Subdivision Preliminary Plat

(iii) Review and Recommendation by Ordinance Administrator

Following the review of a Concept Plan, the applicant shall prepare a Subdivision Preliminary Plat that reflects the configuration depicted in the finalized Concept Plan along with any other required information. Once the complete application and Subdivision Preliminary Plat are submitted, the Ordinance Administrator shall review the application and submit his recommendation and comments to the Planning Board prior to the meeting at which they will review the application.

(iv) Review and Recommendation by Planning Board

Following the receipt of comments and a recommendation from the Ordinance Administrator, the Planning Board shall review the proposed Subdivision Preliminary Plat. The Planning Board shall review the application for consistency with the standards of this Ordinance and with the finalized Concept Plan that was reviewed by the Ordinance Administrator. Within 45 days following its initial review, the Planning Board shall make a recommendation to the

Town Council to approve, conditionally approve or deny approval of the Subdivision Preliminary Plat.

(v) Review and Action by Town Council

Following the receipt of a recommendation from the Planning Board, the Town Council shall review and make its decision on the submitted Subdivision Preliminary Plat. During its review the Town Board shall makes its decision to approve, conditionally approve, or deny approval of the Preliminary Plat based on the standards in Section 3.2.9(D)(5), Standards for Approval.

(5) Standards for Approval

A Subdivision Preliminary Plat shall only be approved upon finding that the application complies with the standards in Article 14, Subdivision Standards, all other relevant provisions of this Ordinance, and all other relevant Town ordinances, plans and regulations.

(6) Effect of Approval

Approval of a Subdivision Preliminary Plat shall constitute approval of the development with the general lot shapes and alignments of streets identified in the phases depicted on the approved Preliminary Plat. Phases not depicted on an approved Subdivision Preliminary Plat shall not have Preliminary Plat approval. Approval of a Subdivision Preliminary Plat allows the subdivider to proceed with the installation of the required infrastructure and utilities. Approval of a Subdivision Preliminary Plat does not constitute or guarantee approval of a Final Plat. The approval of a Subdivision Preliminary Plat is not a personal right, but one which runs with the land, and, therefore, changes in ownership of the subject property shall not alter the effect of the approval.

(7) Amendment

A Subdivision Preliminary Plat may be amended or modified only in accordance with the procedures and standards established for its original approval.

(8) Installation and Inspection of Required Improvements

Following the construction of all required improvements, or the posting of a Performance Guarantee for required improvements that are not installed or completed, the subdivider shall submit a written request for inspection of those improvements. When all required public improvements and/or Performance Guarantees have been approved by the Town, the subdivider may apply for Subdivision Final Plat Approval.

(9) Performance Guarantees

In lieu of meeting the requirement for the completion, installation, and dedication of any and all public infrastructure improvements (e.g., underground utilities, streets, sidewalks, storm drainage, trees,

landscaping, buffer plantings, street lights, etc.) prior to Subdivision Final Plat approval, the Town may accept a performance guarantee in accordance with the standards in this Section.

(i) Form of Performance Guarantee

Where required, the owner/developer shall furnish a performance guarantee in any form acceptable to the Town Attorney. Such forms could include the following:

(a) Surety Performance Bond(s)

The developer shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina, and approved by the Town Council. The bond shall be payable to the Town of Butner (or its authorized agent) and shall be in an amount equal to 1.5 times the entire cost, as a certified estimate by a licensed design professional and verified by the Town Engineer, of installing all required improvements. The duration of the bond(s) shall be until such time as the improvements are accepted by the Town. Any expenses associated with the cost verification by the Town shall be paid entirely by the subdivider.

(b) Cash or Equivalent Security

The developer shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the Town (or its authorized agent) or in escrow with a financial institution designated as an official depository of the Town. The amount of deposit shall be equal to 1.5 times the entire cost, as certified and estimated by a licensed design professional, and verified by the Town Engineer, of installing all required improvements.

(c) Escrow Guarantee

If cash or other instrument is deposited in escrow with a financial institution, then the developer shall file with the Town of Butner (or its authorized agent) an agreement with the financial institution guaranteeing the following:

1. Exclusivity of Funds

That the escrow amount will be held in trust until released by the Town and may not be used or pledged by the subdivider in any other transaction during the term of the escrow; and

2. Immediate Release of Funds

That in case of a failure on the part of the subdivider to complete the guaranteed improvements, the financial

institution shall, upon notification by the Town of an estimate of the amount needed to complete the improvements, immediately pay to the Town the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the Town any other instruments fully endorsed or otherwise made payable in full to the Town.

(d) Default

Upon failure on the part of the subdivider to complete the required improvements in the time required by this Ordinance or as spelled out in the performance bond or escrow agreement, the surety, or financial institution holding the escrow account, shall, if required by the Town, pay all or any portion of the bond or escrow fund to the Town of Butner up to the amount required to complete the improvements based on an estimate by the Town. Upon payment, the Town, in its discretion, may expend such portion of these funds, as it deems necessary to complete all or any portion of the required improvements. The Town shall return to the developer any funds not spent in completing the improvements.

(e) Release of Security Guarantee

The Town may release a portion of any security posted after the improvements are completed and recommended for approval by the Ordinance Administrator. The Town of Butner shall approve or disapprove the improvements within 30 days upon receiving the Ordinance Administrator's recommendation. When the Town approves the improvements, it shall immediately release the portion of the security posted which covers the cost of the improvements approved by the Town, as shown in the detailed cost estimate prepared by the Town Engineer.

(10) Expiration of Approval

Preliminary plat approval shall be valid for a period of 12 months from the date of approval of the plat by the Town Council unless an extension of time is applied for and granted by the Town Council, or unless a longer time period is established under applicable vested rights provisions. Preliminary plats whose approval has expired shall be resubmitted in accordance with the provisions of this Section.

(E) Subdivision Final Plat (Major Subdivision)

(1) General

After the inspection and approval of the required public improvements or the posting of a Performance Guarantee for improvements that are not installed or completed, the subdivider shall prepare a Subdivision Final Plat for review in accordance with this Section. The subdivider shall

receive approval of a Subdivision Final Plat prior to the issuance of Building Permits for structures on lots.

(2) Required Contents of Final Plat

The required contents of a Subdivision Final Plat are shown in Appendix A, Subdivision Plat Content Standards.

(3) Review and Approval Procedures

(i) Preliminary Procedures

The preliminary procedures and requirements for submission and review of a Subdivision Final Plat are established in Section 3.1, Common Review Procedures.

(ii) Review by Ordinance Administrator

Following the submission of a complete application for Final Plat Approval, the Ordinance Administrator shall review the application and submit his recommendation to the Planning Board prior to the meeting at which they will review the application.

(iii) Review and Recommendation by Planning Board

Following the receipt of a recommendation from the Ordinance Administrator, the Planning Board shall review the proposed Subdivision Final Plat. The Planning Board shall review the application for consistency with the standards of this Ordinance and with the approved Preliminary Plat. Within 45 days following its initial review, the Planning Board shall make a recommendation to the Town Council to approve, conditionally approve or deny approval of the Subdivision Final Plat.

(iv) Review and Action by Town Council

Following the receipt of a recommendation from the Planning Board, the Town Council shall review and make its decision on the submitted Subdivision Final Plat. During its review the Town Board shall makes its decision to approve, recommend modification of, or deny approval of the Final Plat based on the standards in 3.2.9(E)(4), Standards for Approval.

(4) Standards for Approval

A Subdivision Final Plat shall only be approved if the Town Council finds the following:

- (i)** The Final Plat complies fully with the standards in Article 14, Subdivision Standards;
- (ii)** The Final Plat is in substantial conformity with the approved Subdivision Preliminary Plat;

- (iii) The Final Plat indicates the installation, or financial guarantee of the installation, of all required improvements; and
- (iv) The Final Plat contains all required certificates, signed by the appropriate authorities.

(5) Certification

No Subdivision Final Plat may be recorded unless all relevant certificates, as identified in Appendix B, have been signed by the appropriate officials.

(6) Recordation

The subdivider shall file the approved Subdivision Final Plat with the Granville County Register of Deeds, and shall provide proof of recordation to the Ordinance Administrator within 30 days after the date of approval or the Subdivision Final Plat shall expire.

(F) Minor Subdivision

(1) General

The Minor Subdivision procedure shall be utilized for the subdivision of land into 5 or fewer lots provided the development complies with all of the following:

- (i) The total land area included within the subdivision is 10 acres or less;
- (ii) No new streets, alleys or other public rights-of-way are created;
- (iii) No changes are made to the existing streets, alleys or other rights-of-way;
- (iv) No new utilities are required to be installed to serve the subdivided land;
- (v) The division of land complies with Article 14, Subdivision Standards; and
- (vi) No flag lots are created;

(2) Required Contents of Minor Subdivision Plat

A Minor Subdivision Plat shall contain the same information as a Subdivision Final Plat as shown in Appendix A, Subdivision Plat Content Standards.

(3) Review and Approval Procedures

(i) Preliminary Procedures

The preliminary procedures and requirements for submission and review of a Minor Subdivision Plat are established in Section 3.1, Common Review Procedures.

(4) Review and Action By Ordinance Administrator

Following the receipt of a complete application for Minor Subdivision Approval, the Ordinance Administrator shall review the application and make a decision on approval, approval with modification or denial of the application in accordance with Section 3.2.9(F)(4), Standards for Approval.

(5) Standards for Approval

A Minor Subdivision shall be approved upon a finding that the application complies with the standards in Article 14, Subdivision Standards, as well as all other relevant provisions of this Ordinance, and all other relevant Town ordinances and regulations.

(6) Certification

No Minor Subdivision Plat may be recorded unless all relevant certificates, as identified in Appendix B, have been signed by the appropriate authorities.

(7) Recordation

The subdivider shall file the approved Minor Subdivision Plat with the Granville County Register of Deeds, and shall provide proof of recordation to the Ordinance Administrator within 30 days after the date of approval or the approved plat shall expire.

(8) Amendment

A Minor Subdivision Plat may be amended or modified only in accordance with the procedures and standards established for its original approval.

(G) Recombination Plat

(1) General

This Section establishes the procedure for the review and approval of a Recombination Plat, or the resubdivision or recombination of existing lots located in an approved and recorded plat.

(2) Required Contents of Recombination Plat

A Recombination Plat shall contain the same information as a Subdivision Final Plat as shown in Appendix A, Subdivision Plat Content Standards.

(3) Review and Approval Procedures

(i) Preliminary Procedures

The preliminary procedures and requirements for submission and review of a Recombination Plat are established in Section 3.1, Common Review Procedures.

(ii) Review and Action By Ordinance Administrator

Following the receipt of a complete application for Recombination Plat Approval, the Ordinance Administrator shall review the application and make a decision on approval, approval with modification or denial of the application in accordance with Section 3.2.9(G)(4), Standards for Approval.

(4) Standards for Approval

An application for a Recombination Plat shall be approved upon a finding of the Ordinance Administrator that the application complies with the following:

- (i)** All lots comply with the standards and requirements of this Ordinance;
- (ii)** Drainage, easements and rights-of-way shall not be changed
- (iii)** No existing lots shall be rendered nonconforming
- (iv)** The rear portion of a lot shall not be subdivided from the front part unless the original lot had frontage on two streets; and
- (v)** The recombination of land shall result in lots that maintain the character of the surrounding area in terms of size, configuration and general lot shape.

(5) Certification

No Recombination Plat may be recorded unless all relevant certificates, as identified in Appendix B, have been signed by the appropriate authorities.

(6) Recordation

The subdivider shall file the approved Recombination Plat with the Granville County Register of Deeds, and shall provide proof of recordation to the Ordinance Administrator within 30 days after the date of approval or the approved plat shall expire.

3.2.10 Land Development Permit

(A) Purpose

A Land Development Permit shall be required in accordance with the provisions of this Section in order to ensure that proposed development

complies with the standards of this Ordinance, and to otherwise protect the public health, safety, and welfare of the citizens of the Town.

(B) Applicability

The provisions of this Section shall be applicable to all development within the Town's jurisdiction. No building, sign, or other structure shall be erected, moved, extended, enlarged, or structurally altered, any Building Permit be issued by Granville County or any other development activity commence until the Ordinance Administrator has issued a Land Development Permit in accordance with this Section.

(C) Procedure

(1) Preliminary Procedures

The preliminary procedures and requirements for submission and review of a Land Development Permit Application are established in Section 3.1, Common Review Procedures.

(2) Review and Action by Ordinance Administrator

The Ordinance Administrator shall review and approve or deny an application for a Land Development Permit in accordance with the standards in Section 3.2.10(D), Land Development Permit Standards. If the application is denied, the reasons for denial shall be provided to the applicant in writing.

(3) Land Development Permit Standards

A Land Development Permit shall be approved upon a finding by the Ordinance Administrator that the application fully complies with all relevant standards of this Ordinance, as well as all other applicable Town requirements and applicable conditions of approval if any were imposed as part of a preceding approval for the proposed development.

(D) Appeals

The appeal of a decision by the Ordinance Administrator on the issuance of a Land Development Permit shall be heard by the Board of Adjustment in accordance with Section 3.2.14, Appeals of Administrative Decisions.

(E) Expiration

(1) For development activity that requires a Building Permit, the Land Development Permit issued for that activity shall expire and be void six months after the date of its issuance if a Building Permit has not yet been issued.

(2) For development activity that does not require a Building Permit, the Land Development Permit shall expire and be void unless the activity authorized by the Land Development Permit has commenced within six months of the date of its issuance.

3.2.11 Floodplain Development Permit

(A) Purpose

The purpose of this Section is to establish the review and approval procedures for Floodplain Development Permits in order to ensure that development occurs in compliance with the requirements of Article 16, Flood Damage Prevention.

(B) Applicability

All land development activities proposed for lands which lie within a Special Flood Hazard Area must obtain a Floodplain Development Permit prior to application for a Land Development Permit.

(C) Procedures

(1) Preliminary Procedures

The preliminary procedures and requirements for submission and review of a Floodplain Development Permit are established in Section 3.1, Common Review Procedures.

(2) Review and Action by Ordinance Administrator

Following the receipt of a complete application for a Floodplain Development Permit, the Ordinance Administrator shall review the application and either approve, approve with modifications or deny approval of the application based on the standards in 3.2.11(D) Standards for approval. If the application is denied, the Ordinance Administrator shall state the reasons for denial in writing.

(D) Standards for Approval

The Ordinance Administrator shall only approve an application for a Floodplain Development Permit if he finds that it meets all of the standards set forth in Section 16.6, Provisions for Flood Hazard Reduction.

(E) Required Contents of Floodplain Development Permit Application

All applications for Floodplain Development Permits shall be accompanied by the following specific information:

- (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 Section 16.5.2, 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 16.5.2.
- (5)** The boundary of the floodway(s) or non-encroachment area(s) as determined in Section 16.5.2;
- (6)** The Base Flood Elevation (BFE), where provided, as set forth in Section 16.5.2 or 16.6.3 as appropriate.
- (7)** The old and new location of any watercourse that will be altered or relocated as a result of proposed development;
- (8)** Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
- (9)** Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
- (10)** Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and
- (11)** Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;
- (12)** If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.
- (13)** 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:
 - (i)** 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);
 - (ii)** Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Article 16, Section 16.6.2(D)(3) when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30.
- (14)** Usage details of any enclosed areas below the lowest floor.
- (15)** 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.

- (16) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
- (17) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Sections 16.6.2(F) and 16.6.2(G) of this Ordinance are met.
- (18) 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.

(F) Floodplain Development Permit Contents

Floodplain Development Permits shall include the following information:

- (1) A description of the development to be permitted under the floodplain development permit.
- (2) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Section 16.5.2.
- (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, as applicable.
- (7) The flood openings requirements, if in Zones A, AO, AE or A1-30.

(G) Required Certifications

(1) Elevation Certificates

- (i) An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Ordinance Administrator a certification of the elevation of the reference level, in relation to mean sea level. The Ordinance Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

- (ii) A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Occupancy issuance. It shall be the duty of the permit holder to submit to the Ordinance Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Ordinance 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 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 Occupancy.

(2) Floodproofing Certificate

- (i) If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), 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 Ordinance Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Ordinance 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 Occupancy.
- (ii) If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required.
- (iii) 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.

(H) Certification Exemptions

The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this Subsection:

- (1) Recreational Vehicles meeting requirements of Section 16.6.2(F);
- (2) Temporary Structures meeting requirements of Section 16.6.2(G); and
- (3) Accessory Structures less than 150 square feet meeting requirements of Section 16.6.2(H).

3.2.12 Tree Preservation and Protection Plan

(A) Purpose

The purpose of this Section is to establish the review and approval procedures for Tree Preservation and Protection Plans submitted in accordance with Article 11, Tree Preservation and Protection.

(B) Applicability

A Tree Preservation and Protection Plan shall be required for all land development activities that are seeking Tree Preservation Incentives as set forth in Section 11.3, Tree Preservation Incentives.

(C) Procedure

(1) Preliminary Procedures

The preliminary procedures and requirements for submission and review of a Tree Preservation and Protection Plan are established in Section 3.1, Common Review Procedures.

(i) Review and Action by Ordinance Administrator

Following the receipt of a complete Tree Preservation and Protection Plan application, the Ordinance Administrator shall review the application and either approve, approve with modifications or deny approval of the application based on the standards in 3.2.13(D) Standards for approval. If the application is denied, the Ordinance Administrator shall state the reasons for denial in writing.

(D) Standards for Approval

To receive approval, and subsequently incentives and credits, the Tree Preservation and Protection Plan must fully comply with all standards for Tree Preservation and Protection as set forth in Article 11.

(E) Effect of Approval

Following approval, the developer may begin the preparation of the site specific plan that incorporates the approved Tree Preservation and Protection Plan and the credits received for compliance with the tree preservation and protection standards.

(F) Final Inspection Required

Following the completion of land development activity, the Ordinance Administrator shall inspect the site for final compliance with the Tree Preservation and Protection Plan. If it is found that any violations of the approved plan have occurred then any credits or incentives associated with those violated portions of the plan shall be revoked and full compliance shall be required in place of those revoked credits or incentives.

(G) Expiration of Approval

Approved Tree Preservation and Protection Plans shall expire one year after their initial approval if development activity has not commenced. If an approved plan expires, any associated incentives and/or credits shall be revoked. Credits or incentives may only be reinstated in accordance with the approval procedures for the original submission of a Tree Preservation and Protection Plan.

3.2.13 Appeals of Administrative Decisions

(A) Right of Appeal

Any person who has standing under NCGS 160A-393(d) or the Town may appeal a decision to the Board of Adjustment.

(B) Appeal Standards and Procedures

(1) Initiation

An appeal is taken by filing a notice of appeal with the Town Clerk. The notice of appeal shall state the grounds for the appeal.

(2) Notice of Decision

The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.

(3) Time to File an Appeal

The owner or other party shall have 30 days from the receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from the receipt from any source of actual or constructive notice of the decision within which to file an appeal.

(4) Constructive Notice; Posting

It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject about the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Absent an ordinance provision to the contrary, posting of signs shall not be required.

(5) Transmission of Record

The official who made the decision shall transmit to the Board of Adjustment all documents, and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

(6) Schedule of Notice and Hearing

- (i) Upon receipt of a Notice of Appeal, the Clerk to the Board of Adjustment shall schedule a quasi-judicial hearing, and provide public notification in accordance with the standards in Section 3.1, applicable to quasi-judicial hearings.
- (ii) Subject to the provisions of 3.2.13(D), the Board of Adjustment shall hear the appeal within a reasonable time

(7) Hearing and Decision by Board of Adjustment

The official who made the decision shall be present at the hearing as a witness. At the hearing, the person making the appeal may appear in person or by agent or attorney, and shall state the grounds for the appeal and identify any materials or evidence from the record to support the appeal. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the Town would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Board of Adjustment shall continue the hearing. In making its determination, the Board of Adjustment shall consider the application, the relevant support materials and the testimony given at the public hearing. Within 30 days following the close of the public hearing, the Board of Adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made based on the record, and the requirements and standards of this Ordinance. The Board of Adjustment shall have all the powers of the official who made the decision. A majority of the members of the Board of Adjustment who are eligible to vote shall be required to determine an appeal of a decision of an administrative official charged with enforcement of the LDO, any appeal arising out of the LDO or any appeal made in the nature of certiorari as set forth in NCGS 160A-388(e)(1). All decisions shall be in accordance with Section 3.1.13. Quasi-Judicial Decisions.

(C) Effect of Appeal

An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the Board of Adjustment after the 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 ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay further review of an application for permits or permissions to use such property; in these situations the appellant may request and the Board of Adjustment may grant a stay of a

final decision of permit applications or building permits affected by the issue being appealed.

(D) Appeals in the Nature of Certiorari

When hearing an appeal pursuant to NCGS 160A-400.9(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in NCGS 160A-393(k).

(E) Other forms of dispute resolution

The parties to an appeal that has been made under Section 3.2.13, Appeals of Administrative Decisions may agree to mediation or other forms of alternative dispute resolution.

3.2.14 Establishment of Vested Rights

(A) Purpose

The purpose of this Section is to implement the provisions of NCGS 160A-385.1 for the establishment of a statutory zoning vested right upon the approval of a Site Specific Development Plan.

(B) Applicability

Vested rights shall only be available to a landowner with a legally established and approved Site Specific Development Plan. For the purposes of this Subsection, a Site Specific Development Plan shall include the following:

- (1) Development subject to an approved Special Use Permit
- (2) Development subject to a Subdivision Preliminary Plat
- (3) Development subject to a Site Plan
- (4) Land subject to a Conditional Zoning District Classification

(C) Procedure

(1) Preliminary Procedures

The preliminary procedures and requirements for submission and review of an application are established in Section 3.1, Common Review Procedures.

(2) Review and Recommendation by Planning Board

Following review by the Ordinance Administrator, the application shall be referred to the Planning Board for review and recommendation. During the meeting, the Planning Board shall consider the application, the relevant support materials and any public comments given on the application. Within 45 days of the first meeting on an application, the Planning Board shall make a written recommendation to the Town Council. In addition to making a

recommendation as to approval or denial of the application and the appropriate period of time to vest a Site-Specific Development Plan, the Planning Board may also recommend the imposition of conditions on the approval in accordance with Section 3.1.11, Conditions of Approval. In no case shall the application proceed to the public hearing before the Town Council without a recommendation by the Planning Board.

(3) Review and Decision by Town Council

After the receipt of a recommendation from the Planning Board, public notification, and the scheduling of a public hearing, the Town Council shall conduct a public hearing on the application. At the public hearing, the Town Council shall consider the application, the relevant support materials, the recommendation of the Planning Board and the testimony given at the public hearing. After the close of the public hearing, the Town Council shall, by four-fifths (4/5) majority of those present and eligible to vote, approve, approve with conditions, or deny the application based on the standards in Section 3.2.14(D), Vested Rights Standards. In the event the application is approved, the Town Council shall establish the vesting period, which shall not exceed a maximum of five years from the date of approval of the Establishment of Vested Rights.

(D) Vested Rights Standards

The Town Council shall only grant vested rights in accordance with this Section after making the following findings of fact:

- (1)** The Site Specific Development Plan was lawfully established and approved in the appropriate manner by the appropriate decision-making body;
- (2)** The Site Specific Development Plan has not expired;
- (3)** All required Variances, if any, included as a condition of the approval of a Site Specific Development Plan have been obtained; and
- (4)** The Site Specific Development Plan provides sufficient information to establish the types and intensity of proposed development with reasonable certainty.

In approving the Establishment of Vested Rights, the Town Council may extend the two-year vested rights period to a period of up to five years, where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, economic cycles, and market conditions.

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ARTICLE 4 – ENFORCEMENT

4.1 Purpose

This Article establishes the 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.

4.2 Compliance Required

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

4.3 Violations

4.3.1 Violations Generally

(A) Failure to Comply with Ordinance Provision or Term or Condition 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 permit or other development approval or authorization granted in accordance with this Ordinance shall constitute a violation of this Ordinance punishable as provided in this Article.

(B) Permits or Development Approvals only Authorize Specific Development

Permits or development approvals issued by a decision-making body authorize only the use, arrangement, location, design, density or intensity, and development set forth in such permits or development approvals.

4.3.2 Specific Violations

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

- (A)** Developing land or a structure without first obtaining the appropriate permit or permit approval.
- (B)** Occupying or using land or a structure without first obtaining the appropriate permit or permit approval.
- (C)** Developing land or a structure without complying with the terms or conditions of the permit or permit approval required to engage in development.
- (D)** Occupying or using land or a structure in violation of the terms or conditions of the permit or permit approval.

- (E) Subdividing land without first obtaining the appropriate permit or permit approval required to engage in the subdivision.
- (F) Subdividing land without complying with the terms or conditions of the permit or permit approval required to engage in the development.
- (G) Excavate, cut, clear or undertake any land disturbing activity without first obtaining all appropriate permits and permit approvals, and complying with their terms and conditions.
- (H) Install, create, erect, alter or maintain any sign without first obtaining the appropriate permit or permit approval.
- (I) Fail to remove any sign installed, created, erected, altered or maintained in violation of this Ordinance, or for which the permit has expired.
- (J) Create, expand, replace or modify any nonconformity except in compliance with this Ordinance.
- (K) Reduce or diminish the requirements for development, design or dimensional standards below the minimum requirements of this Ordinance.
- (L) Increase the intensity or density of development, except in accordance with the standards of this Ordinance.
- (M) Through any act or omission, fail to comply with any other provisions, procedures or standards required by this Ordinance.

4.4 Responsible Persons

Any person who violates this Ordinance shall be subject to the remedies and penalties set forth in this Article.

4.5 Enforcement Generally

4.5.1 Responsibility for Enforcement

The Ordinance Administrator shall be responsible for enforcing the provisions of this Ordinance in accordance with NCGS 160A-174, 160A-175 and 160A-193

4.5.2 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a complaint. The complaint, stating fully the cause and basis therefore, shall be filed with the Ordinance Administrator, who shall properly record such complaint, investigate, and take appropriate action as provided by this Ordinance.

4.5.3 Enforcement Procedures

(A) Notice of Violation

When the Ordinance Administrator finds that a violation of this Ordinance has occurred, he shall take appropriate action to remedy the violation consistent with Section 4.6, Remedies and Penalties. The Ordinance Administrator shall notify, in writing, the person violating this Ordinance. Such notification shall indicate:

- (1) The nature of the violation(s);
- (2) The necessary action to correct or abate the violation; and
- (3) The deadline for correcting the violation

The Notice of Violation shall state what course of action is intended as well as what actions may be taken if the violation is not corrected within the time frame specified by the Ordinance Administrator. The Notice of Violation shall also advise the violator of their right to appeal the Notice of Violation to the Board of Adjustment within 30 days of the date the Notice of Violation was issued.

(B) Application of Remedies and Penalties

If the owner, occupant, or person responsible for the violation fails to comply with the Notice of Violation, from which no appeal has been taken within 30 days, as provided in the notification, the Ordinance Administrator shall take appropriate action, as provided in Section 4.6, Remedies and Penalties, to correct and abate the violation and to ensure compliance with this Ordinance.

4.6 Remedies and Penalties

Any of the following remedies and enforcement powers may be used to administer and enforce this Ordinance following a Notice of Violation as described in Section 4.5.3, Enforcement Procedures. While the Town may exercise any of the following remedies or penalties at any point following issuance of a Notice of Violation and the required correction period, the following remedies and penalties are listed in their general order or sequence of application.

4.6.1 Civil Penalty

- (A) In addition to the other remedies cited in this Ordinance for the enforcement of its provisions, and pursuant to North Carolina General Statutes Section 160A-175, the standards in this Ordinance may be enforced through the issuance of civil penalties by the Ordinance Administrator.
- (B) Subsequent citations for the same violation may be issued each day by the Ordinance Administrator if the offender does not pay the citation after it has been issued unless the offender has sought an appeal to the actions of the Ordinance Administrator through an Appeal of Administrative Decision.
- (C) Except where greater civil penalties are authorized by statute or rule Civil penalties shall be issued in the following amounts:
 - (1) First citation - \$50.00
 - (2) Second citation - \$100.00

(3) Third and subsequent citations - \$500.00

(D) If the offender fails to pay the civil penalty within 15 days after having been cited, the Town may recover the penalties in a civil action in the nature of debt.

4.6.2 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 Ordinance Administrator may order the revocation of the Zoning Permit for such work and request a Stop Work Order be issued by the Granville County Building Inspections Department. 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.

4.6.3 Revocation of Zoning Permit

The Ordinance Administrator may revoke any Zoning Permit by written notification to the permit holder when violations of this Ordinance have occurred. Permits may be revoked when false statements or misrepresentations were made in securing the 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 permit has been mistakenly issued in violation of this Ordinance.

4.6.4 Injunction

When a violation occurs, the Ordinance Administrator 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.

4.6.5 Order of Abatement

In addition to an injunction, 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:

- (A) Buildings or other structures on the property be closed, demolished or removed;
- (B) Fixtures, furniture or other movable property be moved or removed entirely;
- (C) Improvements, alterations or repairs be made; or
- (D) Any other action be taken that is necessary to bring the property into compliance with this Ordinance.

4.6.6 Equitable Remedy

The Town may apply to a court of law for any appropriate equitable remedy to enforce the provisions of this Ordinance. The fact that other remedies are provided under

general law or this Ordinance shall not be used by a violator as a defense to the Town's application for equitable relief.

4.6.7 Criminal Penalties

Pursuant to North Carolina General Statutes Section 14-4, any person, firm, or corporation convicted of violating the provisions of this Ordinance shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be fined an amount not to exceed five hundred dollars (\$500).

4.6.8 Execution of Court Decisions

As provided in Section 160A-175(e), if the Violator fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the Court, he may be cited for contempt, and the Town, by and through the Town Attorney, may execute the order of abatement. The Town shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien.

The violator may secure cancellation of an order of abatement by paying all costs of the proceeding and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk of superior court in an amount approved by the judge before whom the matter is heard and shall be conditioned upon the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

4.6.9 Deny or Withhold Permits

The Ordinance Administrator may deny or withhold authorization to use or develop any land, structure, or improvements until an alleged violation and associated civil penalty related to such land, use, or development is corrected.

4.7 Cumulative Penalties

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

4.8 Continuing Violations

Each day that a violation continues shall be considered as a separate and distinct offense, and may be enforced as such at the discretion of the Ordinance Administrator.

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ARTICLE 5 – NONCONFORMITIES

5.1 General Applicability

5.1.1 Purpose and Scope

(A) General

In the provisions established by this Ordinance, there exist uses of land, structures, lots of record, and signs that were lawfully established before this Ordinance was adopted or amended, that now do not conform to its terms and requirements. The purpose and intent of this Article is to regulate and limit the continued existence of those uses, structures, lots of record, and signs that do not conform to the provisions of this Ordinance, or any subsequent amendments.

(B) Permit, but not Encourage Nonconformities to Continue

It is the intent of this Ordinance to permit most of these nonconformities to continue until they are removed, but not to encourage their continuance except under the limited circumstances established in this Article. The provisions of this Article are designed to curtail substantial investment in nonconformities.

5.1.2 Authority to Continue

Nonconformities are allowed to continue in accordance with the requirements of this Article, and are encouraged to receive routine maintenance as a means of preserving safety and appearance.

5.1.3 Determination of 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 alleged nonconformity is located.

5.1.4 Minor Repairs and Maintenance

Minor repairs and normal maintenance that are required to keep nonconforming uses, structures, lots of record, and signs in a safe condition are permitted, provided the minor repair or maintenance does not extend, expand, or enlarge the nonconforming use, structure, lot of record, or sign. For the purposes of this Section, "minor repair or normal maintenance" shall mean:

(A) Maintenance of Safe Condition

Repairs that are necessary to maintain a nonconforming use, structure, lot of record or sign in a safe condition; and

(B) Maintenance of Land for Safety

Maintenance of land areas to protect against health hazards and promote the safety of surrounding land, structures and uses.

5.2 Nonconforming Uses

5.2.1 General

Nonconforming uses are declared generally incompatible with the permitted uses in the district in which they are located and with the provisions of this Ordinance. Nonconforming uses shall be subject to the standards in this Section.

5.2.2 Change of Use

A nonconforming use shall not be changed to any other nonconforming use. Once a nonconforming use has ceased operation or has been discontinued for a period of 180 days or longer, it shall only be replaced with a conforming use.

5.2.3 Expansion and Enlargement

Except in accordance with this Subsection, a nonconforming use shall not be enlarged, expanded in area occupied or intensified. An existing nonconforming use may be enlarged into any portion of the structure where it is located provided the area proposed for expansion was designed and intended for such use prior to the date the use became a nonconformity.

5.2.4 Discontinuance

A nonconforming use shall not be reestablished after discontinuance for a period of 180 consecutive calendar days or more. An effort to renovate the structure housing the use is not considered a vacancy, abandonment, or discontinuance, provided all appropriate development approvals are obtained, and provided the renovation is completed within 180 days from its commencement, and the use is re-established within 30 days from the time the renovation is completed. Failure to complete the renovation within 180 days or reestablish the use within 30 days following renovation shall constitute discontinuance, and a nonconforming use shall not be reestablished in the structure.

5.2.5 Accessory Uses

Once a nonconforming principal use is discontinued, all associated accessory uses shall cease operation within 30 days.

5.2.6 Reconstruction after Casualty Damage

(A) Destruction or Damage Beyond 50 Percent of Value

- (1)** In the event a structure housing a nonconforming use is damaged or destroyed, by any means, to an extent of more than 50 percent of its structural replacement cost at the time of damage or destruction, the nonconforming use may not be reestablished following reconstruction.

(B) Damage of 50 Percent or Less of Value

- (1)** In the event a structure housing a nonconforming use is damaged, by any means, to an extent of 50 percent or less of its structural replacement cost at the time of damage, it may be repaired to its previous form, and the nonconforming use reestablished, if a Building Permit for such repair or restoration is obtained within 180 days of the casualty damage, and the

repair or restoration is completed within one year of obtaining the Building Permit.

- (2) In no case shall a different nonconforming use be established in the place of the nonconforming use that was housed in the structure at the time of casualty damage.

5.3 Nonconforming Structures

5.3.1 Continuation

Normal repair and maintenance may be performed to allow the continued use of nonconforming structures.

5.3.2 Enlargement

A nonconforming structure shall not be enlarged or expanded in any way that increases the degree of nonconformity. (For example, a structure that has a five-foot side yard setback where the Ordinance requires a ten-foot side yard setback cannot be enlarged so as to further encroach into the side yard setback.) Expansion of the structure in a way that complies with applicable dimensional standards or that decreases the degree of nonconformity is permitted.

5.3.3 Relocation

A nonconforming structure shall not be moved, in whole or in part, to another location within the Town's jurisdiction, on or off the parcel of land on which it is presently located, unless upon relocation it conforms to the requirements of this Ordinance.

5.3.4 Reconstruction After Casualty Damage

(A) Destruction or Damage Beyond 50 Percent of Value

- (1) In the event a nonconforming structure (or portion of a structure) is damaged or destroyed, by any means, to an extent more than 50 percent of its structural replacement cost at the time of damage or destruction, it shall only be restored in a manner that conforms with the provisions of this Ordinance.
- (2) New construction (including the establishment of off-street parking, landscaping, signage, and other site features) shall be in accordance with the requirements of this Ordinance.

(B) Damage of 50 Percent or Less of Value

- (1) In the event a nonconforming structure is damaged, by any means, to an extent of 50 percent or less of its structural replacement cost at the time of damage or destruction, it may be rebuilt to its previous form if a Building Permit for such repair or restoration is obtained within 180 days of the casualty damage, and repair or restoration is completed within one year of obtaining the Building Permit.

- (2) In no event shall the repair or restoration increase the degree of nonconformity.

5.4 Nonconforming Lots of Record

No use or structure shall be established on a nonconforming lot of record except in accordance with the standards in this Section.

5.4.1 Status of Nonconforming Lots

- (A) Conforming structures legally established on nonconforming lots of record prior to the effective date of this Ordinance may be continued, enlarged, extended, reconstructed, or structurally altered in any way that is in conformance with the standards of this Ordinance.
- (B) Nonconforming structures legally established on a nonconforming lot prior to the effective date of this Ordinance may be continued, enlarged, or redeveloped only in accordance with the standards in Section 5.3, Nonconforming Structures.

5.4.2 Development of Unimproved Lots

(A) Residential Districts

In the residential zoning districts, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family detached dwelling and customary accessory structures may be developed on any single lot of record existing on October 1, 2008. This provision applies even if the lot of record fails to comply with the standards for area or width in Section 6.6, Dimensional Standards. Development of a single-family detached dwelling on the lot of record shall comply with the other standards in Section 6.6, Dimensional Standards, to the maximum extent practicable.

(B) Nonresidential Districts

In the nonresidential zoning districts, notwithstanding limitations imposed by other provisions of this Ordinance, a permitted use may be developed on any single nonconforming lot of record existing on October 1, 2008, or the date the lot of record became nonconforming, subject to review and approval of a Special Use Permit. This provision shall apply even though the lot of record fails to comply with the standards for lot area that are applicable in the zoning district. In considering the application for a Special Use Permit, the Board of Adjustment shall ensure the design and location of the proposed use is compatible with surrounding uses. Development of the permitted use on the lot of record shall comply with the other standards in Section 6.5, Dimensional Standards, to the maximum extent practicable.

(C) Recombination Required

In the event that a vacant nonconforming lot is located adjacent to a lot under common ownership, and the adjacent lot has sufficient size to allow for a lot line adjustment as a means of bringing the vacant lot closer into conformity with the requirements of the zoning district where its located, then such lot line

adjustment shall be required as a condition of approval for development on the vacant nonconforming lot.

5.4.3 Redevelopment of Improved Lots in Residential Districts after Casualty

If a legally established single-family attached or detached use is destroyed by casualty on a nonconforming lot in a residential zoning district that was part of a subdivision or division of land evidenced by plat or deed, or both, recorded prior to October 1, 2008, an identical replacement structure may be reconstructed within the same footprint as the use destroyed by casualty even though the lot does not meet the minimum lot area or lot width requirements.

5.4.4 Government Acquisition of Land in a Residential District

Governmental acquisition of a portion of a lot for a public purpose that results in a reduction in lot width and/or lot area below that required in Section 6.6, Dimensional Standards, shall not render the lot nonconforming.

5.4.5 Change of Nonconforming Lots

A nonconforming lot may be increased in area, width, or both, through a lot line adjustment in accordance with the requirements of the Recombination Plat procedures, to make the lot less nonconforming.

5.5 Nonconforming Signs

5.5.1 General Standards

No nonconforming sign shall be used, erected, altered, repaired, or relocated except in accordance with the standards of this Section.

5.5.2 Nonconforming Signs Protected

- (A)** Any sign that was lawfully erected prior to October 1, 2008, but that does not conform in one or more respects with the requirements of this Ordinance may remain in use, subject to the requirements of this Section and other applicable requirements of this Ordinance. No activity that increases the amount of nonconformity shall be permitted.
- (B)** A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Ordinance. Once a nonconforming sign is removed from the premises or otherwise taken down or moved, the sign may only be replaced with a sign which is in conformance with this Ordinance.

5.5.3 Routine Repairs and Maintenance

- (A)** Repairs and maintenance of nonconforming signs, such as repainting and electrical repairs, shall be permitted, provided such activities are completed in accordance with the requirements in Article 12, Sign Regulations, and provided that the cost of repairs do not exceed 50 percent of the replacement value of the sign.

- (B) Nonconforming signs representing a danger to the public health or safety as determined by the Ordinance Administrator shall be immediately replaced or removed, and replacement signage shall comply with all requirements of this Ordinance.

5.5.4 Replacement Required

(A) Single Tenant Buildings

In the event there is a change in use to an existing single tenant building, and there are one or more on-premise nonconforming signs which advertised the business or use which changed, the owner or new occupant shall replace all existing nonconforming signs with new signs or new sign faces that meet all sign requirements for the district as set forth in Article 12, Sign Regulations.

(B) Multi-Tenant Buildings

In the event there is a change in use to an existing multi-tenant building, and there are one or more on-premise nonconforming signs which advertised the business or use which changed, the owner or new tenant shall replace all nonconforming signs which pertain specifically to the new tenant with new signs or new sign faces that meet all sign requirements for the district as set forth in Article 12, Sign Regulations. Common signage on the property (those signs advertising more than one tenant) may not be changed or altered when a change in use occurs, except in order to bring the sign(s) into conformance with the requirements of Article 12.

5.5.5 Damage or Destruction Beyond 50 Percent of Value

In the event that a nonconforming sign is damaged or destroyed from natural causes to an extent that exceeds 50 percent of the sign's value, then the sign shall only be restored, repaired, or reconstructed in accordance with the standards of Article 12, Sign Regulations. In no instance shall any remnants of the former nonconforming sign structure remain on the site. In the event a nonconforming sign is damaged to an extent less than 50 percent of the sign's value, the sign may be repaired in accordance with Section 5.5.3, Routine Repairs and Maintenance.

5.5.6 Abandonment

- (A) If a nonconforming on-premise sign which advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that has for a period of at least 180 days not been operated, conducted or offered, that sign shall be deemed abandoned and shall be removed or brought into compliance by the sign owner, landowner, or other person having control over the sign within 30 days.
- (B) If a nonconforming sign remains blank for a continuous period of 180 days, that sign shall be deemed abandoned and shall, within 30 days after such abandonment, be brought into compliance with this Ordinance or be removed by the sign owner, owner of the land where the sign is located, or other person having control over the sign. For purposes of this Ordinance, a sign shall be deemed "blank" if:

- (1) It advertises a business, commodity, accommodation, attraction service or other enterprise or activity that is no longer operating or being offered or conducted in that location; or
 - (2) The advertising message it displays becomes illegible in whole or substantial part; or
 - (3) It does not contain an advertising message. (For such purposes, the terms "Sign For Rent", "Sign For Lease", "Building For Rent", "Building For Lease", "Building for Sale", etc. shall not be deemed to be an advertising message).
- (C) Signs advertising a use or structure that has been demolished or moved to another site shall be removed within 60 days following demolition or relocation. In the event an existing use or structure has been demolished or moved to facilitate new construction, all signage associated with the new construction shall comply with the standards in Article 13, Sign Regulations.

5.6 Nonconforming Manufactured Homes

5.6.1 General

A preexisting nonconforming manufactured home located on an individual lot or within a nonconforming manufactured home park may only be replaced or relocated in accordance with the terms of this Section.

5.6.2 Removal and Replacement

When a preexisting nonconforming manufactured home is removed from an individual lot or a nonconforming manufactured home park, it may only be replaced on a one-for-one basis. No increase in the number of manufactured homes on an individual lot or within a nonconforming manufactured home park is allowed under any circumstances.

5.6.3 Standards for Replacement

All manufactured homes installed to replace a preexisting nonconforming manufactured home on an individual lot or in a nonconforming manufactured home park must be constructed to the National Manufactured Housing Construction and Safety Standards of July 1, 1976 (HUD Code) and other subsequent regulations enacted by the US Department of Housing and Urban Development that were in place at the time of its construction.

5.6.4 Relocation

Manufactured homes which are located within the jurisdiction of this Ordinance prior to October 1, 2008 may, without regard to their date of manufacture, be relocated to another individual lot or manufactured home park located within the Town's jurisdiction that is within a zoning district that allows manufactured homes on individual lots.

5.6.5 Continuation

Preexisting nonconforming manufactured homes on individual lots and in nonconforming manufactured home parks which are located within a residential zoning district may continue in existence indefinitely and may be replaced in conformance with the provisions of this Section.

5.6.6 Amortization

Manufactured homes in nonconforming manufactured home parks which are located within a nonresidential zoning district must be removed from the nonconforming manufactured home park by October 1, 2023. Replacement of individual manufactured homes within these nonconforming manufactured home parks shall be allowed in conformance with the provisions of this Section until October 1, 2018. Following that date, no manufactured home which is removed may be replaced.

5.7 Nonconforming Religious and Civic Institutional Uses in the Highway Business, Light Industrial or Heavy Industrial Zoning Districts

5.7.1 General

A preexisting nonconforming religious or civic institutional use in the Highway Business (HB), Light Industrial (LI) or Heavy Industrial (HI) zoning districts may only be expanded, repaired, reconstructed, or restored in accordance with the terms of this Section. This section only applies to the HB, LI, or HI zoning districts.

5.7.2 Change of Use

A nonconforming religious or civic institutional use shall not be changed to any other nonconforming use. Once a nonconforming religious or civic institutional use in the HB, LI or HI zoning district has ceased operation or has been discontinued for a period of twelve (12) months or longer, it shall only be replaced with a conforming use.

5.7.3 Expansion and Enlargement

Except in accordance with this Subsection, a nonconforming use shall not be enlarged, intensified, or expanded in area occupied. An existing nonconforming religious or civic institutional use may be enlarged or expanded into any portion of the structure in which it is located. An existing nonconforming religious or civic institutional use in the HB, LI or HI zoning district may expand or enlarge an existing structure, or add new structures on the property.

5.7.4 Continuation

Preexisting nonconforming religious or civic institutional uses in the HB, LI or HI zoning districts may continue in existence indefinitely and such nonconforming uses may be expanded and the structures housing such uses may be expanded, repaired, reconstructed, or restored in conformance with the provisions of this Section. Nonconforming structures may not be expanded.

5.7.5 Discontinuance

A nonconforming religious or civic institutional use in the HB, LI or HI zoning district shall not be reestablished after the use is discontinued on the property for a period of twelve (12) months or more. An effort to renovate the structure housing the use is not considered a vacancy, abandonment, or discontinuance, provided all appropriate development approvals are obtained prior to the use being interrupted on the property and provided the renovation is completed within twelve (12) months from its commencement and the use is re-established within thirty (30) days from the time the renovation is completed as evidenced by a Certificate of Occupancy. Failure to either complete the renovation within twelve (12) months from its commencement or reestablish the use within thirty (30) days following renovation shall constitute discontinuance, and a nonconforming use shall not be reestablished.

If a nonconforming religious or civic institutional use ceases using the property, a different religious or civic institution may resume the use on the property and operate as a nonconforming use provided such new nonconforming activity is commenced within twelve (12) months of the discontinuance of the use by the prior nonconforming religious or civic institutional use.

5.7.6 Accessory Uses or Structures

A preexisting nonconforming religious or civic institutional use in the HB, LI or HI zoning district may add accessory uses or structures provided such uses or structures comply with the Ordinance and all appropriate state and local laws and regulations and are appropriately permitted.

New cemeteries are not permitted as accessory uses for nonconforming religious or civic institutional uses in the HB, LI or HI zoning district.

5.7.7 Repair

Minor repairs and normal maintenance as described in Section 5.1.4 are permitted.

5.7.8 Reconstruction or Restoration after Casualty Damage

In the event a structure housing a nonconforming religious or civic institutional use in the HB, LI or HI zoning districts is damaged or destroyed by any means, the nonconforming use may be reestablished provided a Building Permit for such repair or restoration is obtained within one (1) year of the damage or destruction, and repair or restoration is completed within one (1) year of obtaining the Building Permit.

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ARTICLE 6 – ZONING

6.1 General Provisions

6.1.1 Zoning Districts Established

All property within the zoning jurisdiction of the Town of Butner shall be divided into the base, conditional and overlay zoning districts as outlined in this Article.

6.1.2 Relationships Between Zoning Districts

(A) Generally

Lands within the Town and its extraterritorial zoning jurisdiction (ETJ) may be classified into one or more of the following:

- (1) A base zoning district as set forth in Section 6.2;
- (2) A conditional zoning district as set forth in Section 6.3; and
- (3) One or more of the overlay zoning districts set forth in Section 6.4.

(B) Conditional Zoning Districts

Where lands are classified in a conditional zoning district in accordance with Section 3.2.3, Conditional Zoning District Classification, any conditions approved by the Town Council shall apply in addition to the regulations governing development in the corresponding base zoning district.

(C) Overlay Districts

Where lands are classified within an overlay zoning district in addition to a base or conditional zoning district, the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying zoning district.

(D) Conflict

In the event of an express conflict between the standards set forth for the districts established by this Article, the more restrictive provision shall control, unless otherwise specified.

6.1.3 Compliance with District Standards

No land within the Town or its extraterritorial jurisdiction (ETJ) shall be developed except in accordance with the standards set forth in this Article, and all other applicable regulations contained in this Ordinance.

6.2 Base Zoning Districts

6.2.1 Purpose and Intent

The districts enumerated by this Section are established to provide a comfortable, healthy, safe and pleasant environment in which to live, work, or recreate. More specifically, they are intended to:

- (A)** Provide appropriately located lands for residential development that are consistent with the goals, objectives, and policies of the Land Use Plan.
- (B)** Provide appropriately located lands for the full range of nonresidential uses needed by the Town's residents, businesses, and workers, consistent with the goals, objectives, and policies of the Land Use Plan.
- (C)** Provide for residential housing choice and diversity with varying density together with accessory structures, and nonresidential services as may be compatible with such development.
- (D)** Create neighborhoods and preserve existing community character while accommodating new development consistent with the Town's goals and objectives.
- (E)** Minimize any negative impacts of nonresidential development on residential districts and uses.
- (F)** Create suitable environments for various types of commercial uses, and protect them from the adverse effects of incompatible uses.

6.2.2 Residential Zoning Districts

(A) Rural Preservation District (RP)

The Rural Preservation District (RP) is established to accommodate very low density single family residential development and to promote the preservation of working farms and forests in environmentally sensitive areas and in areas that have limited or no public services available. To achieve this, the gross density for new residential development in the RP district is limited to one dwelling unit per two acres of land.

(B) Rural Residential District (RR)

The Rural Residential District (RR) is established to accommodate low density single family residential development and to promote the preservation of working farms and forests in rural areas which do not have access to public services. To achieve this, the gross density for new residential development in the RR district is limited to one dwelling unit per acre of land.

(C) Suburban Residential District (RS)

The Suburban Residential District (RS) is established to accommodate low to moderate density single family residential development, as well as complimentary small scale public and institutional uses which would not detract

from the residential character of the district, in suburban areas of the Town's jurisdiction which have access to public services. The gross density of new residential development in this district is limited to 3 dwelling units per acre.

(D) Town Residential District (RT)

The Town Residential District (RT) is established to accommodate moderate density single family residential development, as well as complimentary small scale public and institutional uses which would not detract from the residential character of the district, in core residential areas of the Town of Butner. The gross density of new residential development in this district is limited to 3.5 dwelling units per acre.

(E) Mixed Residential District (RMX)

The Mixed Residential District (RMX) is established to accommodate moderate density single family and duplex residential development, as well as complimentary public and institutional uses which would not detract from the residential character of the district, in core areas of the Town where development at this density is appropriate. The gross density of new residential development in this district is limited to 4 dwelling units per acre.

(F) Multi-Family Residential District (RMF)

The Multi-Family Residential District (RMF) is established to accommodate higher density multi-family residential development in areas within the Town's jurisdiction where such residential density is appropriate and public services are available to serve the development. The gross density of new multi-family development within this district is limited to 6 dwelling units per acre; however, this may be increased to a maximum of 12 dwelling units per acre with the issuance of a Special Use Permit.

6.2.3 Nonresidential Districts

(A) Office & Institutional District (OI)

The Office and Institutional District (OI) is established to accommodate a wide range of low to moderate intensity professional, civic, educational, public and governmental uses. Typically, this district will serve as a transitional district between lower intensity residential uses and higher intensity commercial uses.

(B) Neighborhood Business District (NB)

The Neighborhood Business District (NB) is established to accommodate low to moderate intensity commercial establishments and professional offices which provide goods and services to residents of an adjacent, or nearby, residential neighborhood.

(C) Central Business District (CB)

The Central Business District (CB) is established to accommodate moderate intensity commercial development in the core commercial area of the Town of Butner.

(D) Highway Business District (HB)

The Highway Business District is established to accommodate moderate to high intensity commercial development along major roadways serving the Town of Butner.

(E) Light Industrial District (LI)

The Light Industrial District (LI) is established to accommodate low to moderate intensity manufacturing, transportation, logistics and wholesaling uses in areas of the Town's jurisdiction where such uses can be operated in a manner which does not infringe on the use or enjoyment of nearby residential or commercial areas. Uses in this district are limited to those which do not create any off-site environmental impacts or nuisances such as light, dust, odor, noise or emit any airborne pollutants.

(F) Heavy Industrial District (HI)

The Heavy industrial District (HI) is established to accommodate moderate to high intensity manufacturing facilities and other complimentary uses in areas of the Town's jurisdiction where the establishment of such uses engaged in higher intensity manufacturing processes would not cause detrimental effects to nearby residential or commercial areas.

6.3 Conditional Zoning Districts

6.3.1 Purpose and Intent

The conditional zoning district classification allows the Town Council to consider proposed uses and tailor the zoning to accommodate those uses while addressing anticipated problems that may arise from the establishment of the proposed uses. This Section sets forth the types of conditional zoning districts and explains their relationship to the base zoning districts

6.3.2 Designation

Conditional zoning districts shall be designated only in accordance with the procedures set forth in Section 3.2.3, Conditional Zoning District Classification, and may not contain conditions which are less restrictive than this Ordinance, other Town requirements or other applicable State or Federal laws.

6.3.3 Allowable Uses

No use shall be permitted within a conditional zoning district except pursuant to the conditions imposed as part of the approval. The permitted uses shall be limited to those permitted in the corresponding base zoning district unless otherwise restricted in the conditions set forth in the approval of the conditional zoning district classification. Any use allowed in one Gateway District may be approved as a conditional district in any other Gateway District.

6.3.4 Applicable Standards

(A) Base Zoning District Standards Apply

All standards and requirements that apply to the corresponding base zoning district shall also apply to the conditional zoning district, except where allowed in Section 6.3.6(B) and 6.5.

(B) No Less Restrictive than Base District

Conditions imposed on a conditional zoning district may be no less restrictive than the standards that apply to the corresponding base zoning district, except where allowed in Section 6.3.6(B) and 6.5.

(C) Stricter Standards Adopted

Existing conditions or limitations associated with an approved Conditional Zoning District Classification shall become null and void if future amendments to this Ordinance require stricter standards than those imposed under the Conditional Zoning District Classification.

(D) Application of Conditions

In cases where the ability to implement an approved conditional zoning district condition is impossible or impractical (e.g. a condition requiring trees to be preserved when the trees have subsequently died due to natural causes), the Ordinance Administrator shall enforce the condition in a way that most closely meets the condition's original intent.

6.3.5 Parallel Conditional Districts Established

Each base zoning district shall have a corresponding "parallel" conditional zoning district. Conditional zoning district classifications shall be indicated on the Official Zoning Map by the suffix "CD" in front of the associated base zoning district.

6.3.6 Planned Unit Development District (CD-PUD)

(A) General

The Planned Unit Development District (CD-PUD) is a special purpose conditional zoning district that is established in order to accommodate a diverse mix of residential and nonresidential uses and structures that function as a cohesive, integrated and unified development. This district encourages innovative development patterns by allowing flexibility in permitted uses, design and layout requirements in conjunction with a Concept Plan. This district may only be established through the process set forth in Section 3.2.3, Conditional Zoning District Classification.

(B) Planned Unit Development Standards

(1) Minimum Size

The minimum size for an application for Conditional Zoning District Classification to a CD-PUD district is 10 acres.

(2) Permitted Uses

Planned Unit Developments may contain any use allowed in the RP, RR, RS, RT, RMF, OI, NB, CB, CX, SI, NI, CW and CE districts except for agricultural uses.

(3) Preservation of Environmentally Sensitive Areas

All areas of wetlands, steep slopes, floodways and other environmentally sensitive areas must be preserved as open space.

(4) Density

The overall residential density of the PUD is established by the Concept Plan as part of the Conditional Zoning District Classification. The density may be higher than the maximum allowed by the base district, but no more than 12 dwelling units per acre, and must follow the minimum lot size standard in Section 6.3.6(B)(5).

(5) Minimum Lot Size

Minimum lot sizes in each area of the PUD are established by the Concept Plan as part of the Conditional Zoning District Classification. Where a residential portion of a PUD abuts a platted or developed single-family residential subdivision, the minimum lot size shall not be less than one-half of the minimum lot size of the adjoining district. However, no residential lot shall be less than 6,000 square feet in gross area.

(6) Minimum Interior Setbacks

Setback requirements within the PUD are established by the Concept Plan as part of the Conditional Zoning District Classification. While no minimum setback is required, if one is provided it must be at least 5 feet in width.

(7) Minimum Street Setbacks

Minimum street (front yard) setbacks within the PUD are established by the Concept Plan as part of the Conditional Zoning District Classification.

(8) Maximum Height

Within single family residential portions of a PUD, the maximum height limit is 35 feet. In nonresidential or mixed use portions of a PUD, the maximum height limit is determined by the Concept Plan.

(9) Open Space and Recreation Facilities

A minimum of 20% of the gross area of the PUD must be dedicated to open space. No more than 50% of the dedicated open space may be used for active recreation purposes (i.e. soccer fields, tennis courts) etc.. At

least 50% of the passive recreation/natural areas must be usable and accessible (i.e not wetlands, steep slopes or other marginal lands)

(10) Nonresidential Areas

Nonresidential areas and adjacent residential areas must be arranged in such a manner that convenient pedestrian access is provided between and within those areas.

(11) Parking and Loading

Off street parking and loading areas must be provided in accordance with Article 13.

(12) Street Design

Streets must be designed and located so that they are integrated into and provide continuation of the surrounding street network. A minimum street connectivity index score of 1.5, as outlined in Section 14.3.4(B) shall be maintained throughout the development.

(13) Signs

- (i) A common signage plan must be included as part of the Concept Plan. This common signage plan shall specify the size, type, height, setback, location, design, illumination and number of signs to be allowed in the PUD. All signs included in the common signage plan shall utilize the same coordinated colors, styles and lettering schemes throughout the development.
- (ii) Signs allowed in residential portions of the PUD may be no less restrictive than the standards set forth for signs in the RT district.
- (iii) Signs allowed in nonresidential portions of the PUD may be no less restrictive than the standards set forth for signs in the CB district.

(14) Landscaping

Landscaping standards for the PUD are established by the Concept Plan as part of the Conditional Zoning District Classification.

(15) Buffering

Buffering standards for the PUD are established by the Concept Plan as part of the Conditional Zoning District Classification.

6.4 Overlay Districts

6.4.1 Watershed Protection Overlay Districts

The following Watershed Protection Overlay Districts are established to comply with the rules set forth by the North Carolina Environmental Management Commission for the protection of those water supply watersheds which lie within the jurisdiction of the

Town of Butner. The specific regulations for these districts are set forth in Article 15, Water Supply Watershed Protection.

(A) Watershed Protection Overlay District – Critical Area (WPO-CA)

The Watershed Protection Overlay District – Critical Area (WPO-CA) establishes regulations for protecting those portions of the Falls Lake (WS- IV), Lake Holt (WS- II) and Lake Rogers (WS-II) watersheds which lie within the ½ mile critical watershed area of those water supply sources as established and determined by the NC Environmental Management Commission.

(B) Watershed Protection Overlay District – General Area (WPO-GA)

The Watershed Protection Overlay District – General Area (WPO-GA) establishes regulations for protecting those portions of the Falls Lake (WS- IV), Lake Holt (WS- II) and Lake Rogers (WS-II) watersheds which lie within the remaining balance of the watershed area of those water supply sources as established and determined by the NC Environmental Management Commission.

6.5 Mixed-Use Zoning Districts

6.5.1 Purpose and Intent

The Mixed-Use districts allow for a mix of non-residential and residential uses within the same development or building. This type of development is intended to encourage the physical design characteristics of pedestrian oriented, storefront-style shopping streets.

6.5.2 Gateway Districts

The Butner Gateway consists of five base zoning districts within a specific area, the Gateway, each of which allow a mix of uses. Using a hybrid of form based code and traditional land use based code, these districts create a cohesive, integrated and unified development consistent with the Butner Gateway Small Area Plan adopted December 3, 2015. The districts are allowed only within the Gateway Area. Before development in the Gateway Districts may occur a concept plan must be reviewed and approved by Town Council in accordance with Article 3.2.6. Uses allowed in each Gateway District are shown in Table 7-1, Table of Permitted Uses. Any property in the Gateway area can request a conditional district rezoning to allow a use allowed in another Gateway District.

(A) Gateway Base Districts

(1) Central Avenue Mixed-Use District (CX)

The Central Avenue Mixed-Use District (CX) is established to accommodate a mix of commercial, office and supporting higher density residential uses typically within a vertical mixed use project. It is intended to serve as the Gateway “Main Street” promoting a compact urban form. This district utilizes build-to lines as compared to more traditional building setbacks, and minimum building/block standards. Uses which utilize and/or incorporate Public Space into the development (sidewalk cafes,

etc.) shall be encouraged within this district especially those properties fronting Central Avenue.

(2) South Interchange Gateway District (SI)

The South Interchange Gateway District (SI) is established to accommodate a mix of convenience retail and restaurants, moderate intensity commercial development as well as neighborhood serving commercial and professional office uses. The district may provide transient uses typically associated with higher volume thoroughfares and interstate interchanges. Multi-family residential uses may be provided as part of a vertically integrated mixed use project.

(3) North Interchange Gateway District (NI)

The North Interchange Gateway District (NI) is established to accommodate a mix of convenience retail and restaurants, including moderate and high intensity commercial uses typically associated with higher volume thoroughfares and interstate interchanges. This district may also provide large-scale, big-box oriented uses.

(4) Central Gateway West District (CW)

The Central Gateway West District (CW) is established to accommodate an economic development and employment generating area including office, industrial and institutional uses. Institutional uses are intended to be located across from Murdoch Center. Office and Institutional uses are intended south of 26th Street up the Central Avenue Mixed Use District to act as a transition between the Mixed-use area and the more intense industrial uses. The area in between, north of 26th Street and extending across the railroad to the East, is intended to be the primary employment center for the Gateway area. This area focuses on non-residential operations including employment and job generating uses. Uses within this district will likely use the railroad and interstate for the movement of goods. Properties in this area may be developed individually or as part of a business or office park. Supporting residential may be provided under limited situations, and shall not be primary uses in this district.

(5) Central Gateway East District (CE)

The Central Gateway East District (CE) is established to accommodate the connection between the major commercial nodes via the Parkway with a mix of uses including primarily office, institutional and industrial. The district also includes "Opportunity Site A" which may be developed as either Office & Institutional or Residential Developments with increased densities. Non-residential uses within the Opportunity Site are envisioned to include an Academic/Healthcare Campus concept. Residential uses are envisioned as an age-targeted neighborhood and/or a variety of housing types and styles including attached and limited detached housing. Consistent with the Central Gateway West District, properties north of 26th Street and its continuation to Telecom Drive comprise the Gateway Area's primary employment center.

6.5.3 Gateway District Standards

(A) Concept Plan Required

A Concept Plan is required prior to the use or development of any Gateway Zoning District.

(B) Preservation of Environmentally Sensitive Areas

All areas of wetlands, steep slopes, floodways and other environmentally sensitive areas must be preserved as open space.

(C) Density

The maximum residential density within the Butner Gateway districts shall be 10 dwelling units per acre except where regulated by the single family lot size set forth in Section 6.5.3(D) below.

(D) Lot Standards

- (1)** Minimum lot sizes in each area of the Butner Gateway are established by the Concept Plan. Where a residential area abuts a platted or developed single-family residential subdivision, the minimum lot size shall not be less than one-half of the minimum lot size of the adjoining district. However, no residential lot shall be less than 6,000 square feet in gross area.
- (2)** Minimum lot width for detached single-family detached residential lots shall be 50'. Minimum lot width for all other lots shall be established by the Concept Plan.
- (3)** Lot Depth Ratio: lots may not exceed a width to depth ratio of 4:1. Exceptions to this standard may be granted based on existing environmental features, required stormwater facilities, or other site specific considerations which must be approved by the Town Council as part of the required Concept Plan.
- (4)** Double Frontage Lots: Double frontage lots including those served by alleys may be provided within the Butner Gateway Area consistent with the Concept Plan.

(E) Setbacks and Building Zones

Setback requirements for residential development in any of the Gateway Districts are established by the approved Concept Plan.

- (1)** Development in the NI District and non-residential uses in the CE District shall have the following minimum building setbacks:

Front: 35 feet
Side: 15 feet
Rear: 25 feet

Adjacent to existing residential uses and the perimeter of the Gateway Area: 50 feet

(2) Development in the SI District shall have the following Building Zones (minimum and maximum building setbacks):

- (i)** The front Building Zone shall be between 8 and 25 feet from the back of the sidewalk to provide for Public Space. Public Space areas are intended to function as a portion of the streetscape and shall provide for an attractive, safe and functional environment. These areas shall be designed for the type of development that they serve and be reflected on approved Site Plans. Public Space areas shall enhance the development's aesthetics. Street side Public Space areas shall be a minimum of eight (8) feet in width beginning at the back edge of the public sidewalk and may be included within the build-to-zone and/or setback. Public Space shall include at least one item from list a and at least items two list b:

List a

Increased sidewalk widths along public roadways
Café style seating
Benches
Seatwalls

List b

Awnings, canopies or similar shade structures (excludes gas canopies)
Exterior, pedestrian scale lighting (excludes required street lights)
Decorative Railing
Decorative Bollards
Potted Planters
Public Art
Similar items as may be approved by the Ordinance Administrator.

- (ii)** The side Building Zone shall be between 0 and 10 feet, except where parking in the side yard is provided; however, the side building line shall not exceed 45 feet except where approved by the Ordinance Administrator.
- (iii)** There is no minimum rear Building Zone in order to allow for parking in the rear of buildings and/or necessary utilities and infrastructure.
- (iv)** Buildings facing public roads/right-of-ways: Buildings which face a public road or right-of-way including the side and rear of the buildings shall be designed and constructed to provide the appearance of the front of the building through use of windows, doors, awnings, canopies or similar feature. In cases where the main entrance to the building is not from the street, the building must also be designed for a main entrance on the street side in case a future tenant wants the building to face the street.

- (3) Development in the CX and CW Districts shall have the following Building Zones (minimum and maximum building setbacks):
- (i) The front Building Zone shall be between 15 and 30 feet. Parking should be provided to the side and/or rear of the building. In areas where cross access to adjacent development connects to existing parking in front of the building, a single row of parking is allowed in front of the building and the front Building Zone can be up to 50 feet. Corner Lots may only have parking in one front Building Zone.
 - (ii) The side Building Zone shall be between 0 and 10 feet, except where parking in the side yard is provided; however, the side Building Zone shall not exceed 45 feet except where approved by the Ordinance Administrator.
 - (iii) There is no required rear Building Zone in order to allow for parking in the rear of buildings and/or necessary utilities and infrastructure.
 - (iv) Buildings facing public roads/right-of-ways: Buildings which face a public road or right-of-way including the side and rear of the buildings shall be designed and constructed to provide the appearance of the front of the building through use of windows, doors, awnings, canopies or similar feature.
- (4) All setbacks and Building Zones for uses or districts not specifically noted in this section shall be established by the approved Concept Plan.

(F) Building Frontage

- (1) Within the CX and SI Districts, the minimum building frontage shall be 65 percent of the lot width. This standard may be modified by the Ordinance Administrator based on required utility and drainage easements and or vehicular accesses (i.e., public streets). In the case of a corner lot and/or double frontage lot, the Ordinance Administrator shall determine the front yard. Minimum building frontage in all other Gateway Districts shall be no less than 30 percent of the lot width.

Building frontage may be provided as follows:

- (i) The building frontage minimum requirement may be achieved completely by building façade or a combination of building façade, Porte cochere and similar decorative structural feature including the use of street walls. These elements when used to meet this standard shall be designed with similar building materials and architectural appearance as the primary structure. Street walls, if provided, must be no less than 24 inches and no more than 60 inches above grade
- (ii) Encroachments: The following items may encroach up to one half of the minimum Building Zone distance so long as a minimum of eight (8) feet of vertical clearance is provided: awnings, canopies, signs limited to awning and canopy, balconies.

(G) Maximum Height

- (1) The maximum height for single family residential structures is 35 feet.
- (2) The maximum height for the CX district is 45 feet.
- (3) In nonresidential designated areas in the SI, NI, CE and CW Districts the maximum height is 60 feet.
- (4) With the exception of single-family residential development, increased building heights above the maximum stated may be considered up to a maximum of 50 percent of the maximum height standard providing height mitigation measures such as a building stepback or setback are proposed and approved by the Ordinance Administrator. Buildings exceeding the maximum height shall provide a stepback of at least 15 feet along all sides facing a public roadway.
- (5) Any single-story structure in which the floor to ceiling height exceeds 15 feet or the exterior façade height exceeds 25 feet, shall be designed to appear like a multistory structure.

(H) Open Space and Recreation Facilities

For developments greater than 10 acres as identified by a Concept Plan, Subdivision, or Site Plan, a minimum of 5 percent of the gross area of the development must be dedicated to open space exclusive of any existing wetland area; parcels less than 10 acres shall be exempt from this standard. No more than 50 percent of the dedicated open space may be used for active recreation purposes (i.e. soccer fields, multi-purpose fields, tennis courts, etc.). At least 50 percent of the passive recreation/natural areas must be usable and accessible (i.e. not including wetlands, steep slopes or other marginal lands); stormwater features including ponds, lakes or similar may count towards this total providing they are publicly accessible and provide a public edge through a sidewalk, trail or similar.

Within mixed use and residential developments, the open space can be provided in the form of neighborhood parks, plazas, greenways or similar subject to approval by the Ordinance Administrator. These areas shall include a minimum of three or more of the following program elements: community building, public gathering space, playground, pet park, trails, picnic area, shade structures and benches. The minimum open space area shall be 10,000 square feet.

The approved Concept Plan shall provide a listing of acceptable open space uses, types and generalized locations.

(I) Connectivity/Access

- (1) All buildings and/or lots shall front on a public street either existing or a new street constructed to the Town's standards.
- (2) All development must be arranged in such a manner that convenient pedestrian access is provided between and within those developments

and uses through sidewalks, greenways, trails or similar features. Connectivity shall also be provided to civic and recreational spaces, where practical.

- (3) Cross Access shall be provided to the adjacent properties except where not practical due to environmental features, utilities/infrastructure or other site specific features. Any request to waive the requirement for cross access shall be approved by the Ordinance Administrator.
- (4) Placement and width shall be consistent with the Gateway Street Standards as described in the Town of Butner Street Design Standards.
- (5) Due to the nature and intent of the Gateway area, Section 13.4.3.(A)(1) shall not apply. Except where approved by the Ordinance Administrator, adjacent parcels shall provide for cross access.

(J) Parking and Loading

Off street parking and loading areas must be provided in accordance with Article 13 of this Ordinance.

(1) Cross-Access

Cross-access to adjacent properties in the Gateway Districts shall be provided in accordance with the approved Concept Plan, consistent with the Butner Gateway Small Area Plan adopted December 3, 2015.

(2) Off-Site Parking

If parking required by this ordinance cannot be reasonably provided on the same lot as the principal use, a portion of the required off-street parking can be located on-street or on a separate lot no more than 400 feet from the lot on which the principal building or use is located. A continuous paved pedestrian pathway or sidewalk a minimum of 5 feet in width shall be required between the off-site parking area and the entry to the principal use.

(3) Shared Parking

Shared parking is encouraged within the Gateway Districts in order to provide opportunities to reduce the amount of land needed for parking and create opportunities for more compact development, more space for pedestrian circulation, or more open space and landscaping. Up to 50% of required parking may be shared between uses with different peak use times as approved by the Ordinance Administrator.

(4) On-street Parking

- (i) On-street parking may be provided on the local commercial collector streets within the Gateway Districts except for:
 - (a) Gate 2 Road: from the right-of-way of Interstate 85 to the northerly railroad right-of-way.

(b) E C Street: from the right-of-way of Interstate 85 to the intersection of S. 33rd Street.

(ii) On-street parking within 300 feet of the building entry may provide for up to 10 percent of the required parking spaces. Parking spaces proposed to meet this standard shall be striped/dedicated on-street parking spaces and recognized by the Town.

(iii) The minimum sidewalk width for public streets providing on-street parking shall be 12 feet.

(5) Parking Location

(i) Parking within the SI, CX and CW Districts in the Gateway shall be located to the rear or side of the building. In the CX district where cross access to adjacent development connects to existing parking in front of the building, a single row of parking is allowed in front of the building.

(ii) No parking space other than on-street parking shall open directly onto a public street (single-family and two-family dwellings and townhouses are exempt).

(iii) Except for single-family and two-family dwellings, aisles, driveways and joint access (cross access) driveways shall not be used for parking vehicles.

(iv) Required parking spaces for all uses except single-family and two-family dwellings shall be designed to permit entry and exit without moving any other vehicle.

(v) No parking space shall be located so as to block designated emergency access.

(vi) No portion of any required parking space shall be located within the right-of-way of a street or alley.

(6) Change in Use

If the change in use requires an increase in required parking greater than 50 percent of the previously required parking, all parking must be brought into compliance with the provisions of this Ordinance, including, but not limited to, location, size, materials, and access.

(7) Bicycle Parking

Bicycle Parking shall be provided per Article 13.7.3 of the Town Land Development Ordinance.

(K) Street Design

Streets must be designed and located so that they are integrated into and provide continuation of the surrounding street network. A minimum street connectivity index score of 1.5, as outlined in Section 14.3.4(B) shall be maintained throughout the development.

(L) Signs

- (1) A common signage plan must be included as part of the Concept Plan. This common signage plan shall specify the size, type, height, setback, location, design, illumination and number of signs to be allowed in the Gateway Districts. All signs included in the common signage plan shall utilize the same coordinated colors, styles and lettering schemes throughout the development.
- (2) Single-family residential portions of the Gateway Districts shall follow the standards set forth for signs in the RT district.
- (3) Non-single-family residential portions of the CX, SI and CW Gateway Districts shall follow the standards set forth for signs in the CB district.
- (4) Non-single-family residential portions of the NI and CE Gateway Districts shall follow the standards set forth for signs in the HB district.
- (5) Developments may exchange one free standing sign for additional square footage of wall, canopy, awning or window signage. Wall, canopy, awning or window or similar signage may not be exchanged for free standing signage.

(M) Landscaping

Landscaping standards for the Gateway Districts are established by the approved Concept Plan and shall follow Article 9 of this Ordinance.

(N) Buffering

Buffering standards for the Gateway Districts are established by the approved Concept Plan. Due to the nature of the Gateway Area, there are no buffers required between uses except as noted here.

- (1) Between industrial land uses and residential land use a Type B Buffer according to Article 10 of this Ordinance is required.
- (2) Between industrial land uses and all other land uses a Type A buffer according to Article 10 of this Ordinance is required.
- (3) Buffering between uses separated by a road or railroad may reduce the buffer standards by one-half.
- (4) The Ordinance Administrator may require the installation of a Type A Buffer Strip along the frontage of all lots. Individual single family lots and development along Central Avenue shall be exempt from this standard.

- (5) In the case of a conflict, the Ordinance Administrator is authorized to interpret and require the application of the buffer standard.

6.6 General Lot Requirements

6.6.1 Compliance with this Ordinance Required

No building or portion of a building shall be erected, used, moved, or altered except in conformity with this Ordinance.

6.6.2 Pre-existing Lots

Lots established prior to October 1, 2008 shall only be required to meet the minimum setback provisions for the base zoning district in which they are located, and shall be exempt from the other minimum lot size or lot width requirements.

6.6.3 Reduction Prohibited

Except as required through the establishment of new public rights-of-way (such as roadway widening) or approved as a Variance, no yard or lot existing on October 1, 2008 shall be reduced in size or area below the minimum requirements of the base and overlay zoning district where it is located.

6.6.4 Street Access

All lots shall front upon, and have access to, a public or private street built in accordance with the Town's standards.

6.6.5 Double Frontage and Flag Lots Prohibited

Double frontage lots including those served by alleys may be allowed in the Gateway Districts or PUD as approved by the Ordinance Administrator. In all other districts, double frontage lots shall be prohibited except where required due to extreme topographic circumstances or site conditions. Flag lots shall be prohibited except where required due to extreme topographic circumstances or site conditions.

6.6.6 Yard Determination on Irregular Lots

The location of required front, side, and rear yards on irregularly shaped lots shall be determined by the Ordinance Administrator. Such determination shall be based on the spirit and intent of this Ordinance in order to achieve an appropriate spacing and location of buildings and structures on individual lots.

6.6.7 Allowable Yard Encroachments for Residential Use

Building features and architectural elements may encroach into required yards or setbacks only in accordance with the following standards:

- (A) Balconies, stoops, open porches, bay windows, steps, mechanical units, raised doorways and similar architectural features are permitted to encroach into a setback a maximum of 4 feet.

- (B) First floor encroachments shall not extend into the right-of-way.
- (C) Side yard encroachments shall not be closer than 5 feet to a lot line.

6.6.8 Height Limitation Exceptions

The height limitations of this Ordinance shall not apply to spires, belfries, cupolas and domes not intended for residential purposes, nor to monuments, water towers, observation towers, power transmission towers, chimneys, elevator shaft enclosures, flag poles and similar structures, provided such structures meet the required provisions of the North Carolina Building Code. Height limitations shall apply to wireless communication towers as regulated herein.

6.6.9 Orientation of Structures in Residential Districts

Principal structures in residential zoning districts must be situated in such a manner that their primary entrance faces the primary street frontage on which they are located.

6.6.10 Prevailing Front Setbacks

In the RT and RMX zoning districts the prevailing front setback of neighboring developed lots shall be utilized to determine the minimum front setback of undeveloped lots which are located on a block face where at least fifty percent (50%) of the lots have been developed with a single family or two family (duplex) dwelling that was constructed prior to the effective date of this Ordinance. The minimum front setback shall be defined by establishing the average, or prevailing, front setback of the closest three (3) residential structures on either side of the undeveloped lot. In no case shall structures located more than five hundred (500) feet from the property line of an undeveloped lot be used to establish a prevailing front setback.

6.7 Dimensional Standards

6.7.1 Purpose

The purpose of this Section is to present the dimensional standards for all principal and accessory structures and uses allowed in this Ordinance. These standards may be further modified by other requirements found in other Articles where applicable.

6.7.2 Dimensional Standards Table

Unless otherwise specified, all principal and accessory structures in the base zoning districts are subject to the dimensional standards set forth in Table 6-1, Dimensional Standards.

Table 6-1 Dimensional Standards

Base Zoning District	Minimum Lot Size (sq.ft.)	Maximum Height (feet)	Minimum Lot Width (feet)	Minimum Setback (feet)		
				Front/Corner Side	Each Side	Rear
Rural Preservation (RP)	80,000	35	200	50	20	35
Rural Residential (RR)	40,000	35	120	40	15	35
Suburban Residential (RS)	15,000	35	100	35	12.5	30
Town Residential (RT)	12,500	35	85	30 ¹	10	25
Mixed Residential (RMX)	10,000	35	75	30 ¹	10	25
Multi-family Residential (RMF)	2 Acres	35	150	30	25	25
Office and Institutional (OI)	10,000	35	100	15	5	20
Neighborhood Business (NB)	10,000	35	100	15	5	20
Central Business (CB)	10,000	35	100	15	0	20
Highway Business (HB)	25,000	50	100	35	15	20
Light Industrial (LI)	40,000	50 ²	150	40	35	40
Heavy Industrial (HI)	80,000	80 ²	200	80	50	50

1 – Prevailing street setback (6.5.10) regulations apply.

2– This height limit applies only to the occupable portions of structures in the LI and HI districts. Unoccupied storage silos and unenclosed machinery would not be considered occupable structures. A structure is considered occupied if one or more persons regularly occupy any part of the structure. Periodic maintenance of a structure that is not otherwise regularly occupied shall not be considered regular occupancy.

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ARTICLE 7 – USE STANDARDS

7.1 Table of Permitted Uses

This Section sets forth the allowable uses for the zoning districts as described in Article 6.

7.1.1 Explanation of the Structure of the Table of Permitted Uses

(A) Organization of Use Table

The Table of Permitted Uses in this Article organizes allowable uses by Use Classification, Use Categories and Use Types. Section 7.2, Use Classifications, Categories and Types, establishes the characteristics and examples of each of the Use Categories and Types set forth in the Table of Permitted Uses.

(1) Use Classification

The Use Classifications are: Residential Uses, Institutional Uses, Agricultural Uses, Commercial Uses and Industrial Uses. The Use Classification provides a systematic basis for assigning present and future land uses into broad general classifications. The Use Classifications then organize land uses and activities into general Use Categories and Specific Use Types based on the common functional, operational 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.

(2) Use Categories

The Use Categories describe the major sub-groups of the Use Classification based on common characteristics (e.g. the Residential Use Classification is divided into two use categories: Household Living and Group Living). Use Categories are further broken down into a series of individual Use Types, or principal uses.

(3) Use Types

The specific Use Types are included in the respective Use Categories. They identify the specific uses that are considered to fall within the characteristics identified in the Use Category. For example, single family detached dwellings, duplexes, townhouses, multi-family dwellings and manufactured homes area Use Types in the Household Living Category.

(B) Permitted Uses

A “P” in a cell indicates that a Use Type is allowed by right in the respective base zoning district, subject to compliance with any use-specific standards contained in this Article.

(C) Special Uses

An “S” in a cell indicates that a Use Type is allowed in the respective base zoning district only upon the issuance of a Special Use Permit by the Board of Adjustment, and subject to compliance with any use-specific standards contained in this Article.

(D) Prohibited Uses

A blank cell indicates that a particular Use Type is not allowed in the base zoning district.

(E) Use Specific Standards

When a particular Use Category or Use Type is permitted in a base zoning district, there may be additional regulations that are applicable to the specific use. The existence of these use specific standards is noted through a Section reference in the last column in the table titled “Additional Requirements.” References refer to Section 7.3, Use Specific Standards. These standards shall apply to a particular use regardless of the base zoning district where it is proposed, unless otherwise specified.

(F) Uses Prohibited by Overlay Zoning

An overlay district may prohibit a particular Use Type despite it being allowed in the base zoning district, or it may require a Special use Permit for a use allowed by right in the base zoning district. In such case, the more restrictive regulation shall apply.

(G) Uses Not Listed

The Ordinance Administrator shall determine whether or not an unlisted use is part of an existing Use Category or Use Type defined in Section 7.2, Use Classification, Categories and Types, or is substantially similar to an already defined Use Type, using the standards in Section 7.1.3, Interpretation of Unlisted Uses.

7.1.2 Developments with Multiple Permitted Uses

When all principal uses of a development fall within one Use Category, the entire development is assigned that Use Category. For example, a development that contains a coffee shop, bookstore and bakery would be classified in the Retail Sales and Service category because all of the development’s principal uses are in that Use Category. When the principal uses of a development fall within different Use Categories, each principal use is classified in the applicable Use Category and each use is subject to applicable regulations within that category. Developments with multiple use types, such as shopping centers, shall incorporate only those Use Types allowed in the base zoning district.

7.1.3 Interpretation of Unlisted Uses

(A) Procedure for Approving Unlisted Uses

Where a particular Use Type is not specifically listed in the Table of Permitted Uses, the Ordinance Administrator may permit the Use Type upon a finding the standards of Section 7.1.3(B), Standards for Approving Unlisted Uses, are met. The Ordinance Administrator shall give due consideration to the purpose and intent statements in this Ordinance concerning the base zoning district(s) involved, the character of the uses specifically identified, and the character of the use(s) in question.

(B) Standards for Approving Unlisted Uses

In order to determine if the proposed use(s) has an impact that is similar in nature, function, and duration to the other Use Types allowed in a specific zoning district, the Ordinance Administrator shall assess all relevant characteristics of the proposed use, including but not limited to the following:

- (1)** The volume and type of sales, retail, wholesale, etc.;
- (2)** The size and type of items sold and nature of inventory on the premises;
- (3)** Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution;
- (4)** Any dangerous, hazardous, toxic, or explosive materials used in the processing;
- (5)** The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building;
- (6)** The type, size, and nature of buildings and structures;
- (7)** The number and density of employees and customers per unit area of site in relation to business hours and employment shifts;
- (8)** Transportation requirements, including the demand for people and freight, by volume type and characteristic of traffic generation to and from the site;
- (9)** Trip purposes and whether trip purposes can be shared by other Use Types on the site;
- (10)** Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other Use Types;
- (11)** The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;

- (12) 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
- (13) The impact on adjacent lands created by the proposed Use Type, which should not be greater than that of other Use Types in the zoning district.

(C) Effect of Finding by Ordinance Administrator

(1) Use Found to be Appropriate

When the Ordinance Administrator finds that an unlisted use is appropriate and congruent with the base zoning district for which it is proposed, he shall issue a written opinion allowing such use to be established in the particular district. If the Ordinance Administrator believes that requests for such a use will become common, or that adding the use to the Table of Permitted Uses is beneficial, he shall initiate a Text Amendment to insert the use into the Table of Permitted Uses.

(2) Use Found to be Inappropriate

When the Ordinance Administrator finds that an unlisted use is inappropriate and incongruent with the base zoning district for which it is proposed, he shall issue a written opinion stating that such use is not allowed in the particular district. This finding may be appealed to the Board of Adjustment in accordance with the procedures for appealing an administrative decision.

7.1.4 Permitted Uses

Table 7-1 on the following pages outlines the uses which are allowed either by right or with a Special Use Permit in the base zoning districts.

Table 7-1 Table of Permitted Uses

USE CATEGORY	P= USE PERMITTED BY RIGHT S = SPECIAL USE PERMIT REQUIRED	ZONING DISTRICT																			ADDITIONAL REQUIREMENTS
		R P	R R	R S	R T	R M X	R M F		O I	N B	C B	H B	L I	H I	C X	S I	N I	C W	CE		
	USE TYPE																				
RESIDENTIAL USE CLASSIFICATION																					
Household Living	Dwelling, Duplex					P										P	S		S	S	7.3.1.(A)(1)
	Dwelling, Manufactured Home		P																		7.3.1.(A)(2)
	Dwelling, Multi-Family						P								P	P	S	S	S	7.3.1.(A)(3)	
	Dwelling, Single Family Detached	P	P	P	P	P													S	S	
	Dwelling, Townhouse						P									P	P		S	S	7.3.1.(A)(4)
Group Living	Group Home (1 to 6 persons)					S			S											7.3.1.(B)(1)	
	Group Home (more than 7 persons)					S			S											7.3.1.(B)(1)	
	Rooming House					S			S											7.3.1.(B)(2)	
INSTITUTIONAL USE CLASSIFICATION																					
Community Services	All (up to 10,000 square feet of gross floor area)				S	S			P	P	P				P	P	P	P	P		
	All (more than 10,000 sf GFA)					S			P	P	P				P	P	P	P	P		

USE CATEGORY	P= USE PERMITTED BY RIGHT S = SPECIAL USE PERMIT REQUIRED	ZONING DISTRICT																		ADDITIONAL REQUIREMENTS
		R P	R R	R S	R T	R M X	R M F		O I	N B	C B	H B	L I	H I	C X	S I	N I	C W	C E	
	USE TYPE																			
Educational Facilities	College or University								S			P					P	P	P	
	School, Elementary		S	S	S	S			P									P		
	School, Middle		S	S	S	S			P									P		
	School, Senior High			S	S	S			S									P		
	School, Trade or Vocational								P			P	P	P			P	P	P	
Government Facilities	All (up to 10,000 sf GFA)	S	S	S	S	P	P		P	P	P	P	P	P	P	P	P	P	P	
	All (more than 10,000 sf GFA)				S	S	S		S	S	P	P	P	P	S	S	P	P	P	
	Public Parks or Recreational Facilities	P	P	P	P	P	P		P	P	P	P			P	P	P	P	P	
Healthcare Facilities	Hospital								S			P					P	P	P	
	Medical Treatment Facility (up to 10,000 sf GFA)								P			P			P	P	P	P	P	
	Medical Treatment Facility (more than 10,000 sf GFA)								S			P					P	P	P	

USE CATEGORY	P= USE PERMITTED BY RIGHT S = SPECIAL USE PERMIT REQUIRED	ZONING DISTRICT																		ADDITIONAL REQUIREMENTS	
		R P	R R	R S	R T	R M X	R M F		O I	N B	C B	H B	L I	H I	C X	S I	N I	C W	CE		
	USE TYPE																				
Other Institutional Facilities	Assisted Living / Nursing Facility			S	S	S			P						S	S	P	P	P		
	Cemetery	S	S	S	S	S	S		S	S	S	S	S	S	S	S	S	S	S	S	7.3.2(A)
	Halfway House					S			S			S									
	Religious or Civic Institution (up to 10,000 sf GFA)	P	P	P	P	P			P	P	P				P	P	P	P			
	Religious or Civic Institution (more than 10,000 sf GFA)		S	S	S	S			P	P	P				S	S					
Utilities	Telecomm. Facility, Collocation on Existing Tower	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	7.3.2(B)(2)
	Telecommunications Facility, Freestanding	S	S			S						S	S	S			S	S	S		7.3.2(B)(4)
	Utility, Minor	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	
	Utility, Major	S	S	S	S	S	S		S	S	S	S	P	P	S	S	S	P	P		7.3.2(B)(1)
	Solar Farm	S	S																		7.3.2(B)(4)
WORKING LANDS USE CLASSIFICATION																					
Working Lands	Agriculture	P	P																		
	Horticulture / Plant Nursery	P	P									P					P	P	P		
	Silviculture	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	

USE CATEGORY	P= USE PERMITTED BY RIGHT S = SPECIAL USE PERMIT REQUIRED	ZONING DISTRICT																		ADDITIONAL REQUIREMENTS
		R P	R R	R S	R T	R M X	R M F		O I	N B	C B	H B	L I	H I	C X	S I	N I	C W	C E	
	USE TYPE																			
COMMERCIAL USE CLASSIFICATION																				
Adult Entertain.	All														S					7.3.3.(A)
Animal Care	Animal Shelter		S								S	S								
	Kennel, Outdoor		S								S									7.3.3.(B)(1)
	Veterinary Clinic / Boarding	P	P								P						P			
Day Care	Day Care Facility, Fewer than 30 Attendees			S	S	P			P	P	P	P				P	P	P	P	P
	Day Care Facility, 30 or More Attendees					S			P	P	P	P				P	P	P	P	P
Hotels and Motels	Bed and Breakfast Inn	P	P	P	P				P	P						P	P			7.3.3.(C)(1)
	Hotels, Motels and Similar Uses											P				S	P	P		P
Offices	Single Tenant (up to 5,000 sf GFA)					S			P	P	P	P	S	S	P	P	P	P	P	
	Single Tenant (more than 5,000 sf GFA)								P	S	P	P	S		P	P	P	P	P	
	Multi-tenant (up to 15,000 sf GFA)								P	P	P	P	S	S	P	P	P	P	P	
	Multi-tenant (more than 15,000 sf GFA)								P		P	P	S		P	P	P	P	P	

USE CATEGORY	P= USE PERMITTED BY RIGHT S = SPECIAL USE PERMIT REQUIRED	ZONING DISTRICT																		ADDITIONAL REQUIREMENTS	
		R P	R R	R S	R T	R M X	R M F		O I	N B	C B	H B	L I	H I	C X	S I	N I	C W	C E		
	USE TYPE																				
Recreation, Indoor	Indoor Recreation, Non-public (up to 5,000 sf GFA)									S	P	P	S		P	P	P	P	P		
	Indoor Recreation, Non-public (more than 5,000 sf GFA)											P	S		S	S	P	P	P		
	Country Club		S	S																	
	Equine Stable / Riding Academy	P	P																		7.3.3(D)(1)
	Arena, Amphitheater or Stadium					S			P			P				P	P	P	P		
	Indoor Shooting Range											P	P								7.3.3(H)
Recreation, Outdoor	Outdoor Recreation, Non-public	S	S	S	S	S			P			P	P		S	S	P	P	P	7.3.3(E)	
	Golf Course, Public or Private		P	P																S	
	Golf Driving Range		S									S	S							S	
Restaurant	Restaurant without Drive-Through Service									P	P	P			P	P	P		P		
	Restaurant with Drive-Through Service											P					P		P		
Retail Sales and Services	Automobile Sales										S	P				S	P			7.3.3.(F)(6)	
	Bar, Nightclub or Similar Establishment										S	P			P	P	P		P	7.3.3(F)(1)	
	Crematory												S	S				S	S		

USE CATEGORY	P= USE PERMITTED BY RIGHT S = SPECIAL USE PERMIT REQUIRED	ZONING DISTRICT																		ADDITIONAL REQUIREMENTS	
		R P	R R	R S	R T	R M X	R M F		O I	N B	C B	H B	L I	H I	C X	S I	N I	C W	C E		
	USE TYPE																				
Retail Sales and Services	Retail / Service Use with Gasoline Sales										S	P	P	P	P	S	S	P	P	P	7.3.3(F)(2)
	Type I Retail or Service Use										P	P	P	S		P	P	P	P	P	
	Type II Retail or Service Use (up to 15,000 sf GFA)										S	P	P	S		P	P	P	P	P	
	Type II Retail or Service Use (more than 15,000 sf GFA)											S	P			S	S	P	S	P	
	Type III Retail or Service Use (up to 15,000 sf GFA)												P	S		S	S	P	S	P	7.3.3(F)(5)
	Type III Retail or Service Use (more than 15,000 sf GFA)													P			S	P		P	7.3.3(F)(5)
RV Park	Recreational Vehicle Park		S																		7.3.3(G)
INDUSTRIAL USE CLASSIFICATION																					
Extractive Industry	All														S						7.3.4(A)
Industrial Services	Building Contractor and Related Specialties											S	P	P				P	P		
	Fuel Oil / Bottled Gas Distributor												P	P							
	Heavy Equipment Sales, Rental or Repair												P	P				S	S		
	Research and Development												P	P				P	P		
	Tow Service and Storage													S							7.3.4(E)

USE CATEGORY	P= USE PERMITTED BY RIGHT S = SPECIAL USE PERMIT REQUIRED	ZONING DISTRICT																		ADDITIONAL REQUIREMENTS
		R P	R R	R S	R T	R M X	R M F		O I	N B	C B	H B	L I	H I	C X	S I	N I	C W	C E	
	USE TYPE																			
Manufacturing, and Production	Manufacturing, Heavy													P						7.3.4(B)
	Manufacturing, Light												P	P				P	P	
Self Storage	All											S	P	P			S	P	P	7.3.4(C)
Warehousing and Distribution	Parcel Services											S	P	P			S	P	P	
	Truck or Freight Terminal											S	P	P			S	P	P	
	Warehouse											S	P	P			S	P	P	
Outdoor Storage	All											P	P	P						7.3.4(D)
Junkyard	Junkyard													S						7.3.4(F)
Wholesale Sales	All											P	P	P			P	P	P	

7.2 Use Classifications, Categories and Types

7.2.1 Structure of this Section

(A) General

This Section identifies each of the five Use Classifications in Table 7-1, Table of Permitted Uses, and includes a section under each Use Classification identifying each Use Category. There are “Characteristics” and “Examples” subsections under each Use Category which describe the typical types of uses that are included in each category.

(B) Principal Use Characteristics and Accessory Uses

The “Characteristics” Subsection describes common characteristics of each Use Category. Principal uses are assigned to the Use Category that most closely describes the nature of the principal use. Also listed are examples of common accessory uses, which, unless otherwise stated in this Ordinance, are allowed in conjunction with a principal use.

(C) Examples

The “Examples” Subsection lists common examples of Use Types included in the respective Use Category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself “Wholesale Sales,” but sells mostly to consumers, is included in the Retail Sales and Service category rather than the Wholesale Sales category. This is because the activity on the site matches the characteristics of the Retail Sales and Service Use Category.

7.2.2 Residential Use Classification

(A) Household Living

(1) Characteristics

The Household Living Use Category includes the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Accessory uses commonly associated with Household Living are recreational activities, raising of pets, hobbies, and parking of the occupants’ vehicles. Home occupations are accessory uses that are subject to additional regulations (see Section 7.4.3(G), Home Occupation).

(2) Examples

Example Use Types include detached residential dwellings (single family dwellings, duplex dwellings, manufactured homes, and other structures with self-contained dwelling units) and attached residential dwellings (multi-family dwellings, townhouses, and live/work dwellings).

(B) Group Living

(1) Characteristics

The Group Living Use Category includes the residential occupancy of a structure by a group of people who do not meet the definition of “household.” The size of the group may be larger than the average size of a household. Tenancy is arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment. Common accessory uses include recreational facilities, dining facilities, and parking of vehicles for occupants and staff.

(2) Examples

Example Use Types include Group Homes and rooming houses.

7.2.3 Institutional Classification

(A) Community Services

(1) Characteristics

The Community Services Use Category includes Use Types of a public, nonprofit, or charitable nature providing a local service to people of the community. Generally, such uses provide ongoing continued service on-site or have employees at the site on a regular basis. Community centers or facilities that have membership provisions that are open to the general public (for instance, any senior citizen could join a senior center) are included in the Community Services Use Category. The Use Type may provide special counseling, education, or training of a public, nonprofit, or charitable nature. Accessory uses may include offices, meeting, food preparation, parking, health, and therapy areas; and athletic facilities.

(2) Examples

Example Use Types include community centers, cultural facilities, libraries, museums, senior centers, and youth club facilities.

(B) Educational Facilities

(1) Characteristics

The Educational Facilities Use Category includes Use Types such as public and private schools at the primary, elementary, middle, intermediate, or high school level that provide state-mandated basic education or a comparable equivalent. This Use Category also includes colleges, universities, and other institutions of higher learning such as vocational or trade schools that offer courses of general or specialized study leading to a degree or certification. Accessory uses at schools include offices, play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care. Accessory uses at colleges or universities include offices, dormitories, food service,

laboratories, health and sports facilities, theaters, meeting areas, athletic fields, parking, maintenance facilities, and supporting commercial.

(2) Examples

Example Use Types include public and private secondary schools that provide state mandated basic education, colleges or universities, and vocational or trade schools.

(C) Government Facilities

(1) Characteristics

The Government Facilities Use Category includes post offices; government maintenance, storage, and distribution facilities; and other offices and facilities for the operation of local, state, or federal government, including use that provide public safety services to the general public. Accessory uses include maintenance, storage (indoor and outdoor), fueling facilities, satellite offices, and parking areas.

(2) Examples

Example Use Types include post offices, government offices, fire and EMS facilities, police stations, substations for fire and police, government maintenance, storage, and distribution facilities.

(D) Healthcare Facilities

(1) Characteristics

The Health Care Facilities Use Category includes Use Types such as uses providing medical or surgical care and treatment to patients as well as laboratory services. Hospitals and medical treatment facilities offer overnight care, as well as outpatient. Accessory uses include offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, housing for staff or trainees, and limited accommodations for family members.

(2) Examples

Example Use Types include hospitals, medical and dental clinics, medical and dental labs, urgent care establishments, Hospice houses, short term critical-care houses, outpatient facilities, and blood collection facilities.

(E) Other Institutional Facilities

(1) Characteristics

This Use Category includes Use Types that provide a variety of facilities, including buildings that provide meeting areas for religious activities, civic or fraternal club activities, convention centers or auditoriums, housing and care for the elderly or disabled, and housing related to treatment programs. Accessory uses include school facilities, limited medical

treatment facilities, kitchens/cafeterias, recreation areas, offices, meeting rooms, parking, and staff residences.

(2) Examples

Example Use Types include religious institutions (with cemeteries, columbaria, and mausoleums as accessory uses), nursing homes, civic clubs or lodges, assisted living facilities, halfway houses, and psychiatric treatment facilities.

(F) Utilities

(1) Characteristics

The Utilities Use Category includes both Major Utilities, which are infrastructure services providing regional or community-wide service, and Minor Utilities, which are infrastructure services that need to be located in or near the neighborhood or Use Type where the service is provided. Telecommunication towers also are a type of utility. Services may be publicly or privately provided. Accessory uses may include parking and control, offices, monitoring, storage areas, or data transmission equipment.

(2) Examples

- (i)** Examples of major utilities include, new waste treatment plants, potable water treatment plants, solid waste facilities, electrical substations and power plants.
- (ii)** Examples of minor utilities include water towers water and sewage pump stations, stormwater retention and detention facilities, telephone exchanges, ground-based electrical/telephone/cable vaults, and surface transportation stops.
- (iii)** Examples of telecommunication towers include facilities for transmitting wireless phones and pager services, and television and radio broadcasting equipment.

7.2.4 Working Lands Use Classification / Category

(A) Characteristics

The Working Lands Use Category is characterized by general agricultural activities, including agronomy, aquaculture, horticulture (the commercial and noncommercial production of crops), honey production, silviculture (including the harvesting of timber), animal husbandry, and similar uses. Accessory uses may include offices, storage areas, barns, stables, irrigation systems, and repair facilities related to agriculture uses.

(B) Examples

Examples of Agriculture Use Types include farms, agronomy, aquaculture, horticulture, silviculture, farm markets, animal husbandry, and plant nurseries.

7.2.5 Commercial Use Classification

(A) Adult Entertainment

(1) Characteristics

The Adult Entertainment Use Category includes Use Types that sell or distribute material or provide activities with sexually explicit content, including the display of specified anatomical areas or specified sexual activities as defined by the North Carolina General Statutes. While such uses are allowed to operate within the Town's jurisdiction, they are required to be separated from other existing uses and designed to minimize impact and protect the health, safety, and welfare of the residents of the Town. No more than one sexually oriented business use may occupy a single building or lot, and such uses may not be accessory uses to another business. The sale of fuel, alcoholic beverages for off-site consumption, massage, or shower or bath services is prohibited within a sexually oriented business.

(2) Examples

Examples of Adult Entertainment uses include sexually oriented media stores (adult book stores), sex shops (sexual paraphernalia store), sexually oriented cabarets (strip clubs), and sexually oriented motion picture theatres.

(B) Animal Care

(1) Characteristics

The Animal Care Use Category is characterized by uses related to the provision of medical services, general care, and boarding services for domestic animals.

(2) Examples

Examples of Animal Care Use Types include animal shelters, animal grooming, kennels (outdoor and indoor), and veterinary clinics.

(C) Day Care

(1) Characteristics

The Day Care Use Category includes Use Types that provide care, protection, and supervision for children or adults on a regular basis away from their primary residence typically for less than 24 hours per day. Care can be provided during daytime or nighttime hours. Accessory uses not integral to the principal Use Type include offices, kitchens for food preparation, recreation areas, and parking.

(2) Examples

Example Use Types include adult care centers, child care centers, and preschools. Preschools are intended to provide limited educational or training services, while other child day care uses are not.

(D) Hotels / Motels

(1) Characteristics

This use category includes dwelling units arranged for short term stays of less than 30 days for rent, lease, or interval occupancy. Accessory uses may include pools and other recreational facilities, limited storage, restaurants, supporting commercial, bars, meeting facilities, and offices.

(2) Examples

Examples include bed and breakfasts, hotels or motels, timeshare establishments renting units for less than 30 days, and tourist homes.

(E) Offices

(1) Characteristics

The Office Use Category includes activities conducted in an office setting and that generally focus on business, professional, or financial services. Accessory uses may include cafeterias, day care facilities, recreational or fitness facilities, parking, and supporting commercial, or other amenities primarily for the use of employees in the firm or building.

(2) Examples

Example Use Types include business services; professional services such as lawyers, accountants, engineers, or architects; financial services such as lenders, banks, brokerage houses or real estate agents; medical offices, such as doctors and dentist offices; and sales.

(F) Recreation, Indoor

(1) Characteristics

The Indoor Recreation Use Category includes privately owned uses that provide recreation or entertainment activities in an enclosed structure or structures. Accessory uses may include offices, concessions, snack bars, parking, and maintenance facilities.

(2) Examples

Examples include fitness centers, bowling alleys, go cart tracks, game rooms, shooting ranges, dancehalls, skating rinks, indoor commercial swimming pools, racquetball, squash, and tennis club facilities (indoor) as well as theatres, which includes cinemas, screening rooms, and stages.

(G) Recreation, Outdoor

(1) Characteristics

The Outdoor Recreation Use Category includes large, generally commercial uses that provide continuous recreation or entertainment-oriented activities that primarily take place outdoors. They may take place in a number of structures that are arranged together in an outdoor setting. Accessory uses may include concessions, parking, and maintenance facilities.

(2) Examples

Examples include privately-owned stadiums, amphitheatres, or arenas; private golf driving ranges and courses; privately-owned miniature golf facilities; go cart, race track, or dirt track; drive-in movies; privately-owned outdoor commercial tourist attractions, water, and amusement parks; swimming pools; campgrounds; and privately-owned active sports facilities such as ballfields and tennis courts.

(H) Restaurants

(1) Characteristics

The Restaurant Use Category includes establishments that sell food for on- or off-premise consumption. Accessory uses may include bars or cocktail lounges associated with the establishment, decks and patios for outdoor seating, drive-through facilities, facilities for live entertainment or dancing, customer and employee parking areas, and valet parking facilities.

(2) Examples

Examples include restaurants, bakeries, dinner theatres, or other establishments that sell food.

(I) Retail Sales and Services

(1) Characteristics

The Retail Sales and Services Use Category includes Use Types involved in the sale, lease, or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods. Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, concessions, ATM machines, outdoor display/sales areas, and parking. Use Types within this Use Category have been categorized based on their intensity, scale, and function.

(2) Examples

Example Use Types include uses from the following groups:

(i) Bar, Nightclub or Similar Establishment

A use primarily devoted to the sale of alcoholic beverages for on-site consumption, along with dancing or other forms of entertainment (including live performances), and in which the sale of food is incidental.

(ii) Crematory

A use engaged in the cremation of human or animal remains.

(iii) Retail/Service Use with Gasoline Sales

A use engaged in the retail sale of gasoline and similar vehicular fuels that may or may not provide the range of goods or services associated with a Type I or Type II Retail Use.

(iv) Type I Retail Use

Type I Retail Uses include small-scale uses that are 5,000 square feet in size or less, that are intended to be “convenience” retail that serves the general area or neighborhood in which they are located. Type I Retail Uses include, but are not limited to, the following types of low intensity retail uses:

- (a)** Financial institutions;
- (b)** Laundromats, and dry-cleaning drop-off establishments;
- (c)** Photographic studios;
- (d)** Mailing or packing services;
- (e)** Coffee shops and retail bakeries;
- (f)** Hair, tanning, and nail salons; personal care services;
- (g)** Massage therapy and day spas;
- (h)** Stores selling books, clothing, and dry goods;
- (i)** Income tax return preparers;
- (j)** Repair and servicing of appliances, electronics and other small items or equipment;
- (k)** Tailoring and shoe repair; and
- (l)** Locksmith.

Type I Retail uses exceeding 5,000 square feet in size are Type II Retail Uses.

(v) Type II Retail Use

Type II Retail Uses can be thought of as “destination” retail that generally serves groups of neighborhoods and are appropriate near neighborhood edges and along collector streets. Type II Retail Uses are larger in scale and intensity than Type I Retail Uses, but do not include any outdoor storage or display. These establishments may be up to 50,000 square feet in size. Examples of Type II Retail Uses include stores selling, leasing, or renting consumer, home and business goods, whether new or used, art, art supplies, electronic equipment, fabric, furniture, flowers, groceries and food sales, household products, jewelry, recorded music, pets, pet food, pharmaceuticals, plants, printer material, stationary, and videos; photocopy and blueprint services; psychics and mediums; funeral homes and mortuaries. Any Type I Retail Use exceeding 5,000 square feet in size is classified as a Type II Retail Use.

(vi) Type III Retail Use

Type III Retail Uses are appropriate along major thoroughfares and in primarily nonresidential areas. These types of retail uses generally provide a range of goods and services that are regional in scale, and have the highest square footage and intensities of the retail Use Types, are auto oriented, and often include some form of outdoor storage or display. Examples of Type III Retail Uses include all retail uses which are more than 50,000 square feet in size; home improvement, hardware, and garden supply stores; businesses selling, servicing and repairing recreational vehicles, boats and similar items, mobile home sales lots, building material sales; car, truck, and tool rental equipment yards; farm and machinery sales; and tattoo parlor or body piercing establishments. Any Type II Retail Use exceeding 50,000 square feet in size is classified as a Type III Retail Use.

7.2.6 Industrial Use Classification

(A) Extractive Industry

(1) Characteristics

The Extractive Industry Use Category includes businesses that are engaged in the extraction, removal, or basic processing of minerals, liquids, gases, or other natural resources. Such uses also include quarrying, well operation, mining, or other procedures typically done at an extraction site. Accessory uses include offices, wholesale sales, security or caretakers quarters, outdoor storage, and maintenance facilities.

(2) Examples

Typical uses include quarries, borrow pits, sand and gravel operations.

(B) Industrial Services

(1) Characteristics

The Industrial Services Use Category includes the repair or servicing of industrial, business or consumer machinery, equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include limited retail or wholesale sales, offices, parking, warehousing, and outdoor storage.

(2) Examples

Example Use Types include machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; heavy equipment sales, rental, repair, or storage; heavy equipment servicing and repair; building, heating, plumbing, or electrical contractors; fuel oil distributors; research and development facilities; and laundry, dry-cleaning, and carpet cleaning plants

(C) Manufacturing and Production

(1) Characteristics

The Manufacturing and Production Use Category includes firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Custom industry is included (i.e., establishments primarily engaged in the on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment). Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site. Accessory uses may include retail or wholesale sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, fueling facilities, security and caretaker's quarters.

(i) Heavy Manufacturing

Heavy Manufacturing is the manufacture or compounding process of raw materials. These activities may involve outdoor operations as part of their manufacturing process.

(ii) Light Manufacturing

Light Manufacturing is the mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not

emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration.

(2) Examples

(i) Heavy Manufacturing

Example Use Types of heavy manufacturing include, but are not limited to: manufacture or assembly of textiles, machinery, equipment, instruments, vehicles, appliances; rendering; concrete production; asphalt plants; glass and plastic production; cardboard fabrication; and petroleum refining.

(ii) Light Manufacturing

Example Use Types of light manufacturing include: production or repair of small machines or electronic parts and equipment; sewing or assembly of textiles into consumer products; woodworking and cabinet building; publishing and lithography; computer design and development; communications equipment, precision items and other electrical items; research, development, and testing facilities and laboratories; sign making, assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of medical devices and instruments; manufacture, processing, and packing of food products, cosmetics, and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item.

(D) Self Storage

(1) Characteristics

The Self Storage Use Category is characterized by uses that provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property. Accessory uses may include living quarters for a resident manager, security and leasing offices, and outside storage of boats and campers. Use of the storage areas for sales, service, repair, or manufacturing operations is prohibited, and not considered accessory to the use.

(2) Examples

Example Use Types include facilities that provide individual storage areas for rent. These uses are also called “mini-warehouses.”

(E) Warehousing and Distribution

(1) Characteristics

The Warehousing and Distribution Use Category includes establishments that are involved in the storage or movement of goods for themselves or other firms or businesses. Goods are generally delivered to other firms or

the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Accessory uses include offices, truck fleet parking, outdoor storage, and maintenance areas.

(2) Examples

Example Use Types include separate warehouses used for storage by retail stores such as furniture and appliance stores; warehouses used for distribution by trucking companies; household moving and general freight storage; cold storage plants, including frozen food lockers; outdoor storage, and parcel services.

(F) Wholesale Sales

(1) Characteristics

The Wholesale Sales Use Category includes firms involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or taking of orders and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer. Accessory uses may include offices, product repair, warehouses, minor fabrication services, outdoor storage, and repackaging of goods.

(2) Examples

Examples include the sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; mail order houses; and wholesalers of food, clothing, plants and landscaping materials, auto parts, and building hardware.

7.3 Use Specific Standards

Use-specific standards are the requirements applied to individual Use Types regardless of the zoning district where they are located, or the review procedure under which they are approved. This Section is intended to list the use-specific standards for all principal uses identified in the use tables. These standards may be modified by other applicable requirements in this Ordinance.

7.3.1 Residential Uses

(A) Household Living

(1) Duplex Dwelling

- (i)** The minimum lot size for a duplex dwelling is 150% of the minimum lot size of the district in which it is located
- (ii)** The minimum lot width for a duplex dwelling is 150% of the minimum lot width of the district in which it is located.

- (iii) No more than one duplex dwelling may be established on a single lot.
- (iv) All mechanical equipment must be located at the side or rear of the structure and screened from public view.
- (v) Each unit in a duplex must be served by an individual driveway with a minimum separation of at least 30 feet between the interior edges of the driveways
- (vi) Any parking area exceeding the width of a standard residential driveway must be located at the rear of the structure.

(2) Manufactured Home

All manufactured homes must comply with the following standards:

- (i) The manufactured home must have been constructed on or after July 1, 1976 and must meet or exceed the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of its construction.
- (ii) The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
- (iii) The manufactured home shall be set up in accordance with the standards set by the North Carolina Department of Insurance.
- (iv) The front entrance to the manufactured home has stairs and a porch, the porch being at least 4 feet by 6 feet in size. Stairs, porches, and entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the North Carolina State Building Code;
- (v) Each manufactured home shall only be used for single-family occupancy;
- (vi) All manufactured homes shall comply with the Federal Housing Administration requirements relative to tie downs; and
- (vii) The moving hitch, wheels and axles shall be removed or screened with opaque screening material and the transporting lights shall be removed

Multi-section manufactured homes shall also comply with the following additional standards:

- (i) The pitch of the roof of the manufactured home shall have a minimum vertical rise of three (3) feet for each twelve (12) feet of

horizontal run and the roof is finished with a type of composition shingle that is commonly used in standard residential construction;

- (ii) The roof eaves and gable overhangs shall be twelve-inch minimum (rain gutters may be included in the minimum dimensions);
- (iii) The moving hitch, wheels and axles, and the transporting lights shall be removed;
- (iv) A permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, shall be installed under the perimeter of the manufactured home; and
- (v) The electrical meter servicing the manufactured home shall be mounted (attached) directly to the manufactured home;

(3) Multi-family Dwelling

(i) Internal Separation

Structures must be separated by a minimum of twenty (20) feet.

(ii) Setbacks

One story structures must be set back at least 25 feet from all adjoining property lines and multiple story structures must be set back an additional 10 feet per story. A minimum 10 foot setback is required from all vehicle parking areas and a 15 foot setback is required from internal driveways. No multi-family structure shall front directly on a public street.

(iii) Access

Multi-family developments must have direct access to a thoroughfare or collector street.

(iv) Parking Areas

No parking area may be located within any required setback.

(4) Townhouse Dwelling

(i) Maximum Number of Units per Structure

No more than 6 dwelling units are allowed per individual structure.

(ii) Internal Separation

Structures must be separated by a minimum of twenty (20) feet.

(iii) Setbacks

One story structures must be set back at least 25 feet from all adjoining property lines and multiple story structures must be set back an additional 10 feet per story. Where individual driveways are not used, a minimum 10 foot setback is required from all vehicle parking areas. Townhouses located on internal driveways must maintain a 15 foot setback from the edge of pavement. Where townhouses are established along a public street they must meet the front setback requirement for the district in which they are located.

(iv) Access

Multi-family developments must have direct access to a thoroughfare or collector street. Townhouses along public streets may not have individual access points.

(v) Parking Areas

No parking area may be located within any required setback.

(B) Group Living

(1) Group Homes and Halfway Houses

Group homes and halfway houses may only be established in locations that are at separated by a distance of at least 2,600 feet (approximately ½ mile) from any other group home or halfway house.

(2) Rooming Houses

A rooming house shall comply with the following standards:

- (i)** No more than 5 renters shall be permitted at any one time;
- (ii)** The owner shall maintain the house as their primary residence;
- (iii)** Sleeping rooms in a rooming house shall:
- (iv)** Not include individual kitchen facilities; and
- (v)** Be accessed via a common room or hallway, and shall not have individual access to the outside (except for emergency exits)

7.3.2 Institutional Uses

(A) Cemetery

A cemetery as a new use shall have a minimum size of 3 acres, and no wall, marker or grave site shall be located within 25 feet of a street right-of-way or adjacent lot under separate ownership.

(B) Utilities

(1) Major Utility

Any major utility under private ownership shall require approval of a Special Use Permit.

(2) Telecommunications Facility, Collocation on an Existing Tower

A Telecommunications Facility may be collocated on an existing tower only if it complies with the following standards:

- (i)** It is demonstrated the tower can accept the additional loading created by the collocation.
- (ii)** A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless a monopole is determined more appropriate at the specific location.
- (iii)** All ground-based equipment shall comply with the landscaping and security fencing requirements for freestanding Telecommunications Facilities in Section 7.3.2(B)(4)(vii).

(3) Telecommunications Facility, Freestanding

New freestanding Telecommunications Facilities shall comply with the standards in this Subsection. These regulations shall not apply to noncommercial amateur/ham radio towers.

(i) Special Use Permit Required

- (a)** All new freestanding Telecommunications Facilities shall obtain a Special Use Permit.
- (b)** Applicants for a new freestanding Telecommunications Facility shall clearly demonstrate that a stealth facility is not a viable option.
- (c)** Any improvement or replacement of an existing freestanding Telecommunications Facility shall require approval of a Special Use Permit in accordance with the standards in this Section. Routine maintenance shall be exempted from this requirement.

(ii) Collocation Required

It is the intent of the Town to encourage providers to collocate facilities in an effort to reduce the number of telecommunication towers in the Town's zoning jurisdiction. New freestanding Telecommunications Facilities shall be subject to the following requirements:

- (a) No new freestanding Telecommunications Facility may be located within 3,000 linear feet (as measured using the shortest straight line distance) of an existing water tower, power transmission tower, or similar feature unless the applicant can demonstrate that collocation was pursued but rejected by the owner of the existing water tower, power transmission tower, or similar feature.
- (b) No freestanding Telecommunications Facility may be located within 1,500 linear feet of an existing freestanding Telecommunications Facility unless the applicant can demonstrate that collocation is not a viable option.
- (c) The Town may require, as a condition of approval, telecommunication service providers to notify other telecommunication service providers of the fact that space on a new freestanding Telecommunications Facility is available on a lease basis, and to negotiate in good faith with other providers to provide space on existing freestanding Telecommunication Facilities at a reasonable lease cost.

(iii) Design

- (a) All telecommunication towers shall be of a monopole design and construction.
- (b) The Town may require the freestanding Telecommunications Facility be camouflaged to blend with its surroundings through creative placement, painting, or other approaches.

(iv) Maximum Height

- (a) The maximum height of all wireless communication towers shall be 199 feet.
- (b) No variance to the maximum height shall be granted by the Board of Adjustment unless the applicant can demonstrate the maximum height requirement inhibits the provision of adequate service levels. In no case shall a variance allow a tower to exceed 230 feet in height.

(v) Location and Setbacks

- (a) New freestanding Telecommunications Facilities shall be setback from all lot lines a distance equal to the collapse area or fall zone of the tower in order to prevent encroachment onto adjoining properties in the event of a collapse or structural failure. The facility's fall zone shall be determined by an engineer certified in North Carolina in a letter which includes the engineer's signature and seal.

- (b) When located on a lot within a residential base zoning district, the new freestanding Telecommunications Facility may only be located to the rear of the principal structure(s); or
- (c) When located on a lot within a nonresidential district, the new freestanding Telecommunications Facility shall be located to the side or rear of the principal structure; or
- (d) When the new freestanding Telecommunications Facility is the principal use on a lot, it shall be located to minimize the visibility of the ground-based equipment from residential uses and street rights-of-way.

(vi) Federal Radio Frequency Emission Standards Compliance

Applicants for a new freestanding Telecommunications Facility shall provide documentation that the proposed facility will comply with all Federal Radio Frequency Emission Standards.

(vii) Design of Accessory Structures

All ground-based accessory structures shall use the same materials and architectural components of the principal use on the site and shall be designed to resemble the basic architecture of surrounding structures to the maximum extent practicable. In cases where the facility is not the sole use of land, the equipment shall be located within an existing structure to the maximum extent practicable.

(viii) Screening Required

- (a) All sides of the perimeter of the freestanding Telecommunications Facility shall be screened with a 100 percent opaque screening device.
- (b) In addition to required landscape screening, a minimum eight-foot-high fence is required around the base of the facility (and any equipment buildings(s), with the required landscape screening to be located on the outside of the fenced area. It shall be the responsibility of the provider or land owner to keep all landscape material free from disease and properly maintained. Any vegetation that constitutes part of the screening shall be replaced if it dies.

(ix) Evidence of No Negative Impact Required

Telecommunication towers can be denied on the basis of negative influence on property values or on aesthetic concerns provided that there is evidence to demonstrate the impact on adjacent property owners will be significant. Decision makers must clearly state the reasoning and available evidence of the impact on adjacent property values if the request is denied on this basis.

(x) Lighting of Freestanding Telecommunications Facilities

- (a) Applicants for new freestanding Telecommunications Facilities intended to include obstruction lighting shall provide documentation from the Federal Aviation Administration or other appropriate agency that obstruction lighting is required.
- (b) Exterior lighting of accessory structures or equipment areas shall be equipped with motion detectors or other appropriate devices intended to prevent the area from being illuminated for long periods of time while not being serviced or maintained. Such exterior lighting shall be shielded and directed away from residential uses and street rights-of-way.

(xi) Removal Due to Abandonment

Freestanding Telecommunications Facilities and related equipment shall be removed if abandoned or no longer used for its original intent for a period greater than 365 consecutive days.

(xii) Signage

Freestanding or attached signs are prohibited. Wall signs limited to identification are allowed on equipment structures or fences surrounding the facility provided each individual sign does not exceed nine square feet in size. Any signage must be specifically addressed during the Special Use Permit review process.

(xiii) No Outdoor Storage

Outdoor storage is prohibited.

(xiv) Application Content

All applications for a new freestanding Telecommunications Facility shall include all the following information in addition to any other required information:

- (a) Identification of intended providers(s);
- (b) Documentation by a registered engineer that the facility has sufficient structural integrity to accommodate more than one user, if applicable;
- (c) A statement from the owner indicating intent to allow shared use of the facility and how others will be accommodated, if applicable;
- (d) Evidence that the owners of residentially-zoned land within 300 feet of the site have been notified regarding the proposed facility height and design; and
- (e) Documentation of an intended facility structural failure collapse area, if applicable.

(4) Solar Farm

- (i)** Provide a Type B Buffer Strip around the solar farm.
- (ii)** Provide a decommissioning plan for the property signed by the owner of the solar farm, the land owner, and which is acceptable to the Ordinance Administrator, that includes, at a minimum, the following provisions:
 - (a)** Decommissioning will occur as a result of any of the following conditions:
 - 1)** The land lease, if any, ends;
 - 2)** The system does not produce power for 12 months; or
 - 3)** The system is damaged and will not be repaired or replaced.
 - (b)** The owner of the solar farm, or in the absence of the owner of the solar farm, the owner of the property (the “Responsible Person”) will be responsible for decommissioning.
 - (c)** The Responsible Person will do the following as a minimum to decommission the project:
 - 1)** Remove all non-utility owned equipment, conduits, structures, fencing, and foundations to a depth of at least three feet below grade.
 - 2)** Remove all graveled areas and access roads unless the owner of the leased real estate requests in writing for it to stay in place.
 - 3)** Restore the land to a condition reasonably similar to its condition before solar farm development.
 - 4)** Revegetate any cleared areas with warm season grasses that are native to the region, unless requested in writing by the owner of real estate not to revegetate; provided, however, the property must meet all applicable stormwater, erosion control, and other environmental standards following decommission.
 - 5)** All decommissioning will be completed within 12 months of the first to occur of the events specified in subsection 7.3.2(B)(4)(ii)(a) above.

- (iii) The decommissioning plan shall be included as an exhibit to the special use permit. Any changes to the decommissioning plan must be executed by the same parties as the original decommissioning plan, approved by the Ordinance Administrator, and recorded by the Town in the Office of the Granville County Register of Deeds at the expense of the owner of the solar farm. Where there is no change to the decommissioning plan but ownership of the solar farm changes, the existing owner of the solar farm will notify the Ordinance Administrator of the change in ownership prior to the change of ownership taking effect and a notice of the new owner of the solar farm will be recorded by the Town at the expense of the owner of the solar farm.
- (iv) Solar panels will be limited to a maximum of 10 feet in height.
- (v) For the purposes hereof, the owner of the solar farm shall be (1) the person leasing the land upon which the solar farm is located; or (2) where the land upon which the solar farm is located is not leased, the owner of the land upon which the solar farm is located.

7.3.3 Commercial Uses

(A) Adult Entertainment

Adult entertainment establishments, as defined in the North Carolina General Statutes Section 160A-181.1, are recognized as having certain serious objectionable operational characteristics upon adjacent residential neighborhoods, religious institutions, or educational facilities. Special regulation of these uses is necessary to ensure that their adverse effects do not contribute to degradation or decline of surrounding areas. Adult entertainment uses shall be subject to the following separation distances:

(1) Minimum Separation Required

- (i) No adult entertainment establishment shall be located within 500 linear feet of any residential zoning district or residential use.
- (ii) No adult entertainment establishment shall be located within 500 linear feet of any religious institution, any public or private elementary school, middle school, high school, or daycare.
- (iii) No adult entertainment establishment may be established within 1000 feet of any other adult entertainment establishment,

(2) Additional Standards

- (i) Adult Entertainment uses shall be constructed of all brick and shall bear the appearance of a professional place of employment.
- (ii) No adult establishment shall front on an arterial or major thoroughfare.

- (iii) Free standing signage shall be limited to one monument sign constructed of brick to match the principal structure. The monument shall not exceed six feet in height with a maximum copy area not to exceed 20 square feet.
- (iv) Wall signage shall be limited to five percent of the front façade.
- (v) Sign copy shall be limited to the name of the establishment only.
- (vi) All signage, if lighted, shall be internally lighted.
- (vii) Neon colors and lights shall be prohibited on the exterior of the building, on the monument, and all exterior doors and windows.
- (viii) There shall be a window or functional articulation for 25 percent of the front façade and 10 percent for each side façade.
- (ix) All parking shall be on the side or rear of the building and shall provide a five foot wide planting strip around the perimeter of the parking area with evergreen shrubs (minimum 2 gallon in size at planting) planted five feet off center.
- (x) A Type C buffer strip shall be established along all side and rear property lines.

(B) Animal Care

(1) Commercial Kennel, Outdoor

Outdoor Kennels shall comply with the following requirements:

(i) Minimum Lot Size

Outdoor kennels shall have a minimum lot size of 5 acres for the housing of 1-10 animals. For each acre above 5 acres provided, an additional 7 animals may be housed on the site, up to 45 animals.

(ii) Additional Standards

- (a) Outdoor Kennels shall maintain a minimum setback of 500 linear feet from any residential use on a different lot.
- (b) All structures associated with an Outdoor Kennel shall maintain a minimum setback of 150 feet from all lot lines.
- (c) Outdoor Kennels shall maintain sewage disposal system and sanitation control methods as approved by the Granville-Vance District Health Department, including but not limited to the sanitary removal or disposal of solid waste, carcasses, or any other similar items.

(C) Hotel and Motel

(1) Bed and Breakfast Inns

- (i)** Bed and breakfast inns shall be limited to lots fronting thoroughfares or collector streets, and shall only be located in a structure which was originally constructed as a single-family dwelling.
- (ii)** Single-family homes used as a bed and breakfast inn shall not subdivide existing rooms into individual sleeping rooms smaller than 120 square feet in size.
- (iii)** A bed and breakfast inn shall be owner-occupied.
- (iv)** All guest parking shall be to the rear of the home, and shall include at least one off-street parking space per sleeping room.
- (v)** The number of sleeping rooms shall be limited to a maximum of six.
- (vi)** There shall only be one kitchen facility, and all meals served on the premises shall be for overnight quests.

(D) Recreation, Indoor

(1) Indoor Equine Stable/Riding Academy

Stables shall maintain a minimum setback of 50 linear feet from any residential use on a different lot.

(E) Recreation, Outdoor

Outdoor Recreation facilities are encouraged to be built adjoining school campuses, parks, greenbelts, parkways and greenways, and shall be subject to the following requirements:

(1) Outdoor Equine Stable/Riding Academy

Stables shall maintain a minimum setback of 50 linear feet from any residential use on a different lot.

(2) Athletic Fields and Clubhouses

- (i)** All athletic fields and clubhouses shall be setback at least 50 feet from any adjacent residential use on a different lot.
- (ii)** Athletic fields that include exterior lighting facilities shall be subject to the requirements in Section 8.3, Exterior Lighting.

(3) Swimming Pools

- (i)** All swimming pools open to the public shall comply with Rules Governing Swimming Pools (15A NCAC 18A.2500) available from

the Granville-Vance District Health Department, as well as all other State and Federal regulations.

- (ii) All swimming pools open to the public shall be setback at least 50 feet from any adjacent residential use on a different lot.
- (iii) Pools shall be screened from any existing or proposed residential land with a Type B perimeter buffer.

(4) Tennis Courts

- (i) All lighted tennis courts open to the public shall be setback at least 50 feet from any adjacent residential use on a different lot.
- (ii) Lighted tennis courts open to the public shall be screened from any existing or proposed residential land with a Type B perimeter buffer.

(F) Retail Sales and Services

(1) Bars, Nightclubs, and Similar Establishments

- (i) Outdoor decks and patios shall be on the side or rear of the building and screened from the street right-of-way.
- (ii) Bars, nightclubs, or similar establishments shall not be located within 500 feet of an existing residential use.

(2) Retail/Service Use with Gasoline Sales

- (i) Gasoline pumps, canopies, and associated service areas are prohibited in any established front yard setback.
- (ii) All exterior lighting for the building, parking area, gas islands, and canopies shall be 100 percent cutoff.
- (iii) Drive through windows and their associated stacking lanes, and circulation shall be prohibited in the front of the building. Drive through windows, stacking lanes and circulation shall only be allowed in a side yard abutting a street when screened by a street wall.
- (iv) Trash containers shall be fully screened by a wall that is constructed of the same material as the principal structure. Trash containers shall be located in the rear yard so as to minimize their visibility from adjacent public streets or other public gathering areas.
- (v) Signs attached to the canopy shall not extend beyond the ends or extremities of the fascia of the canopy to which or on which they are attached.

(3) Tattoo Parlor/Body Piercing Establishments

- (i) Tattoo parlors and body piercing establishments shall be located at least 500 feet from any existing residential use or any lot containing a Community Service or religious or civic institution.

(4) Type I Retail Uses

- (i) Type I Retail Uses shall not exceed 5,000 square feet of gross floor area per individual use or establishment.

(5) Type III Retail Uses

(i) Motorcycle / Boat / Recreational Vehicle / Heavy Equipment / Manufactured Home Sales or Service

The size of any single surface parking lot shall be limited to three acres, unless divided by a street, principal building, or interior landscaping. No outdoor public address system shall be allowed.

(ii) Automotive Repair and Service

Automotive repair and service uses shall:

- (a) Be located at least 250 feet from any residential zoning district or existing residential use;
- (b) Be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements;
- (c) Provide adequate parking for customers and employees;
- (d) Ensure that repair and storage of all vehicles shall occur within an enclosed building (temporary outdoor vehicle storage may be allowed in an opaque fenced or walled-off area no larger than 25 percent of the lot and located behind or to the side of the principal structure), and limit outdoor storage to areas to the side or rear of buildings;
- (e) Have no outdoor speaker or public address system;
- (f) Provide adequate, enclosed trash storage facilities on the site;
- (g) Locate service bay entrances to the sides or rear so as to minimize their visibility from public streets;
- (h) May store one vehicle as a source of parts for no more than one week within an enclosed area that is not visible from any adjacent street or property; and
- (i) Not store or park a vehicle that has been repaired and is awaiting removal for more than 30 consecutive days. In cases where a vehicle has been abandoned by its lawful owner prior

to or during the repair process, the vehicle may remain on site as long as is necessary after the 30-day period, provided the owner or operator of the establishment can demonstrate steps have been taken to remove the vehicle from the premises using the appropriate legal means, or he is enforcing his rights under a mechanic's lien; and

- (j) Any vehicles for sale or lease/rent may not be parked in the right-of-way, or in required parking spaces, loading spaces, stacking spaces or drive aisles required according to Article 12 of this Ordinance.

(6) Automobile Sales in the Central Business District

- (i) Be located at least 250 feet from any residential zoning district;
- (ii) Be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements;
- (iii) Provide adequate parking for customers and employees;
- (iv) For any accessory automobile service, repair shall be limited to minor automotive repair or routine maintenance only for vehicles sold at that location, occur within an enclosed building, and limit outdoor storage of vehicles awaiting repair to the side or rear of buildings;
- (v) Have no outdoor public address system;
- (vi) Provide adequate, enclosed trash storage facilities on the site;
- (vii) Not park or store a vehicle as a source of parts;
- (viii) Parking areas for inventory must be landscaped to the same standard as any other parking lot.

(G) Recreation Vehicle Park

Recreational Vehicle (RV) Parks must comply with the following requirements:

(1) General Design Standards

- (i) All RV Parks shall be a minimum of three acres in size.
- (ii) A minimum of 8% of the total land area shall be set aside as common open space. These open spaces shall be separate from the individual RV sites, hereinafter referred to as campsites, and shall be grouped and of a character suitable for active and passive recreation and shall be reasonably located for safe and convenient access to residents. This open space may be developed with structures for recreational or community gathering uses such as with a swimming pool, or covered picnic area.

- (iii)** A Buffer must be provided around the perimeter of the property. At a minimum, this buffer must meet the requirements for a Type A Buffer Strip as specified in Article 10 of this Ordinance. For RV Parks being subdivided out of a mobile home park existing on September 24, 2008, this buffer may be reduced along that boundary where the RV Park abuts the existing mobile home park if existing utilities make planting new vegetation an unreasonable hardship. Said owner or operator must demonstrate in a written request to the Ordinance Administrator that complying with the requirements of this subsection would cause the owner or operator an unreasonable hardship. The Ordinance Administrator shall determine, in his or her reasonable discretion, when such an unreasonable hardship exists.
- (iv)** All public road frontages shall be planted with a Streetyard Planting Area as specified in Section 9.5 of this Ordinance.
- (v)** Campsites shall be graded and maintained to prevent any water from ponding or accumulating within the park. Each campsite shall be properly graded to obtain a reasonably flat area and to provide adequate drainage away from the campsite.
- (vi)** Each campsite shall be located at least 30 feet from the edge of any publicly-maintained street or road; provided, however, in those cases where an RV park is being subdivided from a mobile home park existing as of September 24, 2008 which already has in place underground water, sewer and power servicing existing lots, this requirement may be waived by the Ordinance Administrator following a written request from an owner or operator of the existing mobile home park. Said owner or operator must demonstrate in its written request that complying with the requirements of this subsection would cause the owner or operator an unreasonable hardship. The Ordinance Administrator shall determine, in his or her reasonable discretion, when such an unreasonable hardship exists.
- (vii)** RV Parks shall be designed to prevent overcrowding, fire hazards, and to provide sufficient light and air. Every campsite shall be a minimum of 2,000 square feet in area and shall have a minimum average width of 25 feet.
- (viii)** All RV's must be a minimum of 15 feet apart.
- (ix)** Each campsite must be identified by a permanent number which may not be changed. The appropriate number of each campsite shall be permanently displayed on each space.
- (x)** All RV Parks must meet the minimum standards and requirements set forth in the International Building Code with North Carolina Amendments for sanitation and plumbing installations, accommodations, use and any associated parking.

- (xi)** All service structures shall be maintained in a clean and sanitary condition and kept in good repair at all times. Structures shall be safely and adequately illuminated. Facilities shall be easily accessible and conveniently located to all users of the RV Park. All structures shall be constructed in accordance with the International Building Code with North Carolina Amendments and shall meet Building Code and/or LDO setback requirements, whichever is more restrictive.
- (xii)** No permanent accessory structures such as carports, cabanas or decks may be constructed for use in connection with any campsite within the RV Park. At-grade patios and uncovered steps are permissible.
- (xiii)** All RV Parks shall provide appropriate Watershed Protection and Flood Damage Prevention as required in Articles 15 and 16 in this Ordinance.

(2) Parking and Streets

- (i)** A minimum of 1.5 parking spaces per campsite shall be provided. Each campsite must have enough space one parking space and enough room for for a RV to back into the campsite. Additional parking may be provided on individual campsites or in a common parking area.
- (ii)** All streets and parking areas shall be surfaced with a minimum of 6 inches of compacted stone and shall be maintained in a smooth, well-graded condition. All internal roads shall be capable of supporting the imposed load of fire apparatus in accordance with the Fire Apparatus Roads Standard in the North Carolina Fire Code (NC Fire Code Section 503).
- (iii)** All streets and parking areas shall be maintained in a manner to be free from potholes, breaks in the pavement (if applicable), rough surfaces, ponding of water and associated problems which would impede or cause hazards to motor vehicles.
- (iv)** All internal streets must be a minimum of 24 feet in width for two-way traffic and 14 feet in width for one-way traffic. Such streets shall be well-maintained and clearly identified. All streets within the RV Park shall be privately owned and maintained.
- (v)** Each campsite shall abut an internal street in the RV Park. No campsite shall have direct vehicular access to a public road.
- (vi)** Terminal streets within the RV Park shall not exceed 800 feet.
- (vii)** Any dead-end street shall provide a permanent turnaround with a minimum radius of 50 feet.

(viii) RV Parks with only one point of external access shall provide at least one permanent turnaround within the RV Park.

(3) Utilities

(i) Water

(a) An accessible, adequate, safe and potable supply of water shall be required for each campsite. Where a public or municipal water system exists within 1,000 feet of the RV Park, the park shall be connected to such system.

(b) When a public water supply is not available, a community water supply may be developed and its supply used exclusively in accordance with all applicable state, federal, and local laws, rules, and regulations.

(ii) Sewer

(a) All sewage waste from each RV Park, including wastes from toilets, showers, bathtubs, lavatories, wash basins, sinks, and water using appliances not herein mentioned shall be disposed of by an approved sewage disposal system.

(b) Adequate and safe sewage disposal facilities shall be provided at each campsite in any RV Park. Where a public or municipal sewer system exists within 1,000 feet of the RV Park, the owner shall connect to such a system.

(c) When a public or municipal system does not exist within 1,000 feet, a sewage disposal and treatment system complying with all applicable state, federal, and local laws, rules, and regulations shall be provided.

(iii) Electrical

(a) Each campsite in the RV Park shall have an electric service in compliance with the most recently published version of the National Electric Code.

(4) RV Park Operation

(i) The person to whom a zoning permit for an RV Park is issued to shall operate the RV Park in compliance with this Ordinance and shall be responsible for maintaining the RV Park, its facilities and equipment in good repair and in a clean and sanitary condition.

(ii) The RV Park owner is responsible for notifying its visitors of all applicable provisions of this Ordinance and informing them of their responsibilities under this Ordinance.

- (iii) The RV Park owner shall be responsible for refuse collection. Storage, collection and disposal of refuse shall be managed so as not to create health hazards, rodent harborage, insect-breeding areas, accident, fire hazards, or air pollution. All dumpsters shall be screened according to Section 8.2 of this Ordinance.
- (iv) Swimming pools or bathing areas shall be installed, altered, improved, and used in compliance with applicable state, federal, and local laws, rules, and regulations. Any bathing area shall require the approval of the Granville County Health Department.
- (v) Except as specifically permitted by this paragraph, it shall be unlawful to locate a mobile home in an RV Park. One mobile home shall be permitted per 100 campsites to be used as a residence for persons responsible for the operation and/or maintenance of the RV Park.
- (vi) No more than one RV may be parked per campsite. RV's shall not be permitted to park in areas other than those approved as campsites according to these regulations on an approved site plan with all utilities completed.
- (vii) The transfer of title of campsites, either by sale or by any other manner shall be prohibited within an RV Park as long as the RV Park is in operation.
- (viii) The owner and/or operator of an RV Park shall ensure that no RV remains in the owner and/or operator's RV Park for more than eighteen months out of any twenty-four month period. The burden of establishing compliance with this requirement shall be on the RV Park owner and/or operator and the RV Park owner and/or operator shall maintain sufficient records to prove the length of each occupant's stay.

(H) Indoor Shooting Range

Indoor Shooting Ranges must comply with the following standards:

- (1) All shooting range facilities shall be designed and operated in a manner to contain all bullets, shot, arrows, or other projectiles or any other debris on the range facility.
- (2) The walls, ceiling and floor of an indoor shooting range must be constructed such that any rounds, ammunition, or projectiles utilized in the firing range cannot penetrate the walls, ceiling or floor of the firing range under any operating circumstances.
- (3) All indoor ranges shall be properly ventilated to meet OSHA standards for lead exposure.
- (4) No exploding targets shall be allowed.

- (5) Noise generated from shooting range facilities shall not escape the facility property or boundary lines at levels greater than sixty (60) dBA or decibel. It shall be the responsibility of the shooting range owner to mitigate and verify escaping noise levels.
- (6) All structures and facilities shall adhere to all Federal, State and Local regulations and code requirements.
- (7) All indoor shooting ranges shall have a range supervisor at the facility during all hours of operation. The range supervisory shall have obtained a certificate of completion of the Nation Rifle Association's Firearms Safety Course, or an equivalent course conducted by an appropriate governmental agency, educational institution, or nationally recognized private firearms safety training certification organization.
- (8) Any firearms training offered on the premises shall be taught by an instructor with the proper instructor qualification certification for the type of course such an instructor is to teach by the National Rifle Association or equivalent certification by an appropriate governmental agency, educational institution, or nationally recognized private firearms instructor certification organization.
- (9) All indoor shooting ranges shall have a safety plan.
- (10) Rules and regulations regarding the operation of the range shall be posted in a manner to be visible to all participants of the facility.
- (11) Indoor shooting ranges may only be located in stand alone buildings, not in shopping centers.
- (12) No storage of lead, ammunition, firearms, gunpowder, or other hazardous or dangerous materials shall be stored in an accessory structure. No cleaning or repair of guns shall be allowed within an accessory structure.

7.3.4 Industrial Uses

(A) Extractive Industry

- (1) Extractive Industry uses shall be located at least 300 feet from any residential district, existing residential use, religious or civic institution use, community service use, day care use, school (elementary, middle, intermediate, or senior high), or public park.
- (2) Extractive Industry uses shall be surrounded by a chain link or wire fence that is at least six feet high, located no less than 100 feet from any public right-of-way, and located no less than 50 feet from any adjacent property.
- (3) Blasting may only be conducted between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

(B) Manufacturing and Production

(1) Concrete Plant and Asphalt Plants

- (i) Any concrete or asphalt plant shall be located at least 50 feet from all lot lines.
- (ii) All equipment and stockpiles shall be removed within one year of permanent cessation of operations.
- (iii) Access roads leading to any part of the operation shall be at least 15 feet from an adjacent lot line, should be paved, and shall be maintained in such a manner so as to minimize dust creation.

(C) Self-Service Storage

Self-service storage uses shall comply with the following standards:

(1) Commercial Uses Permitted On-site

The only commercial uses permitted on site shall be the rental of storage bays and the pickup and deposit of goods or property in dead storage. Storage bays shall not be used to manufacture, fabricate, or process goods; service or repair vehicles, small engines or electrical equipment, or to conduct similar repair activities; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity on the site.

(2) Security or Caretaker Quarters

No more than one security or caretaker quarters may be developed on the site, and shall be integrated into the building's design.

(3) Not Legal Address

Individual storage bays or private postal boxes within a self-service storage facility use shall not be considered premises for the purpose of assigning a legal address.

(4) Enclosed Buildings

Except as provided in this Subsection, all property stored on the site shall be enclosed entirely within enclosed buildings.

(5) Orientation of Bays

Garage doors serving individual storage units shall be screened so as to not be visible from adjacent public streets.

(6) Open Storage of Recreational Vehicles and Dry Storage of Boats

Open storage of recreational vehicles, travel trailers, and dry storage of pleasure boats of the type customarily maintained by persons for their personal use shall be permitted within a self service storage facility use, provided that the following standards are met:

- (i) The storage shall occur only within a designated area, which shall be clearly delineated;
- (ii) The storage area shall not exceed 25 percent of the buildable area of the site;
- (iii) Outdoor storage areas shall be located to the rear of the principal structure and be screened with a wooden fence or masonry wall no less than eight feet in height;
- (iv) Storage shall not occur within the area set aside for minimum building setbacks;
- (v) Recreational vehicles shall be allowed on the premises for storage only.

(7) Lot Area

The minimum lot area shall be least two acres.

(8) Height

With the exception of a structure used as a security or caretaker quarters, or redevelopment of an existing structure, the maximum height of a self-service storage facility shall be 20 feet. In addition, a parapet wall shall be constructed to screen roof-mounted heating and air conditioning and other equipment, if any. The combined height of the building and the parapet wall shall not exceed 25 feet.

(9) On-site Circulation

- (i) Interior parking shall be provided in the form of aiseways adjacent to the storage bays. These aiseways shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of these aiseways shall be 21 feet if only one-way traffic is permitted, and 30 feet if two-way traffic is permitted;
- (ii) The one- or two-way traffic flow patterns in aiseways shall be clearly marked. Marking shall consist at a minimum of use of standard directional signage and painted lane markings with arrows; and
- (iii) Appropriate access and circulation by vehicles and emergency equipment shall be ensured through the design of internal turning radii of aiseways.

(10) Lighting

Outdoor lighting shall be the minimum necessary to discourage vandalism and theft, and shall be provided in accordance with Section 8.3, Exterior Lighting.

(D) Outdoor Storage

Lots used for outdoor storage shall be fully enclosed with a fence or masonry wall no less than eight feet in height. The height of materials and equipment stored within 50 feet of the wall or fence shall not exceed eight feet in height. Perimeter or exterior walls visible from a public street or detached residential dwelling shall not include metal as a primary material.

- (1)** Notwithstanding anything in this Ordinance to the contrary, in instances where the use of the property primarily consists of the display of automobiles or equipment for sale, a chain link or wrought-iron style fence no less than six feet in height and no more than eight feet in height shall be permitted around the perimeter of the site including where visible from a public right-of-way. Where visible from a public right-of-way, a decorative fence to distract from the chain link fence shall be required in addition to the streetyard planting landscape requirement. Decorative fencing shall be approved by the Ordinance Administrator. Display of automobiles or equipment for sale shall be permitted within 50 feet of a fence without regard to the height of the items displayed. Outdoor storage or display of automobiles or equipment for sale, shall be a minimum of 100 feet from any adjacent property with a residential zoning. Notwithstanding anything in this Ordinance to the contrary, barbed wire may be permitted by the Zoning Administrator around the top of a fence meeting the requirements of this Sub-section 7.3.4(D)(i) where the applicant can show that the barbed wire is necessary to discourage entry by unauthorized persons.

(E) Tow Service and Storage

- (1)** Tow storage area shall be incorporated into the overall design of the site and shall be located to the side or rear of the principal structure.
- (2)** Any outdoor storage of vehicles, parts, or other materials shall be fully enclosed with a fence or masonry wall no less than eight feet in height. The height of materials and equipment stored within 50 feet of the wall or fence shall not exceed eight feet in height. Perimeter or exterior walls or fences visible from a public street shall not include metal as a primary material.
- (3)** Tires must be stored under cover to prevent water collecting in the tires.
- (4)** A spill and contamination prevention plan shall be provided prior to issuance of a zoning permit that includes, at a minimum:

 - (i)** Cleanup procedures for spills occurring inside and outside the building;
 - (ii)** Countermeasures for use in preventing spills and contaminants from entering the stormwater collection system; and
 - (iii)** Routine cleanup procedures for work areas and parking areas.

- (iv) Measures to insure that washdown water does not enter the stormwater collection system.
 - (v) Proof of compliance with rules, regulations, and/or ordinances adopted by the South Granville Water and Sewer Authority.
 - (vi) All other state, federal, and local regulations shall be followed.
- (5) Towing storage area shall not be within 500 feet of property zoned residential or an existing residential land use; however, intervening highways, streets, railroads, and similar rights-of-ways shall be included in the 500-foot measurement.

(F) Junkyard

- (1) The boundaries of the parcel upon which the junkyard is located shall not be within 1,000 feet of property zoned residential or an existing residential land use; however, intervening highways, streets, railroads, and similar rights-of-ways shall be included in the 1,000-foot measurement.
- (2) The facility shall be fully enclosed with a fence or masonry wall no less than eight feet in height. The height of materials and equipment stored within 50 feet of the wall or fence shall not exceed eight feet in height. Perimeter or exterior walls or fences visible from a public street shall not include metal as a primary material.
- (3) A spill and contamination prevention plan shall be provided prior to issuance of a zoning permit that includes, at a minimum:
 - (i) Cleanup procedures for spills occurring inside and outside the building;
 - (ii) Countermeasures for use in preventing spills and contaminants from entering the stormwater collection system; and
 - (iii) Routine cleanup procedures for work areas and parking areas.
 - (iv) Measures to insure that washdown water does not enter the stormwater collection system.
 - (v) Proof of compliance with rules, regulations, and/or ordinances adopted by the South Granville Water and Sewer Authority.
 - (vi) All other state, federal, and local regulations shall be followed.

7.4 Accessory Uses and Structures

7.4.1 Purpose

This Section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses. The Town's intent in adopting this Section is to allow a broad range of accessory uses, so long as such uses are located on the

same site as the principal use, and so long as they comply with the standards set forth in this Section in order to reduce potentially adverse impacts on surrounding lands.

7.4.2 General Standards and Limitations

(A) Compliance with Ordinance Requirements

All accessory uses and accessory structures shall conform to the applicable requirements of this Ordinance. The provisions of this Section establish additional standards and restrictions for particular accessory uses and structures.

(B) General Standards

All accessory uses and accessory structures shall meet the following standards:

- (1)** Directly serve the principal use or structure;
- (2)** Be customarily accessory and clearly incidental and subordinate to principal use or structure;
- (3)** Be subordinate in area, extent, and purpose to the principal use or structure;
- (4)** Be owned or operated by the same person as the principal use or structure;
- (5)** Be located on the same lot as the principal use or structure;
- (6)** Together with the principal use or structure, not violate the bulk, density, parking, landscaping, or open space standards of this Ordinance;
- (7)** Not be constructed or established prior to the time the principal use or structure is constructed or established; and
- (8)** Not constitute a combination use, which is the combination of two principal uses (combination uses will not meet the above standards in terms of being subordinate or providing service to the principal use).

(C) Approval of Accessory Uses and Structures

Unless otherwise specified in this Section, any accessory use or accessory structure shall be treated as a permitted use in the base zoning district in which it is located. An accessory use or structure may be approved in conjunction with approval of the principal use or structure.

(D) Table of Permitted Accessory Uses

(1) Table as Guide

Table 7-2, Table of Permitted Accessory Uses, is established as a guide to identify the appropriateness of the more common accessory uses in each zoning district.

(2) Listed Accessory Uses

Table 7-2, Table of Permitted Accessory Uses, lists what types of accessory uses, structures, and activities are allowed in each of the zoning districts. If a specific accessory use is allowed in a base zoning district, the column underneath the zoning district is marked with a "P." If the accessory use or structure is not allowed in a zoning district, the column is blank. If there is a reference contained in the column entitled "Additional Requirements," refer to the cited Section(s) for additional standards that apply to the specific accessory use.

(3) Interpretation of Unidentified Accessory Uses

The Ordinance Administrator shall evaluate potential accessory uses that are not identified in Table 7-2, Table of Permitted Accessory Uses, on a case-by-case basis, as an Interpretation (see Section 2.3.13). In making the interpretation, the Ordinance Administrator shall apply the following standards:

- (i)** The definition of "accessory use" and the general accessory use standards established in Section 7.4.2, General Standards and Limitations.
- (ii)** The additional regulations for specific accessory uses established in Section 7.4.3, Specific Standards for Certain Accessory Uses.
- (iii)** The purpose and intent of the zoning district in which the accessory use is located.
- (iv)** Any potential adverse impacts the accessory use may have on other lands in the area, compared with other accessory uses permitted in the zoning district.
- (v)** The compatibility of the accessory use, including the structure in which it is housed, with other principal and accessory uses permitted in the zoning district.

(4) Table of Permitted Accessory Uses

Table 7-2, Table of Permitted Accessory Uses, on the following page, specifies the zoning district where accessory uses may be permitted.

(E) Location of Accessory Uses or Structures

- (1)** No accessory use, structure, or activity, except for permitted fences or walls erected on a property line or an ornamental pond shall occupy or take place in a required front setback.

- (2)** Accessory structures may be set back a minimum of five (5) feet from side and rear property lines.
- (3)** No accessory structure shall project beyond the front building line of the principal structure or site.
- (4)** Except for fences, walls and unenclosed carports, no detached accessory structures shall be located within 5 feet of a principal structure or any other accessory structure.
- (5)** No accessory structure shall be located within any platted or recorded easement or over any known utility.

Table 7-2 Table of Permitted Accessory Uses

P = PERMITTED ACCESSORY USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS
	R P	R R	R S	R T	R M X	R M F		OI	N B	C B	H B	LI	HI	C X	SI	NI	C W	C E	
Accessory Storage Building	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	7.4.2(E)
Accessory Dwelling Unit	P	P		P														S	7.4.3(A)
Armature Ham Radio / TV Antenna	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	7.4.3(B)
Auto Repair at a Residential Use	P	P	P	P	P														7.4.3(C)
Canopies									P	P	P	P	P	S	S	P	P	P	7.4.3(D)
Drive Through Facilities									P	P	P	P	P	S	S	P	S	P	7.4.3(E)
Fences And Walls	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	8.1
Garages	P	P	P	P	P	P		P	P	P	P	P	P					P	7.4.3(F)
Heavy Equipment Sales Auction parking													P						7.4.3(P)
Home Occupations	P	P	P	P	P	P								P	P	P	P	P	7.4.3(G)
Home Daycare (up to 5 children)	P	P	P	P	S	S								P	P	P	P	P	7.4.3(O)
Home Daycare (6 to 8 children)	S	S	S	S	S	S								S	S	S	S	S	7.4.3(O)
Outdoor Display / Sales									P	P	P					S	S	S	7.4.3(H)
Outdoor Storage											P	P	P						7.4.3(I)
Produce Stand	P	P							P	P	P			P	P	P	P	P	7.4.3(J)
Satellite Dish	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	7.4.3(K)

Stable/Horses, Ponies, Mules or Donkeys	P	P	P																7.4.3(L)
Storage Or Parking Of Heavy Trucks Or Trailers										P	P	P							7.4.3(M)
Storage Or Parking Of Major Recreational Equipment	P	P	P	P	P														7.4.3(M)
Swimming Pool	P	P	P	P	P	P		P	P	P	P			P	P	P	P	P	7.4.3(N)
Portable Shipping Container	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	7.5.3(B)

(F) Maximum Height

- (1) Any accessory structure located within 10 feet of any lot line shall not exceed 12 feet in height at its highest point.
- (2) In all residential base zoning districts, accessory structures shall not exceed the height of the principal structure.

(G) Maximum Size

- (1) The aggregate square footage of accessory structures associated with a residential principal use shall not exceed ten percent (10%) of the lot area.
- (2) The aggregate square footage of accessory structures associated with a nonresidential use shall not exceed 30 percent (30%) of the square footage of the principal use on the lot.
- (3) Accessory structures associated with agricultural uses shall be exempt from all limits on aggregate square footage.
- (4) Single-family residential properties over two acres may apply for a Special Use Permit for a larger accessory structure and/or a greater aggregate square footage of accessory structures. The aggregate square footage of accessory structures may not exceed 150% of the primary structure.

7.4.3 Specific Standards for Certain Accessory Uses

(A) Accessory Dwelling Units

Accessory dwelling units shall comply with the following standards:

- (1) Not more than one accessory dwelling unit per lot shall be permitted.
- (2) Accessory dwelling units shall be located within (e.g., a downstairs apartment) or behind the principal structure as a freestanding building or above a detached outbuilding.
- (3) The use of mobile homes, travel trailers, campers, tractor trailers, or similar vehicles as an accessory dwelling unit shall be prohibited.
- (4) The accessory dwelling unit shall be at least 300 square feet in size, but shall not exceed 50 percent of the gross habitable floor area of the principal structure.
- (5) Accessory dwelling units shall be served by at least one off-street parking space (in addition to the required off-street parking serving the principal use), but in no instance have more than two off-street parking spaces.
- (6) Accessory dwelling units shall be of durable exterior building materials that are the same or higher quality as surrounding developments, and shall not adversely affect adjacent uses (when the principal structure is

predominately brick or stone, the introduction of smooth wood or fibrous cement siding is appropriate to reinforce the ancillary and subordinate nature of the accessory dwelling unit).

- (7) Accessory dwelling units shall not be sold apart from the principal structure.
- (8) Accessory dwelling units shall not include home occupations.

(B) Amateur Ham Radio & Television Antennas

- (1) Towers associated with a ham radio operator or private television antenna shall not exceed 90 feet above grade.
- (2) Towers or antennas attached to a principal structure shall be located on a side or rear elevation.
- (3) Freestanding towers or antennas shall be located behind the principal structure.

(C) Auto Repair at a Residential Use (Auto Hobbyist)

- (1) Automobile repair at a residential use shall comply with the following standards:
- (2) Outdoor automotive repair at a residential use shall be limited to single-family detached dwellings.
- (3) Automobile repair activities shall be limited to vehicles owned by the person inhabiting the principal use.
- (4) In no instance shall there be more than one inoperable vehicle located outside a fully enclosed structure.
- (5) Activities that create objectionable noise shall not take place between the hours of 9:00 PM and 7:00 AM.
- (6) Vehicles in repair must be stored out of sight of a public right-of-way.

(D) Canopies

- (1) Except when located 100 or more linear feet away from the principal structure, canopies covering a drive-through shall use a similar roof form, pitch, and materials to appear as an extension of the roof covering the principal structure.
- (2) Canopies shall have a maximum height of 15 feet measured from the finished grade to the underside of the canopy.
- (3) The design of the canopy, including any columns, shall match the design and exterior building materials of the principal building.

- (4) Canopies covering fuel pumps may include logos or trademarks, but shall not include any other signage or advertising.
- (5) In addition to meeting the standards in Section 9.5, Exterior Lighting, canopies shall not be internally illuminated, and any exterior lighting associated with a canopy shall be shielded so that the source of illumination is not visible from off-site areas.

(E) Drive-Through Facilities

- (1) Drive-through facilities shall be located at least 100 linear feet from any residential district or lot used for residential purposes.
- (2) Vehicle stacking spaces for drive-through window uses shall be located outside of and physically separated from the right-of-way of any street.
- (3) Vehicle stacking spaces shall not interfere with the efficient internal circulation of traffic on the site, adjacent property, or adjacent street right-of-way.
- (4) Drive-through facilities shall be located to the side or rear of the principal structure they serve.
- (5) Menu Boards shall not be visible from the road the building is fronting.
- (6) Drive-through facilities may be subject to Town-imposed conditions relating to the location, configuration, and operational aspects of the drive-through window to ensure its compatibility with surrounding uses and its compliance with the building codes and all relevant state laws and regulations.

(F) Garages

Detached garages shall not exceed ten percent (10%) of the lot area on lots containing a single-family detached dwelling. The aggregate square footage may not exceed 150% of the primary structure. Square footage associated with an Accessory Dwelling Unit shall not be counted towards garage size.

(G) Home Occupations

A home occupation shall be permitted as accessory to any principal dwelling unit, provided that:

- (1) The business or service is located within the dwelling or an associated accessory building (but not an accessory dwelling unit), and does not exceed 25 percent of the heated floor area of the principal structure or 600 square feet, whichever is less.
- (2) The principal person or persons providing the business or service resides in the dwelling on the premises.

- (3) The home occupation employs no more than one person on the premises who does not reside on the premises, and no more than one client is seen at any one time.
- (4) The home occupation causes no change in the external appearance of the existing dwelling and structures on the property.
- (5) All vehicles used in connection with the home occupation are of a size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood, and there are no more than two vehicles per home occupation.
- (6) There is sufficient off-street parking for patrons of the home occupation, with the number of off-street parking spaces required for the home occupation to be provided and maintained in addition to the space or spaces required for the dwelling itself.
- (7) There are no advertising devices on the property, or other signs of the home occupation, which are visible from outside the dwelling or accessory building.
- (8) The property contains no outdoor display or storage of goods, equipment, or services that are associated with the home occupation.
- (9) Wholesale or retail sales of goods do not occur on the premises.
- (10) The home occupation does not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference which can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception.

(H) Outdoor Display/Sales

Outdoor display or sales may be allowed as an accessory use for all Retail Sales and Service Uses and Wholesale Sales Uses. It is the intent of this Ordinance to allow the display of merchandise for sale, but not where the display of such items impedes the flow of pedestrian or vehicular traffic, or creates an unsafe condition. The outdoor display of goods shall meet all of the following standards:

- (1) Outdoor display/sales areas shall be depicted upon a Site Plan.
- (2) All outdoor display of goods shall be located immediately adjacent to the storefront, or building sides, and not in drive aisles, loading zones, fire lanes, or parking lots.
- (3) Outdoor display areas shall be limited to no more than one-half of the length of the store front or building side.
- (4) In the case of a shopping center, the “storefront” shall include the entire frontage of the shopping center facade, meaning that the total amount of

display for all the inline tenants combined shall not exceed 50 percent of the aggregate store front of the total shopping center.

- (5) The area of outdoor display or sales shall not encompass the width of the entrance doors to the establishment as projected straight out from the facility. (For example, if the width of the entrance doors is ten feet, there shall be at least a ten-foot clearance from the doors as projected straight out and away from the facility.)
- (6) No goods shall be attached to a building's wall surface.
- (7) The height of the outdoor display shall not exceed six feet.
- (8) The outdoor display area shall take place on an improved surface such as the sidewalk or pavement.
- (9) At least five feet along the parking lot side of the display shall be maintained free of obstruction to allow for pedestrian and handicap movement, such that handicapped pedestrians and others do not have to enter the parking lot or drive aisle to walk around the display.
- (10) Outdoor sales shall not include hazardous and flammable materials, such as gasoline, oil, antifreeze, kerosene, poisons, pesticides and similar items.

(I) Outdoor Storage

Outdoor storage may be allowed as an accessory use in accordance with the following standards:

- (1) Each outdoor storage area shall be incorporated into the overall design of the principal structure on the site and shall be located at the side or rear of the principal structure.
- (2) Goods stored in an outdoor storage area intended for sale or resale shall be limited to those sold on the premises as part of an associated, additional principal use.
- (3) Each outdoor storage area shall be screened from view from all property lines and adjacent rights-of-way by an opaque fence or wall between six feet in side yard areas and eight feet in rear yard areas that incorporates at least one of the predominant materials and one of the predominant colors used in the primary structure. Materials may not be stored higher than the height of the primary structure. A landscaped earth berm may be used instead of or in combination with a fence or wall.
- (4) If the outdoor storage area is covered, then the covering shall include at least one of the predominant exposed roofing colors on the primary structure.
- (5) Flammable liquids or gases in excess of one 1,000 gallons shall be stored underground.

- (6) No materials may be stored in areas intended for vehicular or pedestrian circulation.

(J) Produce Stand

A produce stand shall:

- (1) Be limited to the retail sale of agriculture and horticulture products;
- (2) Be located to minimize the visual impact of the structure from adjacent public streets;
- (3) Not remain in the same location for more than six months;
- (4) Not exceed 500 square feet in area;
- (5) Provide adequate ingress, egress, and off-street parking areas; and
- (6) Be setback at least 10 feet from the right-of-way.

(K) Satellite Dishes

- (1) Satellite dishes less than 12 inches in diameter may be located anywhere on a lot.
- (2) Satellite dishes larger than 12 inches in diameter but smaller than 48 inches in diameter shall:
 - (i) Be located to the side or rear of the principle use they serve; and
 - (ii) Be limited to a maximum height of 15 feet above grade unless the applicant can demonstrate that a lower mounting height will cause significant disruption in signal.
 - (iii) In no instance shall a satellite dish exceed 48 inches in diameter.

(L) Stable/Horses, Ponies, Mules or Donkeys

The keeping of horses, ponies, mules or donkeys shall be permitted provided:

- (1) One acre of pasture or grazing land shall be provided for each horse or pony maintained in the stable; and
- (2) The pasture or grazing land must be adequately fenced so that the horses are safely contained within the fenced area. The ordinance administrator shall approve the materials and location of the fencing proposed in order to ensure that the fencing is in keeping with the character of the neighborhood. Electric fencing may be used with the approval of the ordinance administrator when such fencing is not in close proximity to residences. The landowner or tenant is responsible for insuring the safety and appropriateness of the fencing; and

- (3) All horses, ponies, or mules must have a well maintained stable with a stall for each horse, pony or mule; and
- (4) The stable is located at least 300 linear feet away from any residential dwelling on a lot under separate ownership and maintained in such a way as to not have excessive odor or create a nuisance to adjacent properties; and
- (5) Not for hire, only horses, ponies or mules owned by the persons living on the premises may be kept on the property.

(M) Storage or Parking of Heavy Trucks, Trailers, or Major Recreational Equipment

(1) Intent

It is the intent of this Subsection to regulate the customary or continual parking of certain vehicles and equipment on streets or properties located within residential neighborhoods since the presence of such vehicles runs contrary to the intended residential character of such neighborhoods. It is not the intent of these standards to prevent the occasional or temporary parking of such vehicles or equipment as necessary for the purposes of loading, unloading, or cleaning; however, the continual or customary overnight parking of such vehicles or equipment for a portion of the day followed by removal the following day is prohibited.

(2) Applicability

The standards in this Subsection apply to heavy trucks with more than two axles or that exceed 20,000 pounds of gross vehicle weight, trailers with more than one axle, or major recreational equipment, including, but not limited to, boats, campers, recreational vehicles, motor homes, and travel trailers.

(3) Standards

- (i) Heavy trucks, trailers, or major recreational equipment shall not be parked or stored on public rights-of-way in a residential zoning district for longer than four days over any calendar year.
- (ii) No heavy truck or trailer, shall be parked or stored for longer than four days over any calendar year upon any residentially zoned or used property.
- (iii) Boats, campers, recreational vehicles and other major recreational equipment shall be parked or stored only to the side or rear of the dwelling they are associated with. Parking such equipment upon an established residential driveway is permitted if access to side or rear yards for storage is not feasible. In no case shall major recreational equipment be parked or stored in a front yard outside of an established driveway.

(N) Swimming Pool/Hot Tub

Swimming pools and hot tubs shall comply with the following standards:

- (1) Swimming pools having a depth greater than two feet, and hot tubs and spas shall be enclosed by fencing of a type that is not readily accessible by children and that contains no openings larger than four inches.
- (2) Fencing shall be at least four feet in height and, if equipped with a gate, shall have a latch.
- (3) In lieu of fencing, spas and hot tubs may have a lockable cover capable of supporting a minimum of 150 pounds, and such cover shall be locked in place when the spa or hot tub is not in use.
- (4) Swimming pools and decks shall adhere to the same setback requirements as accessory structures; however, swimming pools shall not exceed 50 percent of the yard (side or rear) in which it is located.

(O) Home Daycare

Home daycares shall be permitted as an accessory to any principal dwelling unit provided that:

- (1) Home daycares must be licensed by the North Carolina Division of Child Development and must meet all applicable code requirements.
- (2) The home daycare may only be conducted within the primary structure except for the required outdoor play area.
- (3) The primary structure must be a minimum of 1100 square feet to be used for a home daycare.
- (4) The home daycare must have a minimum of 400 square feet of outdoor play area. The outdoor play area shall be located in the rear yard.
- (5) The principal person or persons operating the home daycare must reside in the dwelling on the premises.
- (6) The home daycare employs no more than one person on the premises who does not reside on the premises.
- (7) The home daycare causes no change in the external appearance of the existing dwelling and structures on the property.
- (8) There is at least one off street parking space for the patrons of the home daycare to be provided and maintained in addition to the space or spaces required for the dwelling itself.
- (9) There are no advertising devices on the property, or other signs of the home daycare, which are visible from outside the dwelling or accessory building.

- (10) The property contains no outdoor display or storage of goods, equipment, or services that are associated with the home daycare.
- (11) The home daycare does not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference which can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception.
- (12) A home daycare shall not be permitted within 200 feet of another home daycare unless separated by a public right-of-way. Spacing shall be measured from the center of the parcel on which the home daycare is located.

(P) Heavy Equipment Sales Auction Parking

Parking areas to be used only for auctions may be allowed as an accessory use for Heavy Equipment Sales. The customer parking areas for auctions shall meet all of the following standards:

- (1) Parking areas for customers to be used during auction events shall be depicted upon a Site Plan.
 - a. Total number of parking spaces provided shall be sufficient for the number of customers typically attending an auction sale.
- (2) Notwithstanding anything in this Ordinance to the contrary, parking areas for customers to be used during auction events shall be covered with an all-weather surface designed to support anticipated loads. Loose material surfaces shall be contained with permanent edging, landscaped areas, asphalt surfaces or other means to prevent the migration of the loose material. The surface shall be maintained so that traffic may move safely in and out of the parking area.
- (3) Notwithstanding anything in this Ordinance to the contrary, parking areas for customers to be used during auction events shall be landscaped with the following standards and approved by the Ordinance Administrator:
 - a. Auction parking landscaping to be provided at a ratio of 1 tree per 25 LF of parking area perimeter and may be clustered.
 - b. Root structures of planted trees must be protected from vehicular traffic.
 - c. Trees planted or preserved to satisfy buffer or tree preservation requirements adjacent to this area may be used to partially satisfy the requirements of this Article with the approval of the Ordinance Administrator.

7.5 Temporary Uses And Structures

7.5.1 Purpose

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

7.5.2 General Standards for Temporary Uses and Structures

Temporary uses, structures, or events shall:

- (1)** Obtain the appropriate permit from the Town (if required);
- (2)** Only 12 temporary uses and/or structures per lot in a calendar year;
- (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 be located within the public right-of-way, or within any existing or required landscaped areas;
- (8)** Comply with the maximum signage size for temporary signs;
- (9)** Not maintain temporary signs associated with the use or structure after the activity ends;
- (10)** Not violate the applicable conditions of approval that apply to a site or use on the site;
- (11)** Not interfere with the normal operations of any permanent use located on the property;
- (12)** Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement associated with the temporary use, without disturbing environmentally sensitive lands; and
- (13)** Provide written permission from the property owner or property owner's agent to allow applicant to use property for temporary use, structure or special event and recognizing that it counts as one of the allotted temporary uses and/or structures permitted on the lot per calendar year.

7.5.3 Specific Regulations for Certain Temporary Uses and Structures

(A) Carnival, Festival or Circus

- (1)** The total amount of required off-street parking spaces shall be determined by the Ordinance Administrator. If collocated on the same parcel with an established use, the carnival or circus's designated parking shall not exceed 15 percent of the required parking for the establishment or use where the carnival/circus is located.
- (2)** If located on an undeveloped or vacant lot, the lot shall be a minimum of two acres and at least one-third of the area shall be designated for parking.
- (3)** All activities for carnivals and circuses shall be located a minimum of 50 feet from all lot lines.
- (4)** Carnivals, festivals and circuses shall obtain all required permits and licenses required by the Town.

(B) Temporary Storage in Portable Shipping Containers

Temporary storage in a portable shipping container shall be permitted to serve an existing residential use, subject to the following standards:

- (1)** Containers shall not be located in the front yard setback;
- (2)** Containers shall not be located within ten feet of any lot line; and
- (3)** Containers shall not be located on an individual parcel or site for more than 30 consecutive days per site per calendar year.

(C) Seasonal Sales

Seasonal agricultural sales, including the sale of such items as Christmas trees, pumpkins, seasonal produce, and similar agricultural products, may be permitted in accordance with the following standards:

(1) Location

- (i)** The property 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.
- (ii)** The sale of goods shall not occur within the public right-of-way, or within 200 feet of a dwelling.
- (iii)** A minimum pedestrian walkway of at least five feet in width along the front of the display shall be maintained.

(2) Range of Goods Limited

The range of goods or products available for sale shall be limited to products obtained primarily through farming or agricultural activities, including, but not necessarily limited to: pumpkins; grains and seed crops; fruits of all kinds; vegetables; nursery, floral, ornamental, and greenhouse products; trees and forest products, including Christmas trees, firewood, and pinestraw; bees and beekeeping products; seafood; and dairy products. For the purposes of this Subsection, processed or prepared food products of any kind shall not be considered to be agricultural products.

(3) Sales from a Vehicle

The itinerant sale of products from a vehicle that does not involve the display or short-term storage of products on site for a period of two days or longer, shall not be considered to be seasonal agricultural sales and is prohibited.

(4) Hours of Operation

The hours of operation of the seasonal sale of agricultural products shall be from no earlier than 7:30 a.m. to no later than 10:00 p.m.

(5) Duration

Seasonal sales shall be allowed on an individual lot for no more than 180 days per calendar year.

(D) Temporary Construction Trailers

- (1)** All temporary construction trailers (including recreational vehicles used as temporary construction trailers) shall meet the minimum setbacks of the zoning district where located, or shall be set back at least 20 feet from all lot lines.
- (2)** Temporary construction trailers may remain on site as long as there is a valid Building Permit in place, but shall be removed upon issuance of the last Certificate of Occupancy.
- (3)** Temporary construction trailers for public use shall include restroom facilities and utility connections.

(E) Temporary Sales Trailers

- (1)** All temporary sales trailers shall be set back at least 20 feet from all lot lines.
- (2)** Temporary sales trailers shall be removed once the project is completed or the lots are sold.

- (3) All temporary sales trailers shall be underpinned and meet all applicable parking and screening requirements.

(F) Tent Sales

- (1) Sale of commercial goods may be conducted within a tent located on lot with a legally established principal use provided the following criteria are met:
- (2) The tent sale obtain a Temporary Use Permit in accordance with this Section prior to construction of the tent;
- (3) The tent is located in an area outside the normal flow of traffic or areas of ingress and egress;
- (4) The tent be located on an improved surface such as asphalt, gravel, or other improved surface and not within areas devoted to required landscaping, tree protection, or open space;
- (5) The tent be located in such a way as to ensure the minimum number of required parking spaces for the principal use are maintained over the duration of the tent sale;
- (6) The tent sale does not include any signage other than that allowable as temporary signage;
- (7) Tents not be illuminated past the hour of 10:00 p.m.; and
- (8) The total number of tent sale occurrences per site be limited to a maximum of 14 days per calendar year.

(G) Automobile Sales

- (1) Automobile sales are limited to Neighborhood Business, Central Business, and Highway Business Districts.
- (2) Automobiles for sale may only be parked in designated parking spaces. If the parking lot is an existing gravel lot without marked spaces then automobiles must be parked on an existing parking area that does not block entrances or exits, drive aisles and must be at least 10 feet from the street right-of-way.
- (3) Automobiles can only be on display for up to two weeks.
- (4) Automobile sales are limited to a maximum of four automobiles per parcel per year.
- (5) Automobiles for sale may not be junked vehicles and must have current insurance and license.

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ARTICLE 8 – GENERAL DEVELOPMENT STANDARDS

8.1 Fences and Walls

8.1.1 Applicability

The provisions of this Section shall apply to all new construction, redevelopment, or replacement of fences or walls not required for support of a primary or accessory structure, or any other linear barrier intended to delineate different portions of a lot. In the event of any inconsistency between the provisions of this Section and any screening standard in Section 8.2, Screening, the latter shall govern.

8.1.2 General Requirements for Fences and Walls

(A) Location

Fences are permitted on, or at any location inward from, the property line between two or more parcels of land held in private ownership.

(B) Temporary Fences

Temporary fences for construction sites or a similar purpose shall comply with all requirements in this Ordinance.

(C) Fences in Easements

Fences shall be prohibited within public and private utility easements. The Town shall not be responsible for damage to, or the repair or replacement of, fences that must be removed to access such easements. In no instance shall this provision be construed to prevent fencing around stormwater retention or detention facilities if the owner desires.

(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 on Retaining Walls or Berms

If a fence is constructed on top of a retaining wall or berm, the combined height of the fence and the wall or berm shall not exceed the maximum height that would apply to a fence or wall alone.

(F) Fences and Walls within Required Buffers and Landscaping Areas

Fences and walls shall be installed so as not to disturb or damage existing vegetation or installed plant material. The perimeter fencing or wall for a subdivision or other development shall be of a uniform, approved style that meets the standards of this Section.

8.1.3 Height Requirements for Fences and Walls

All fences and walls shall conform to the following standards. In all cases, heights are measured from natural grade.

(A) Residential

In the residential districts, with the exception of fencing for livestock, horses, ponies, mules, or donkeys fences shall not exceed a height of four feet in front yards. Walls shall be limited to a maximum height of three feet in front yards. Walls and fences located behind the front building line shall not exceed six feet in height. If a fence is constructed on top of a retaining or other wall, the combined height of the fence and wall shall not exceed the maximum height that would apply to a fence or wall alone.

(B) Nonresidential

In the nonresidential districts, with the exception of properties where the primary use is the display of automobiles and equipment for sale, fences and walls, except for retaining walls, shall not be permitted in front setback areas, and shall not exceed a height of six feet when located in front yards or within 20 linear feet of a public right-of-way in a side or rear yards. Fences and walls shall not exceed eight feet in height in all other areas. If a fence is constructed on top of a retaining or other wall, the combined height of the fence and wall shall not exceed the maximum height that would apply to a fence or wall alone.

(C) Exemption for Required Screening

Fencing provided to meet the standards of Section 8.2, Screening, shall be exempted from the height standards of this Subsection, but in no case shall any fence exceed the maximum height limits of Section 8.2, Screening, by more than two feet.

(D) Exemption for 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.

(E) Exemption for Safety

Major utilities, government facilities and other public uses shall be exempted from these standards as needed to ensure safety and security.

(F) Exemption for livestock, horses, ponies, mules, or donkeys

Fencing for livestock, horses, ponies, mules, or donkeys should be adequate to keep the animals safely enclosed without creating a nuisance or danger to adjacent properties. Fencing for livestock, horses, ponies, or mules must be approved by the Ordinance Administrator using the same review standards set out in section 7.4.3(L)(2).

8.1.4 Perimeter Fences and Walls Abutting Public Rights-of-Way

Perimeter fences or walls abutting a public or private right-of-way shall:

- (A) Be of a uniform style;
- (B) Be located entirely outside of the right-of-way; and
- (C) Be located outside of any required landscaping area.

8.1.5 Visibility Clearance

Fences and walls may not be placed in any location that would obstruct the vision of motorists or pedestrians, or otherwise create a safety hazard.

8.1.6 Regulation of Certain Fencing Materials

(A) Chain Link and Metal Slat Fencing

Fences and walls constructed of chain link or metal slats shall be prohibited within the front yard in all residential districts.

(B) Barbed Wire and Above Ground Electrified Fences

Except as needed for agricultural uses, major utilities, government facilities, and other public safety uses, barbed wire fences and above ground electrified fences are prohibited in all zoning districts. Underground electric fences designed for control of domestic animals are permitted. Barbed wire may be permitted by the Ordinance Administrator around the top of an otherwise conforming fence in non-residential zoning districts where the applicant can show that the barbed wire is necessary to discourage entry by unauthorized persons. Above ground electric fence for horses, ponies, mules, or donkeys may be allowed by the Ordinance Administrator.

(C) Debris, Rolled Plastic, Sheet Metal, Plywood or other Waste Materials

Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials are prohibited in all zoning districts.

8.1.7 Appearance of Fences and Walls

(A) Customary Materials

Fences and walls shall be constructed of customary materials, including solid wood, brick, masonry, stone, wrought iron, decorative metal materials, or products designed to resemble these materials. Where specific materials are required for particular types of screening or buffering fences or walls, all other fence materials are prohibited.

(B) Finished Side to Outside

Wherever a fence or wall is installed, if one side of the fence or wall appears more “finished” than the other (i.e. one side has visible support framing and the other does not), then the more “finished” side of the fence shall face the perimeter or outside of the lot, rather than facing the interior of the lot.

(C) Uniformity of Materials on a Single Lot Side

All fencing or wall segments located along a single lot side shall be composed of a uniform material and shall be of a uniform color.

(D) Maintenance Required

All fences and walls shall be maintained in good repair and in a safe and attractive condition, including, but not limited to, the replacement of missing, decayed, or broken structural and decorative elements. All fences and walls shall receive regular structural maintenance to prevent and address sagging and the weathering of surfaces visible from the public right-of-way. Any deteriorated, damaged or decayed fence materials shall be promptly repaired, and any fence or wall post or section that leans more than 20 degrees from vertical shall be promptly repaired to correct the condition and restore the fence to an upright, vertical position.

8.2 Screening

Screening shall be required in order to conceal specific areas of high visual impact from both on-site and off-site views. Such areas shall be screened at all times, unless otherwise specified, regardless of adjacent uses, districts, or other proximate landscaping material.

8.2.1 Items to be Screened

- (A)** Large waste receptacles (dumpsters) and refuse collection points (including cardboard recycling containers);
- (B)** Loading and service areas;
- (C)** Outdoor storage areas (including storage tanks) unless otherwise excepted from the outdoor storage screening requirement; and
- (D)** Ground level mechanical equipment and utility meters.

8.2.2 Screening Methods

The following items are permitted for use as screening materials. Alternative screening materials that are not listed may be used if it is determined they are comparable to these screening materials.

(A) Vegetative Material

Planting materials meeting the standards for a Type B buffer.

(B) Berms

Earthen berms shall measure at least two feet in height. Berms shall be covered with grass and shall be planted with other landscaping materials consistent with the requirements for a Type B buffer.

(C) Fencing

An opaque wooden fence, or a plastic, or vinyl designed fence that is configured to appear as an opaque wooden fence, measuring at least six feet in height, but not exceeding eight feet in height, that is consistent with the standards in Section 8.1, Fences and Walls. When wood is utilized, only treated wood or rot-resistant wood, such as cypress or redwood, shall be used. Chain link, barbed wire, stock wire, hog wire, chicken wire, and similar type fences are not permitted unless specifically allowed by another section of this ordinance.

8.3 Outdoor Lighting

8.3.1 Purpose

The purpose of this Section is to control light spillage and glare so as not to adversely affect motorists, pedestrians, and land uses on adjacent properties. More specifically, this Section is intended to:

- (A)** Control lighting to assure that excessive light spillage and glare are not directed at adjacent properties, neighboring areas, and motorists;
- (B)** Ensure that all site lighting shall be designed and installed to maintain adequate lighting levels on site; and
- (C)** Provide security for persons and land.

8.3.2 Applicability

Unless exempted in accordance with Section 8.3.3, Exemptions, the provisions of this Section shall apply to attached residential, institutional, commercial, and industrial uses.

8.3.3 Exemptions

The standards of this Section shall not apply to government-owned, operated, or maintained street lights located within a street right-of-way or other easement granted to the Town.

8.3.4 Design Standards for Exterior Lighting

All exterior lighting shall conform to the following standards:

(A) Maximum Lighting Height

- (1)** Except for outdoor sports fields or performance areas, outdoor lighting heights shall be no greater than:

- (i) Eighteen feet above grade for pedestrian lighting; and
- (ii) Twenty-five feet above grade for vehicular lighting.

(2) Wherever possible, illumination of outdoor seating areas, building entrances, and walkways shall be accomplished by use of ground mounted fixtures not more than four feet in height.

(B) Direction of Illumination

(1) In all districts, lighting of nonresidential development shall be directed downward. In addition, upwardly-directed lighting shall not be used to illuminate structures, except for low-wattage architectural lighting.

(2) Outdoor lighting shall not shine directly into the yard or windows of a adjacent residential uses.

(C) Location

All lighting shall be located at least ten feet from side lot lines, rear lot lines, and required perimeter buffers.

(D) Shielding

(1) Light fixtures in excess of 60 watts or 100 lumens shall use full cut-off lenses or hoods to prevent glare or spillover from the project site onto adjacent lands and streets.

(2) No interior light source shall be positioned, aimed, or configured so as to result in the light source being visible from land occupied by existing residential development.

(3) No light source in a canopy structure shall extend downward further than the lowest edge of the canopy ceiling.

(4) Awnings or canopies used for building accents over doors, windows, etc., shall not be internally illuminated (i.e. from underneath or behind the awning).

(E) Maximum Light Levels

All outdoor lighting shall be designed and located such that the maximum illumination measured in foot candles at the property line shall not exceed one foot candle. The average intensity illumination for outdoor lighting shall not exceed an average of six foot candles in intensity as measured at grade. Vehicular use area lighting shall not exceed a maintained average of two-and-one-half foot candles.

(F) Hue

All outdoor and parking lot lighting fixtures, including: metal halide, mercury vapor, fluorescent, induction, white high-pressure sodium and color-improved

high-pressure sodium lamps used in non-cutoff fixtures shall be coated with an internal white frosting inside the outer lamp envelope.

8.3.5 Wall-mounted Lights

- (A) Wall-mounted lights shall be fully shielded luminaries (such as shoebox or can style fixtures) to prevent the light source from being visible from any adjacent residential property or public street right-of-way. Nothing in this Subsection shall prevent the use of decorative lighting fixtures provided that the source of illumination is not visible from adjacent lands used or zoned for residential purposes, and provided that the maximum illumination values comply with the standards in Section 8.3.4(5), Maximum Light Levels.
- (B) Wall packs on buildings may be used at entrances to a building to light unsafe areas. They are not intended to draw attention to the building or provide general building or site lighting. Wall packs on the exterior of the building shall be fully shielded (true cut-off type bulb or light source not visible from off-site) to direct the light downward and be of low wattage (preferably 100 watts or lower). Other accent lighting projected onto buildings may be allowed provided that it is approved through the Site Plan process.

8.3.6 Floodlights and Spotlights

Floodlights and spotlights shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on a portion of the building façade or other intended site feature and away from adjoining lands or the right-of-way. On-site lighting may be used to accent architectural elements but shall not be used to illuminate entire portions of building(s). Such lighting shall be installed in a fixture that is shielded so that no portion of the light bulb extends below the bottom edge or above the top edge of the shield, and the main beam from the light source is not visible from adjacent lands or the adjacent right-of-way. Floodlights or other type of lighting attached to light poles that illuminate the site or building(s) are prohibited.

8.3.7 Illumination of Outdoor Sports Fields and Performance Areas

All lighting fixtures serving outdoor sports fields and performance areas shall be equipped with a glare control package (e.g., louvers, shields, or similar devices), and the fixtures shall be aimed so that their beams are directed and fall within the primary playing or performance area.

8.3.8 Sign Lighting

Lighting fixtures illuminating signs shall comply with the standards of this Section, and such fixtures shall be aimed and shielded so that direct illumination is focused exclusively on the sign face.

8.4 Loudspeakers

8.4.1 Loudspeakers Prohibited

The installation or use of loudspeakers, horns, sirens or similar noisemaking devices for commercial purposes shall be prohibited. Nothing in this Section shall prohibit the use of loudspeakers by public safety agencies or at sporting or other public events.

8.5 Exterior Building Material Standards in the Central Business District

Within the Central Business District, all building walls which are visible from a public street or right-of-way shall be finished with unpainted brick over at least 75% of the vertical wall surface, excluding areas containing glazing (doors and windows). The remaining portion of the visible building wall may be finished with stucco, split-face block, stone, finished wood, hardie board or similar high-quality materials. In no case shall corrugated metal, sheet metal or unfinished plywood be used as an exterior material on a wall visible from a public street or right-of-way in the Central Business District.

8.6 Building design standards for commercial, office, industrial and institutional uses

Mobile units (trailers) shall be prohibited, except for temporary use during construction or for storage of materials during construction, or on lots greater than 25 acres where the mobile units cannot be seen from the nearest street. In emergent situations, the Ordinance Administrator can approve the temporary use of mobile units until permanent structures are repaired or rebuilt.

8.7 Drive Through Windows

Drive through windows and their associated stacking lanes and circulation shall be prohibited in the front of the building. Drive through windows, stacking lanes, and circulation shall only be allowed or in a side yard abutting a street when screened by a street wall.

8.8 Dumpsters

8.8.1 Dumpsters shall be fully screened by a wall that is constructed of the same material as the principal structure.

8.8.2 Trash containers shall be located in the rear yard so as to minimize their visibility from adjacent public streets or other public gathering areas.

ARTICLE 9 – LANDSCAPING STANDARDS

9.1 Purpose of Landscaping Requirements

It is the intent of this Article to modify and enhance the character of the streetscape and motor vehicle use areas through the introduction of natural vegetation and landscaping, without unduly burdening property owners, in order to:

- 9.1.1 Promote and increase design compatibility between different land uses, while ensuring attractive views from streets and adjacent properties;
- 9.1.2 Delineate the separations of spaces, structures, uses, and activities on a site, or between adjacent sites;
- 9.1.3 Enhance and maintain property values and the aesthetic quality and character of the community;
- 9.1.4 Enhance the streetscape by abating glare, filtering the air of dust, providing shade, attenuating noise and reducing the visual impact of large expanses of pavement;
- 9.1.5 Promote the preservation of open space, the existing tree canopy and natural vegetation; and
- 9.1.6 Improve the quality of the built and natural environments through air quality enhancements, energy conservation, reductions in the amount and rate of stormwater runoff and erosion, stormwater runoff quality improvements and an increase in groundwater recharge capacity.

9.2 Applicability

These regulations shall apply to all land development activities within the Town's jurisdiction with the exception of those activities specifically exempted by Section 9.3, Exemptions.

9.3 Exemptions

The following activities shall be exempt from the requirements of this Article:

- 9.3.1 The construction, reconstruction, expansion or modification of a detached single family dwelling on an individual lot.
- 9.3.2 The construction, reconstruction, expansion or modification of no more than two attached dwelling units, provided that each unit is constructed with an individual driveway.

9.4 General Requirements

- 9.4.1 Landscaping required by this Article shall comply with the minimum State or local sight distance requirements for street intersections and driveways.
- 9.4.2 Required landscaping shall not obstruct or impede public pedestrian routes including sidewalks and greenway trails.

- 9.4.3** Whenever planting areas required by this Article are adjacent to motor vehicle use areas or motor vehicle display areas, the planting areas shall be protected from vehicle intrusion or damage by active restraint devices, such as bollards, wheel stops or raised curbing.
- 9.4.4** The soil surface of all planting areas required by this Article shall be stabilized to prevent erosion. In addition to required interior trees and shrubs, the soil surfaces of planting areas shall contain live groundcover (grass), mulch, flowering plants, permeable pedestrian paver blocks, or a combination thereof.
- 9.4.5** All required plantings installed shall be nursery grown stock that is free from disease or growth problems and shall comply with the latest edition of the American Standards for Nursery Stock, published by the American Nurserymen's Association.
- 9.4.6** The landowner is responsible for maintaining all required plant materials in good health. Any dead or missing plants must be replaced with new planting which meets the minimum installation dimension standards of this Section. Plant replacement shall take place within one month of written notification by the Ordinance Administrator. In the event that plant material is severely damaged due to an unusual weather occurrence or other act of nature, or if replacement plantings are unavailable within one month of written notification, the landowner will have 6 months from the date of written notification to replace the required plantings. This time limit may be extended by the Ordinance Administrator if the area is under prolonged drought conditions, or if the particular type of plant material has a preferred planting season that would require extending the length of time.
- 9.4.7** Where appropriate, the location of overhead utility lines shall be considered during the placement of required trees. The maximum mature height of required trees shall be determined as follows:
- (A)** Trees with a maximum mature height of less than 25 feet shall be used where they will be planted within 25 feet, measured horizontally, from overhead power lines.
 - (B)** Trees with a maximum mature height of less than 35 feet shall be used where they will be planted within 35 feet, measured horizontally, from overhead power lines.
 - (C)** Trees with a maximum mature height of greater than 35 feet may be used where they will be planted more than 30 feet, measured horizontally, from overhead power lines as long as they do not have a mature horizontal spread of more than 25 feet from the trunk.
- 9.4.8** Safety and security concerns should receive prominent consideration during the selection and placement of landscaping materials.
- 9.4.9** A minimum 5 foot radius containing no plant materials or structural elements other than groundcover plants shall be maintained around all fire protection equipment, including fire hydrants, post indicator valve, and siamese connectors. Obvious sight lines to the fire protection equipment shall be maintained at all times.
- 9.4.10** All plant material used to satisfy the requirements of this Article shall be maintained in sound condition by the property owner. Proper maintenance of plant material includes

regular mulching, watering, and pruning as well as the replacement of any required plantings which are damaged and/or dying.

- 9.4.11 In order to encourage the use of a diverse mixture of plant material, the number of trees or shrubs from a single genus may not exceed one-third (1/3) of the total number of trees or shrubs required to be planted by this Article on a particular property.

9.5 Streetyard Planting Areas

Landscaped streetyard planting areas shall be required for all land development activities subject to the requirements of this Article. These planting areas shall conform to the following requirements:

- 9.5.1 Planting areas shall be established along all public and private streets.
- 9.5.2 Planting areas shall have a minimum width of 10 feet.
- 9.5.3 The forward (street side) edge of the planting area shall be located within 10 feet of the right-of-way line.
- 9.5.4 Each planting area shall contain a minimum of 4 trees per 100 linear feet of road frontage, excluding the width of driveways as measured at the right-of-way line. Each tree planted to satisfy this requirement shall be a minimum of 8 feet in height and 2 inches in diameter, as measured 6 inches above ground level, at the time of installation.
- 9.5.5 Each planting area shall contain a minimum of 16 shrubs per 100 linear feet of road frontage, excluding the width of driveways as measured at the right-of-way line. Each shrub planted shall be a minimum of 18 inches in height at the time of installation and reach a minimum height of 36 inches within three years of installation. Shrubs must be native species (preferred) or a locally adapted species which retain foliage to within 6 inches above ground level. No more than 50% of the shrubs planted to meet this requirement may be deciduous.

9.6 Landscaping of Motor Vehicle Use Areas

Landscaped planting areas shall be required for all motor vehicle use areas which are associated with land development activities subject to the requirements of this Article. These planting areas shall conform to the following requirements:

- 9.6.1 One landscaped planting area shall be required for every 2,500 square feet of motor vehicle use area.
- 9.6.2 Planting areas may be located along the edges of motor vehicle use areas, or within the interior as raised islands or medians.
- 9.6.3 Each planting area shall have a minimum area of 250 square feet and a minimum radius of 7 feet
- 9.6.4 Each planting area shall contain at least one tree with a minimum height of 8 feet and a minimum diameter of 2 inches, as measured 6 inches above ground level, at the time of installation.

- 9.6.5** Each parking space within a motor vehicle use area is required to be within at least 60 feet of the trunk of a required tree.
- 9.6.6** For loading docks and other maneuvering areas where the placement of trees within the interior of the site is impractical, the required number of trees may be clustered around the edge of such areas with the approval of the Ordinance Administrator.
- 9.6.7** Trees planted or preserved to satisfy streetyard, buffering or tree preservation requirements may be used to partially satisfy the requirements of this Article, provided that no parking space shall be located more than 60 feet from the trunk of a required tree.

9.7 Street Trees

Where new public or private streets are established through the major subdivision process, street trees shall be required to be planted on both sides of the street in accordance with the following standards:

- 9.7.1** Trees planted to satisfy the requirements of this Section shall have a minimum mature height of 20 feet.
- 9.7.2** Trees shall be planted at intervals of 40 feet as measured from the center of the trunk.
- 9.7.3** Required trees shall be planted a minimum of 5 feet and a maximum of 15 feet from the edge of pavement.
- 9.7.4** At the time of planting, each tree shall be a minimum of 8 feet in height and 2 inches in diameter, as measured 6 inches above ground level.
- 9.7.5** Along new streets that are to be maintained in a forested condition by the developer, the requirements of this Section may be reduced or eliminated upon approval of the Ordinance Administrator in order to minimize grading and encourage the preservation of existing, mature trees. Tree planting requirements may be modified where extreme topography would require excessive grading to meet the specific standards above.

ARTICLE 10 – BUFFERING STANDARDS

10.1 General Requirements

10.1.1 Purpose

Buffering standards are designed to provide visual and functional separation between different land uses in order to:

- (A) Reduce potential nuisances, such as glare, dirt, noise, unsightly views and other adverse impacts;
- (B) Safeguard property values and preserve the character and integrity of the community; and
- (C) Protect the health, safety and welfare of the public.

10.1.2 Applicability

These regulations shall apply to all land development activities within the Town's jurisdiction with the exception of the those activities specifically listed in Section 10.1.3, Exemptions.

10.1.3 Exemptions

The following activities shall be exempt from the requirements of this Article:

- (A) The construction, reconstruction, expansion or modification of a detached single family dwelling on an individual lot.
- (B) The construction, reconstruction, expansion or modification of no more than two attached dwelling units, provided that each unit is constructed with an individual driveway and/or garage.

10.2 Determination of Buffering Requirement

10.2.1 Procedure

The type of buffer strip required to be installed shall be determined as follows:

- (A) Identify the zoning type for the proposed project and all adjacent properties, excluding properties across a public right-of-way. The zoning types are defined as follows for the purposes of this Article only:

(1) Rural Zoning Districts

Rural zoning districts include the RP and RR districts.

(2) Low Intensity Zoning Districts

Low intensity zoning districts include the RS, RT, and RMX districts.

(3) Moderate Intensity Zoning Districts

Moderate intensity zoning districts include the RMF, OI, NB, and CB districts.

(4) High Intensity Zoning Districts

High intensity zoning districts include the HB, LI and HI districts.

- (B)** Determine the buffer type (A, B, or C) required for each adjacent zoning type from Table 10-1.

Table 10-1 Buffer Type Determination

Zoning Type of Subject Property	Zoning Type of Adjacent Property			
	Rural	Low Intensity	Moderate Intensity	High Intensity
Rural	A ¹	A ²	B ²	C ²
Low Intensity	A		B ²	C ²
Moderate Intensity	B	B		B ²
High Intensity	C	C	B	

1- Applies to the exterior project boundary of new single-family subdivisions only.
 2- Buffer strip required to be installed when adjoining developed property does not meet the buffering requirements.

- (C)** Select the desired buffering option for the required buffer type as set forth in the following:

(1) Type A Buffer Strip

The type A buffer strip is a low-density screen designed to partially block visual contact and create spatial separation between adjacent uses. The three design options that may be used to satisfy this buffering requirement are identified in Table 10-2.

Table 10-2 Type A Buffer Strip Options

Minimum Buffer Strip Width	Minimum Plantings Per 100 Linear Feet
10 feet	8 trees, 10 primary evergreen plants, 20 supplemental evergreen shrubs
20 feet	5 trees, 10 primary evergreen plants, 20 supplemental evergreen shrubs
30 feet	4 trees, 8 primary evergreen plants, 16 supplemental evergreen shrubs

(2) Type B Buffer Strip

The type B buffer strip is a medium density screen designed to block visual contact and create spatial separation between adjacent uses. The three design options that may be used to satisfy this buffering requirement are identified in Table 10-3.

Table 10-3 Type B Buffer Strip Options

Minimum Buffer Strip Width	Minimum Plantings Per 100 Linear Feet
20 feet	18 trees, 20 primary evergreen plants, 20 supplemental evergreen shrubs
30 feet	15 trees, 12 primary evergreen plants, 16 supplemental evergreen shrubs
40 feet	12 trees, 16 primary evergreen plants, 12 supplemental evergreen shrubs

(3) Type C Buffer Strip

The type C buffer strip is a high-density screen designed to eliminate visual contact and create spatial separation between adjacent uses. The two design options that may be used to satisfy this buffering requirement are identified in Table 10-4.

Table 10-4 Type C Buffer Strip Options

Minimum Buffer Strip Width	Minimum Plantings Per 100 Linear Feet
30 feet	20 trees, 30 primary evergreen plants, 25 supplemental evergreen shrubs
50 feet	16 trees, 20 primary evergreen plants, 20 supplemental evergreen shrubs

10.2.2 Additional Standards

(A) Fractional Calculations

Fractional planting requirement calculations shall be rounded to the next higher whole number.

(B) Existing Vegetation

Existing vegetation within the required buffer strip may be included in the computation of the required plantings with approval of the Ordinance Administrator.

(C) Fence or Wall Option

An opaque fence or wall may be used in lieu of not more than 50 % of the required evergreen buffer strip plantings with the approval of the Ordinance Administrator and providing the following conditions are met, where applicable:

(1) Fence or Wall Height for High Intensity Zoning Types

The minimum required fence or wall height shall be 8 feet above ground level when the proposed project zoning type is classified as a high intensity zoning type.

(2) Fence or Wall Height for Other Zoning Types

The minimum required fence or wall height shall be 6 feet above ground level when the proposed project zoning type is classified as any zoning type except those classified as high intensity.

(3) Vegetation Planted on Exterior Sides

Where a fence or wall is used as part of the required screening, all required vegetation shall be planted on the exterior side of the fence or wall.

(4) Screening Rural and Low Intensity Zoning Types

Where the fence or wall option is used to screen rural and low intensity zoning types from more intense zoning types, the required vegetation may be planted on the interior side of the fence or wall.

(5) Distribution of Remaining Vegetation

Where a fence or wall is used in lieu of not more than 50% of the required vegetation, the remaining vegetation to be used in conjunction with the fence or wall shall be evenly distributed in the buffer strip.

(D) Earthen Berms

Earthen berms 6 feet in height or greater, or earthen berms with combined evergreen shrub plantings reaching a minimum height of 6 feet, may be used in lieu of not more than 50% of the evergreen buffer strip plantings providing the following conditions are met:

(1) Live Ground Cover

The entire berm shall be planted and covered with live ground cover.

(2) Evergreen Shrubs

On berms less than 6 feet in height, evergreen shrubs, if used, shall be a minimum of 1 foot high at installation.

(3) Shape

Berms shall be naturally shaped, shall have a minimum crown width of 2 feet, and shall have side slopes stabilized to sedimentation and erosion control standards.

10.2.3 Conflicting Requirements

If any conflict exists between the buffering requirements as identified in this Article and any use standards or zoning district regulations contained in other sections of this Ordinance, the more restrictive requirements shall apply.

10.3 Buffer Strip Location and Design Requirements

10.3.1 Location of Buffer Strips

(A) Buffer strips shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line, with the following exceptions.

(1) On Adjacent Property

All or part of the buffer strip may be located on adjacent property within a permanent easement dedicated for such purpose.

(2) Portion of Parcel Proposed for Development

If only a portion of a parcel is proposed for development, the required buffer strip may be located at the limit of construction perimeter.

(3) Topographic Irregularities

Where topographic irregularities require a different location to meet the intent of this Article, the location of the buffer strip may be varied with approval of the Ordinance Administrator.

(4) Slope Ratios

Required buffer strip plantings shall not be installed on cut or fill slopes with slope ratios greater than two to one (2:1).

(B) Cut Slope

Where buffer strips include any part of a cut slope greater than 10 feet in height, grading for such cut slope shall not encroach closer than 10 feet to the property line.

(C) Streets and Rights-of-Way

Buffer strips shall not be located on any portion of an existing, dedicated, or proposed right-of-way, or a private street

(D) Buffer Strip Plantings within Easements

The following regulations shall apply where utility, access, or other easements that may affect required plantings are located within buffer strips:

(1) Where required plantings are located in easements, the property owner shall be responsible for replacement of such required vegetation if maintenance activities or other utility requirements cause their removal.

(2) No required tree or primary evergreen plant shall be planted in a wet retention pond, drainage maintenance easement, or any utility easement.

(3) Required shrubs may be planted within easements provided that they are limited to the outer 3 feet of the easement.

10.3.2 Design Requirements

(A) Size of Plant Material

- (1)** Only trees which have mature heights exceeding 25 feet may be used for required buffer strip plantings.
- (2)** All trees must be a minimum of 8 feet in height at installation and shall be at least 2 inches in diameter, as measured 6 inches above ground level.
- (3)** All primary evergreen plants shall be a minimum of 6 feet in height at time of installation unless combined with an approved earthen berm, and shall be not less than 10 feet in height at maturity.
- (4)** All supplemental evergreen shrubs shall be a minimum of 18 inches in height at installation, and shall attain a minimum height of 36 inches 3 years after installation.

(B) Spacing of Plant Material

All plant material required by this Article shall be installed in such a manner that the spacing between plantings achieves the intent of the required buffer type. While a design that appears to be the most natural is desired, the spacing of plant material must be sufficiently distributed throughout the buffer strip to achieve the intent of this Article and provide both visual and physical separation between uses.

(C) Maintenance

Any fence, earthen berm, or plant material used for buffer strip screening shall be maintained in sound condition by the buffer strip provider. Proper maintenance of plant material includes regular mulching, watering, and pruning as well as the replacement of any required plantings which are damaged and/or dying.

10.4 Multiple Use of Buffer Strips

10.4.1 To Satisfy Other Requirements

Areas set aside as required buffer strips may also be used to satisfy the following:

- (A)** Minimum setback requirements;
- (B)** Minimum open space requirements; and
- (C)** Tree preservation and protection requirements.

10.4.2 For Other Purposes

Required buffer strips may also be used for the following additional purposes:

- (A) Buffer strips may contain stormwater management facilities provided:
 - (1) The required buffer strip plantings shall be provided, and the design and landscaping of the buffer strip do not interfere with the proper functioning of the stormwater system; and
 - (2) The designed water depth shall not harm the viability of the plantings.
- (B) Buffer strips may be used for passive recreation, such as pedestrian, bicycle, or equestrian trails, subject to the following limitations:
 - (1) No plant material shall be eliminated;
 - (2) The required width of the buffer strip shall be maintained; and
 - (3) All other requirements of this Ordinance shall be met.
- (C) Buffer strips may be used for the installation of underground utilities, provided the location and use of the utility lines do not interfere with the required plantings.

10.4.3 Prohibited Uses

A required buffer strip shall not be used for any principal building or use, accessory building or use, parking or loading area, storage area, or other principal or accessory uses except as specifically permitted in this Article.

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ARTICLE 11 – TREE PRESERVATION AND PROTECTION

11.1 Purpose

The purpose of this Article is to provide incentives for developers to preserve and protect existing mature trees in conjunction with new development. Specifically, these standards are meant to:

- 11.1.1 Improve the aesthetic quality of new development through the preservation of existing trees;
- 11.1.2 Maintain and enhance property values;
- 11.1.3 Discourage the wholesale clearing of land for development;
- 11.1.4 Encourage site design techniques that preserve the natural environment and enhance the quality of the built environment; and
- 11.1.5 Maintain the stability of slopes and control erosion and sediment runoff into streams and waterways.

11.2 Applicability

The standards set forth in this Article may be utilized by developers who desire to receive credit towards the tree planting requirements established in Article 9, Landscaping Standards and/or Article 10, Buffering Standards, or the minimum parking requirements in Article 13.

11.3 Tree Preservation Incentives

The following incentives shall be provided when a development proposal complies fully with the standards and requirements set forth in this Article:

11.3.1 Tree Preservation Credits

In order to encourage the preservation of existing trees on a site, a tree preservation credit for the retention and protection of existing, undisturbed, structurally sound and healthy trees shall be granted in accordance with the following standards:

(A) Credit Amount

For each tree preserved and protected in accordance with the standards of this Article, a credit in the amount of one-and-one-half (1.5) times the number of preserved trees shall be credited and applied towards the tree planting requirements for landscaping and buffering. To receive credit, the preserved trees must meet the following requirements:

- (1) Canopy trees, whether deciduous or evergreen, shall have a minimum diameter of 8 inches, as measured four-and-one-half (4.5) feet above ground level, to receive credit.
- (2) Understory or ornamental trees, whether deciduous or evergreen, shall have a minimum diameter of 4 inches, as measured four-and-a-half feet above ground level, to receive credit.

- (3) For credit towards the tree planting requirements in Article 9, Landscaping Standards, the preserved tree(s) must be located inside, or within 30 feet of, the planting area for which the credit will be applied.
- (4) For credit towards the tree planting requirements in Article 10, Buffering Standards, the preserved tree(s) must be located within the width of the required perimeter buffer strip.

(B) Credit Towards Required Plantings

Approved tree preservation credits may be applied to the tree planting requirements for streetyard landscaping, motor vehicle use area landscaping, street trees or perimeter buffers as appropriate. In no case shall tree preservation credits be used to offset more than 50% of the required number of trees in the area to which they are applied.

11.3.2 Reduction in Minimum Parking Requirements

When trees preserved and credited in accordance with Section 11.3.1 are located inside, or within 15 feet of, the perimeter of a motor vehicle use area containing required parking spaces, the minimum parking requirement, as set forth in Article 13, may be reduced by two-and-one-half percent (2.5%) for each preserved tree that meets these standards. In no case shall the minimum parking requirement be reduced by more than 15%, regardless of the number of trees preserved.

11.4 Tree Preservation and Protection Plan Required

In order to qualify for tree preservation incentives, the developer must submit, and receive approval of, a Tree Preservation and Protection Plan in accordance with the standards in Section 3.2.13. The plan shall indicate the size, type and location of the tree(s) to be preserved, tree protection zones and the location and type of all active and passive tree protection measures.

11.5 Preservation of Trees Through Development Required

All trees indicated for preservation on the approved Tree Preservation and Protection Plan must be preserved before, during and following site development activities. Tree protection measures, in accordance with the standards in Section 11.6, must be in place prior to development, and remain in place until a Certificate of Occupancy is granted. If, through reckless or careless action by the developer or his agents, or through disregard for the requirements of this Article, the developer removes or destroys a tree or trees indicated for preservation, the incentive associated with that tree or trees shall be revoked.

11.6 Tree Protection Measures During Construction

During the course of construction activities the following regulations shall govern activities on sites which have an approved Tree Preservation and Protection Plan:

- 11.6.1** Tree protection zones shall be established surrounding all trees indicated for preservation on the Tree Preservation and Protection Plan. These zones shall extend outward to a distance of 6 feet from edge of the bottom of the tree canopy.

- 11.6.2** No person, in the construction of any structure(s) or improvement(s) or any other activity, shall encroach or place solvents, material, construction machinery or temporary soil deposits within a tree protection zone.
- 11.6.3** Before development, land clearing, filling or any land alteration, the developer shall be required to erect suitable protective barriers as required by the Ordinance Administrator, including tree fences, tree protection signs and erosion barriers until completion of site landscaping. Authorization to remove the protective devices shall be in writing by the Ordinance Administrator. Inspection of tree protection barriers is required prior to the commencement of land disturbance or development. The Ordinance Administrator shall be contacted to schedule an inspection time.
- 11.6.4** Materials for active tree protection shall consist of chain link, orange laminated plastic, wooden post and rail fencing or other equivalent restraining material. In addition to fencing, where active tree protection is required, each tree to be saved shall be marked at the base of the trunk with blue water-based paint.
- 11.6.5** Materials for passive tree protection shall consist of heavy mil plastic flagging, a minimum of 4 inches wide with dark letters reading "Tree Protection Area - Do Not Enter" or equivalent signage of a continuous, durable restraint.
- 11.6.6** All tree protection devices must remain in functioning condition until the Certificate of Occupancy is issued, and must be removed promptly thereafter.

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ARTICLE 12 – SIGN REGULATIONS

12.1 Purpose and Intent

The purpose of this Article is to support and complement the various land uses allowed in the Town's jurisdiction through the regulation of signs. More specifically, the intent of this Article is to:

12.1.1 Encourage Effective Use

Encourage the effective use of signs as a means of communication in the Town;

12.1.2 Maintain and Enhance Character

To maintain and enhance the beauty and unique character and enhance the aesthetic environment of the Town by eliminating visual blight;

12.1.3 Enhance Economic Growth

To enhance the Town's ability to attract sources of economic growth and development;

12.1.4 Maintain Safe Conditions

To protect pedestrians and motorists of the Town from damage or injury caused or partially attributed to the distractions and obstructions caused by improper size and location of signs;

12.1.5 Minimize Adverse Effects

To minimize the possible adverse effect of signs on public and private property; and

12.1.6 Promote Public Health, Safety and Welfare

To promote public safety, health, welfare, convenience, enjoyment of travel and the free and safe flow of traffic within the Town's jurisdiction.

12.2 Applicability

Unless exempted in accordance with Section 12.3, Exempt Signs, no sign allowed by this Article shall be constructed, erected, moved, enlarged, illuminated, altered, maintained, or displayed without first being issued a Land Development Permit.

12.3 Exempt Signs

The following types of signs shall be exempt from the requirement to obtain a Land Development Permit, and may be located on a lot within any base zoning district provided the sign is located outside the right-of-way and complies with all applicable requirements in this Section.

12.3.1 Commercial Signs

- (A) Drive-through service menu boards which are not visible from a public right-of-way and do not exceed thirty-two (32) square feet in area.

- (B) Internally-directed signage, including banners, placards, and scoreboards, located within athletic fields and stadiums.
- (C) Signs denoting a product being sold out of a vending machine or self-service container that distributes product(s) following deposition of money into the machine, provided that the sign does not exceed 6 square feet in area and is not legible from a public right-of-way.

12.3.2 Fuel Sales Signs

- (A) Gasoline price or self-service signs of two square feet or less associated with a Retail Sales and Service Use selling gasoline, provided the signs are secured to a gasoline pump.
- (B) One freestanding gasoline price sign less than nine square feet in area associated with a retail establishment selling gasoline, provided the sign is located outside of the street right-of-way.
- (C) One State of North Carolina Vehicle Inspection Station sign located outside of the street right-of-way.

12.3.3 Historic or Public Interest Signs

- (A) Public interest and incidental signs less than 2 square feet in size, including “Warning” and “No Trespassing” signs.
- (B) Historical plaques mounted in accordance with the United States Secretary of the Interior’s Standards for Rehabilitation.
- (C) Temporary displays as part of a holiday or civic event.
- (D) Flags, pennants, insignia, or religious symbols of any government, non-profit, or not-for-profit organization provided:
 - (1) Such signs are not associated with commercial promotion; or used as an advertising device;
 - (2) No pole displaying such signage exceeds 35 feet in height;
 - (3) Flags, except those representing United States government bodies, do not exceed 60 square feet in size; and
 - (4) Signs are limited to a maximum of 3 per site.

12.3.4 Political Campaign Signs

Campaign and election signs provided:

- (A) No sign exceeds 12 square feet in area;
- (B) No sign is erected more than 60 days prior the election for which they are intended;

- (C) Signs are removed within 7 days following the election for which they are intended; and
- (D) All signs are placed outside of the right-of-way in locations which do not obstruct the vision of motorists.

Nothing in this Section is intended to preempt any other relevant State or Federal law regarding political campaign signs.

12.3.5 Produce Stand Signs

Produce stand signs provided:

- (A) Signs are limited to a maximum of one per stand, and shall be located on the same site as where the products for sale are produced;
- (B) The sign is located outside of the right-of-way and at least 10 feet from any side lot line;
- (C) The sign has a maximum area of 12 square feet; and
- (D) The sign is not illuminated.

12.3.6 Real Estate Signs

Temporary real estate signs advertising a specific property for sale, lease, rent, or temporary construction signs provided:

- (A) There is no more than one sign per street frontage;
- (B) Signs do not exceed a maximum of 10 square feet in area per sign on a lot in a residential base zoning district and 32 square feet per sign on a lot in any other base zoning district;
- (C) Signs on corner lots are located at least 100 linear feet apart as measured by the shortest straight line between them;
- (D) Signs are removed within seven (7) days after the property is sold, rented, leased, or construction has been completed; and
- (E) No sign is illuminated.

12.3.7 Regulatory and Informational Signs

- (A) Regulatory signs, such as traffic control signage, and NCDOT signs.
- (B) Memorial signs or grave markers that are noncommercial in nature.
- (C) Integral decorative or architectural features of buildings or works of art, provided such features or works do not contain trademarks or advertising messages.

- (D) Up to 2 wall-mounted incidental signs including tenant identification, historical markers, or bulletin boards not exceeding six square feet in area.
- (E) On-premise directional and instructional signs not exceeding 6 square feet in area.
- (F) One subdivision identification sign located at each entrance to the subdivision provided the sign has a maximum height of 6 feet and does not exceed 36 square feet in area per face.
- (G) Single-family dwelling identification signs depicting an address or resident's name, provided the sign does not:
 - (1) Advertise a home occupation use;
 - (2) Exceed 3 square feet in area; or
 - (3) Exceed one per single family dwelling.

12.3.8 Temporary Signs

- (A) Temporary special event signs and banners for religious, charitable, civic, fraternal, or similar non-profit or not-for-profit organizations provided:
 - (1) Signs are erected no sooner than 30 days prior and removed no later than 2 days after the event;
 - (2) No sign exceeds 32 square feet in area;
 - (3) Signs are not illuminated; and
 - (4) Signs are placed at least 5 feet behind the right-of-way and out of any sight triangles, and must have property owner's approval to post a sign on their property; and
 - (5) Signs are limited to a maximum of 4 special events per organization per calendar year; and
 - (6) Signs are limited to a maximum of 1 on-premise sign or banner and 3 off-premise signs or banners.
- (B) On-premise pennants, flags, and streamers for special events and grand openings associated with nonresidential for-profit uses may be permitted for one consecutive 30 day period per establishment per calendar year.
- (C) Temporary banners associated with for-profit nonresidential use, provided they are:
 - (1) Limited to a maximum of 75 square feet in area;
 - (2) Attached to the primary facade of a principal structure or set back 50 feet from the right-of-way;

- (3) Not attached to a roof structure or an existing sign face;
- (4) Not located above the second floor level;
- (5) Limited to a maximum of 2 special events per establishment per calendar year, for periods not to exceed 15 consecutive days; and
- (6) Removed within 2 days of the event's conclusion.

12.3.9 Window Signs

Window signs on the ground floor of a commercial use provided the window sign(s) occupies less than fifty percent (50%) of the total window area on the building side where it is located.

12.3.10 Yard Sale Signs

Yard sale signs, provided they are:

- (A) Limited to 1 on-premise sign per yard sale;
- (B) No larger than 4 square feet in area;
- (C) Not affixed to a utility pole or other sign; and
- (D) Removed within 2 hours after the end of the yard sale.

12.4 Prohibited Signs

The following signs shall be prohibited:

12.4.1 Signs Interfering with Traffic Safety

Any sign that obstructs the view of pedestrians, bicyclists or motorists using any street, the approach to any street intersection, or which interferes with the effectiveness of, or obscures, any traffic sign, device, or signal as determined by the Ordinance Administrator.

12.4.2 Signs Misconstrued as Regulatory

Signs which contain lights, rotating disks, words and other devices not erected by a public authority, which may be erroneously construed as regulatory signs or emergency warning signs. An example of this is a sign which contains a picture of a traffic sign plus the word "Stop" or "Yield".

12.4.3 Signs Within the Right-of-Way

Any sign (other than a regulatory sign), banner, or display placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on, over, or across any street or right-of-way, or any banner placed on stakes on a property, unless otherwise permitted.

12.4.4 Signs Blocking Existing Signs

Any sign located in such a way as to intentionally deny visual access to another existing sign.

12.4.5 Flashing Signs

Signs with flashing or reflective disks, signs with flashing lights or lights of changing degree of intensity or color (except regulatory signs).

12.4.6 Signs on Stakes

Pole signs or signs on metal or wood stakes which are not affixed to a permanent foundation (excluding regulatory signs and temporary election signs).

12.4.7 Portable Signs

Portable signs, including marquee signs with wheels and axles that have been removed and placed on permanent foundations.

12.4.8 Vehicular Signs

Vehicular signs placed or parked in such a manner as to advertise a business or product from any street right-of-way. This also includes billboards or outdoor advertising signs mounted to the bed of a truck.

12.4.9 Moving or Rotating Signs

Signs which rotate or have any mechanical or wind driven components that cause the sign to move or transform.

12.4.10 Roof Signs

Roof signs that extend above the soffit of a pitched roof, or above the highest point of a mansard roof or parapet wall.

12.4.11 Off-premise Commercial Signs

Signs containing a commercial message which are not located on the same parcel as the business, product or service being advertised. This shall not apply to outdoor advertising signs (billboards) which comply fully with the requirements of this Article and all other applicable State and Federal regulations.

12.4.12 Inflatable Signs

Inflatable signs (including inflated balloons with a diameter of greater than 2 feet) except as allowed as part of a temporary display as part of a holiday or civic event.

12.5 General Sign Provisions

12.5.1 General Standards

All permitted signs shall comply with the following general standards.

- (A) The scale of a sign shall be appropriate for the building on which it is located.
- (B) Signs shall be integrated with the design of the building and shall not obscure architectural features.
- (C) Any structurally-unsafe sign that endangers the public safety shall be immediately removed or repaired and made compliant with the requirements of this Ordinance.
- (D) No sign shall be located so as to impair traffic visibility.

12.5.2 Computation of Sign Area

- (A) The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest polygon that will encompass the limits of the writing, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, base, bracing or decorative fence or wall when such fence or wall otherwise meets the regulations of this Ordinance and is clearly incidental to the display itself. Street address numbers are not included within the sign copy area.
- (B) For a single wall, all pieces of information or other graphic representations within a grouping on that wall shall be measured as though part of one sign, encompassed within one rectangle, which may not exceed the permitted total wall area to which the sign is affixed. For a single wall on a multi-occupant building, the area of signs shall be computed using these principles, and the aggregate copy of each

12.5.3 Authority to Remove Signs from Right-of-Way

Except where authorized, signs within a public right-of-way shall be prohibited. The Town may remove and dispose of any sign located in the public right-of-way without providing prior notice to the sign's owner.

12.6 Signs Permitted with a Land Development Permit

This Section sets forth the standards for the types of signs that are required to obtain a Land Development Permit prior to their construction, erection, enlargement, display, alteration, or illumination

12.6.1 Permitted Signs by Base Zoning District

Table 12-1, Permitted Signs by Base Zoning District, prescribes the allowable types, numbers, dimensions, locations, and configurations of permitted signs within the base zoning districts.

Table 12-1 Permitted Signs By Base Zoning District

SIGN TYPE	USE TYPE	MAXIMUM AREA (sq. ft. per face)	MAXIMUM HEIGHT (feet)	MAXIMUM NUMBER	LOCATION	ILLUMINATION
RP and RR Districts						
Directory Sign	Civic and Institutional	6	4	1	5 feet behind curb or 10 feet from edge of pavement.	External
Monument Sign	SF Detached Residential Subdivision	36	8	1	At least 5 feet behind ROW and at least 10 feet from any property line.	External
	Nonresidential	48				
Wall Sign (Front)	Nonresidential	5% of wall area, up to 36 sq. ft. per sign	1 story building: below roof.	1	N/A	Internal
Wall Sign (Side)			2+ story building: below sill of 2 nd floor windows.	1 per facade		
RS, RT, RMX and RMF Districts						
Directory Sign	Civic and Institutional	6	4	1	5 feet behind curb or 10 feet from edge of pavement.	External
Monument Sign	SF Detached Residential Subdivision	36	8	1 per development entrance	At least 5 feet behind ROW and at least 10 feet from any property line.	External
	Attached Residential (min. 10 units)					
	Civic and Institutional	48		1 per street frontage, with a minimum separation of 200 feet between signs		
Wall Sign (Front)	Civic and Institutional	5% of wall area, up to 48 sq. ft. per sign	1 story building: below roof.	1	N/A	Internal
Wall Sign (Side)			2+ story building: below sill of 2 nd floor windows.	1 per facade		
NB and CB Districts						
Awning Sign	Nonresidential	25% of awning area.	Limited to awnings associated with the 1 st floor.	N/A	N/A	None
Canopy Sign	Commercial Use with Fuel Sales	10% of canopy face.	N/A	1 per street frontage	N/A	None

SIGN TYPE	USE TYPE	MAXIMUM AREA (sq. ft. per face)	MAXIMUM HEIGHT (feet)	MAXIMUM NUMBER	LOCATION	ILLUMINATION
Directory Sign	Civic and Institutional	10	4	1	5 feet behind curb or 10 feet from edge of pavement.	External
	Commercial	5 per tenant up to 25 sq.ft.	6	1 per street entrance	Not visible from public ROW.	
Hanging Sign	All Uses	16 inches high by 36 inches wide	7.5 feet above sidewalk (minimum)	1 per establishment	Under awning.	None
Monument Sign	All Uses (except multi-tenant buildings)	48	8	1 per street frontage with minimum 200 feet of separation between signs.	At least 5 feet behind ROW and at least 10 feet from any property line.	Internal or External
	Multi-tenant Buildings	60				
Pole Sign	Nonresidential Uses	60	20			
Projecting Sign	All Uses	36	10 feet above grade (minimum)	1 per establishment	Signs shall be located in such a manner that the top of the sign does not extend past the roofline.	Internal
Wall Sign (Front)	All Uses (except multi-tenant buildings)	1 per linear foot of building or suite facing the street, up to 75 sq. ft. per sign	1 story building: below roof. 2+ story building: below sill of 2 nd floor windows	2	N/A	Internal
	Multi-tenant Buildings			1 per tenant		
Wall Sign (Side)	All Uses			5% of wall area, up to 50 sq. ft. per sign		
Window Sign	All Uses	50% of total window area on first floor façade.		First floor primary façade.	None	
OI District						
Awning Sign	Nonresidential	25% of awning area.	Limited to awnings associated with the 1 st floor.	N/A	N/A	None
Directory Sign	Civic and Institutional	10	4	1	5 feet behind curb or 10 feet from edge of pavement.	External
	All other Uses	5 per tenant up to 25 sq.ft.	6	1 per street entrance	Not visible from public ROW.	

SIGN TYPE	USE TYPE	MAXIMUM AREA (sq. ft. per face)	MAXIMUM HEIGHT (feet)	MAXIMUM NUMBER	LOCATION	ILLUMINATION
Hanging Sign	All Uses	16 inches high by 36 inches wide	7.5 feet above sidewalk (minimum)	1 per establishment	Under awning.	None
Monument Sign	All Uses (except multi-tenant buildings)	48	8	1 per street frontage with minimum 200 feet of separation between signs.	At least 5 feet behind ROW and at least 10 feet from any property line.	External
Wall Sign (Front)	All Uses (except multi-tenant buildings)	1 per linear foot of building or suite facing the street, up to 50 sq. ft. per sign	1 story building: below roof. 2+ story building: below sill of 2 nd floor windows	2	N/A	Internal
	Multi-tenant Buildings			1 per tenant		
Wall Sign (Side)	All Uses			10% of wall area, up to 25 sq. ft. per sign		
Window Sign	All Uses	25% of total window area on first floor façade.			First floor primary façade.	None
HB District						
Awning Sign	All Uses	35% of awning area.	Limited to awnings associated with the 1 st floor.	N/A	N/A	None
Canopy Sign	Commercial Use with Fuel Sales	20% of canopy face.	N/A	1 per street frontage	N/A	None
Directory Sign	Civic and Institutional	12	4	1	5 feet behind curb or 10 feet from edge of pavement.	External
	Commercial	5 per tenant up to 50 sq.ft.	6	1 per street entrance	Not visible from outside of the development.	
Interstate Sign	All Uses	450	50	1 billboard or interstate sign per parcel	Signs must be located within 50 feet of the ROW of I-85 or an access road to I-85 abutting the I-85 ROW; no closer than 1,000 feet from any other interstate sign or billboard; and located only on parcels with a minimum of 1,800 linear ft of road frontage abutting ROW of I-85 or an	Internal or External

					access road abutting ROW of I-85	
Monument Sign	All Uses (except multi-tenant buildings)	48	8	1 per street frontage with minimum 200 feet of separation between signs.	At least 5 feet behind ROW and at least 10 feet from any property line.	Internal or External
	Multi-tenant Buildings	80				
Pole Sign	Commercial Uses	120	30			Internal
Projecting Sign	All Uses	48	10 feet above grade (minimum)	1 per establishment	Signs shall be located in such a manner that the top of the sign does not extend past the roofline.	Internal
Wall Sign (Front)	All Uses (except multi-tenant buildings)	1 per linear foot of building or suite facing the street, up to 125 sq. ft. per sign	1 story building: below roof. 2+ story building: below sill of 2 nd floor windows	4	N/A	Internal
	Multi-tenant Buildings			1 per tenant		
Wall Sign (Side)	All Uses	5% of wall area, up to 75 sq. ft. per sign		1 per facade		
Interstate Wall Sign	All Interstate Frontage Buildings	15% of wall area up to an aggregate total of 450 sq ft		4		
Window Sign	All Uses	50% of total window area on first floor façade.		First floor primary façade.	None	
LI District						
Awning Sign	All Uses	25% of awning area.	Limited to awnings associated with the 1 st floor.	N/A	N/A	None
Canopy Sign	Commercial Use with Fuel Sales	20% of canopy face.	N/A	1 per street frontage	N/A	None
Directory Sign	All Uses	5 per tenant up to 50 sq.ft.	6	1	5 feet behind curb or 10 feet from edge of pavement.	External
Monument Sign	All Uses	80	8	1 per street frontage with minimum 200 feet of separation between signs.	At least 5 feet behind ROW and at least 10 feet from any property line.	Internal or External
Pole Sign	All Uses	100	25			Internal

SIGN TYPE	USE TYPE	MAXIMUM AREA (sq. ft. per face)	MAXIMUM HEIGHT (feet)	MAXIMUM NUMBER	LOCATION	ILLUMINATION
Wall Sign (front)	All Uses (except multi-tenant buildings)	1 per linear foot of building or suite facing the street, up to 100 sq. ft. per sign	Below roof line.	2	N/A	Internal
	Multi-tenant Buildings			1 per tenant		
Wall Sign (side)	All Uses	5% of wall area, up to 75 sq. ft. per sign	Below roof line.	1 per facade	N/A	Internal
Window Sign	All Uses	50% of total window area on first floor façade.			First floor primary façade.	None
HI District						
Billboard (Outdoor Advertising Sign)	All Uses	450	35	1 per parcel	Signs must be located within 50 feet of the ROW of I-85.	External
Interstate Sign	All Uses	450	50	1 billboard or interstate sign per parcel	Signs must be located within 50 feet of the ROW of I-85 or an access road to I-85 abutting the I-85 ROW; no closer than 1,000 feet from any other interstate sign or billboard; and located only on parcels with a minimum of 1,800 linear ft of road frontage abutting ROW of I-85 or an access road abutting ROW of I-85	Internal or External
Monument Sign	All Uses	100	8	1 per street frontage with minimum 200 feet of separation between signs.	At least 5 feet behind ROW and at least 10 feet from any property line.	Internal or External
Pole Sign	All Uses	150	35			Internal
Wall Sign (front)	All Uses (except multi-tenant buildings)	1 per linear foot of building or suite facing the street, up to 150 sq. ft. per sign	Below roof line.	4	N/A	Internal
	Multi-tenant Buildings			1 per tenant		

Interstate Wall Sign	All Interstate Frontage Buildings	15% of wall area with an aggregate total of 450 sq ft		4	Signage must be located on the building façade which faces the interstate
Wall Sign (side)	All Uses	5% of wall area, up to 100 sq. ft. per sign		1 per façade	N/A

12.6.2 Additional Sign Standards

The following standards shall apply in addition to those set forth in Table 12-1.

(A) Attached Signage

- (1) Projecting signs and wall signs may not be located on the same façade of a structure.
- (2) Wall signs shall not project more than 18 inches from the wall to which they are attached.
- (3) Projecting signs may not project more than 4 feet from the wall to which they are attached.
- (4) No attached sign or its supporting structure shall cover any window or part of a window.

(B) Freestanding Signage

- (1) No more than one type of freestanding sign (monument sign or pole sign) may be used on a single parcel.
- (2) Monument signs may only be erected along a street frontage where the principal structure is set back at least 15 feet from the right-of-way.
- (3) Pole signs may only be erected along a street frontage where the principal structure is set back at least 30 feet from the right-of-way.
- (4) In parcels with an interstate sign, no pole sign or monument sign may be erected so as to be seen from I-85.

(C) Electronic Message Boards

- (1) Electronic message boards may only be included as a feature on monument, pole, or interstate signs.
- (2) Electronic message boards shall not comprise more than 25% of the permitted area of the sign on which they are included.
- (3) The display on an electronic message board may not change more frequently than once per minute. Animated message transitions are not allowed.

- (4) The display on any electronic message board that can be seen from I-85 must be static.

(D) Billboards (Outdoor Advertising Signs)

- (1) No billboard shall be erected within a 1,000 foot radius of another billboard or interstate sign within the Town's jurisdiction.
- (2) Billboards shall comply with all NCDOT permitting requirements and regulations pertaining to the clearing of vegetation within the right-of-way.

(E) Sign Appearance

- (1) The use of high intensity colors or fluorescent pigments is prohibited.
- (2) All signs and sign supports must be constructed of materials that present a finished appearance. Rough cut plywood and recycled telephone poles are not permitted.
- (3) The sign's lettering should be professionally applied; a graffiti look with hand painted or paint stenciled letters is not acceptable.
- (4) Exposed neon signs are prohibited.

ARTICLE 13 – OFF STREET PARKING, LOADING AND STACKING REQUIREMENTS

13.1 Purpose

It is the purpose of this Article to relieve traffic congestion in the streets, to minimize any detrimental effects of off-street parking areas on adjacent lands and to ensure the proper and uniform development of automobile parking areas throughout the Town,

13.2 Applicability

These regulations shall apply to all land development activities within the Town of Butner. This includes the expansion, enlargement, change of use or other action which alters the parking demand for a structure or use.

13.3 General Requirements for Off-Street Parking, Loading and Stacking Areas

13.3.1 Use of Parking Area, Stacking Area or Loading Space

All vehicular parking areas, stacking areas, and loading spaces required by this Article shall be used only for those purposes. Any other use, including but not limited to vehicular storage, vehicle sales, vehicular repair work, vehicle service, or display of any kind, shall constitute a separate use of the space.

13.3.2 Identified as to Purpose and Location When Not Clearly Evident

Off-street parking areas of three or more spaces and off-street loading areas shall include painted lines, wheel stops, or other methods of identifying individual parking spaces and loading areas and distinguishing such spaces from aisles.

13.3.3 Surfacing

All off-street parking, loading and stacking areas shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent material. These materials shall be maintained in a smooth, well-graded condition at all times. Except for detached single family development, gravel shall not be used to satisfy the requirements of this Section. When gravel is used, a hard surfaced driveway apron must be installed to the greater of: 8 feet from the edge of pavement or past the ditch tile.

13.3.4 Arrangement

- (A)** All off-street parking and loading areas shall be arranged for convenient access and safety of pedestrians and vehicles.
- (B)** Except for detached residential uses, off-street parking areas with three or more spaces shall be arranged so that no parking or maneuvering incidental to parking shall be on a public street or sidewalk, and so that an automobile may be parked and un-parked without moving another automobile.
- (C)** All off-street parking and loading areas, except on lots used for detached residential uses and townhouses, shall be arranged so that no vehicle shall be required to back from such facilities directly onto public streets.

13.3.5 Curbs and Vehicle Stops

All off-street parking and loading areas shall provide curbs, wheel stops, or similar devices so as to prevent vehicles from overhanging onto or into the public right-of-way, sidewalks, walkways, adjacent land, or landscape areas.

13.3.6 Maintenance

All off-street parking and loading areas shall be maintained in good repair, and in safe condition 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 parking and loading areas shall be periodically re-striped or otherwise restored to maintain a clear identification of separate parking stalls.

13.3.7 Responsibility for Provision

The responsibility for providing the off-street parking and loading areas required by this Section shall be that of whomever develops the land that requires parking and loading areas.

13.3.8 Construction of Off-Street Parking and Loading Areas

All off-street parking and loading areas shall be completed prior to the issuance of a Certificate of Occupancy for the use or uses they serve.

13.4 Off-Street Parking Standards

13.4.1 Minimum Number of Spaces Required

Unless otherwise expressly stated in this Section, off-street parking spaces shall be provided in accordance with Table 13-1, Minimum Off-Street Parking Standards. Unlisted uses shall conform to the requirements of the most similar use. The Ordinance Administrator may approve an alternative parking standard if an applicant submits an alternative parking standard with a parking study from a professional engineer which demonstrates the alternative design meets more current and accepted standards such as IT or ULI standards.

Table 13 – 1 Minimum Off Street Parking Requirements

USE CATEGORY	USE TYPE	PARKING REQUIREMENT
RESIDENTIAL USE CLASSIFICATION		
Household Living	Dwelling, Duplex	2 per DU
	Dwelling, Manufactured Home	
	Dwelling, Multi-Family	1 per efficiency, 1.5 per 1-2 bedroom unit, 2 per 3 bedroom unit
	Dwelling, Single Family Detached	2 per DU
	Dwelling, Townhouse	
Group Living	Group Home (1 to 6 persons)	1 per employee + 1 per 3 adults or 5 children
	Group Home (more than 7 persons)	
	Rooming House	1 + 1 per bedroom

INSTITUTIONAL USE CLASSIFICATION		
Community Services	All (up to 10,000 square feet of gross floor area)	1 per 300 sf
	All (more than 10,000 sf GFA)	
USE CATEGORY	USE TYPE	PARKING REQUIREMENT
Educational Facilities	College or University	1 per 600 sf of academic space + 1 per 5 seats in largest assembly hall
	School, Elementary	1 per every 2 classrooms + 1 per employee
	School, Middle	
	School, Senior High	1 per classroom + 1 per every 4 students
	School, Trade or Vocational	1 per every 2 students + 1 per employee on largest shift
Government Facilities	All (up to 10,000 sf GFA)	1 per 300 sf of space used by public + 1 per remaining 600 sf
	All (more than 10,000 sf GFA)	
	Public Parks or Recreational Facilities	Determined by Ord. Admin.
Healthcare Facilities	Hospital	2 per bed + 1 per 300 sf of administrative area
	Medical Treatment Facility (up to 10,000 sf GFA)	1 per 300 sf
	Medical Treatment Facility (more than 10,000 sf GFA)	
Other Institutional Facilities	Assisted Living / Nursing Facility	1 per 3 patient beds
	Cemetery	1 per employee on largest shift
	Halfway House	1 per employee + 1 per every 3 residents
	Religious or Civic Institution (up to 10,000 sf GFA)	1 per 4 seats in main assembly rooms
	Religious or Civic Institution (more than 10,000 sf GFA)	
Utilities	Telecomm. Facility, Collocation on Existing Structure.	1 per service provider with equipment on site
	Telecommunications Facility, Freestanding	
	Utility, Minor	Determined by Ord. Admin.
	Utility, Major	1 per employee on largest shift
WORKING LANDS USE CLASSIFICATION		
Working Lands	Agriculture	No minimum required.
	Horticulture / Plant Nursery	
	Silviculture	
COMMERCIAL USE CLASSIFICATION		
Adult Entertain.	All	1 per employee + 1 per 200 sf
Animal Care	Animal Shelter	1 per 300 sf
	Kennel, Outdoor	
	Veterinary Clinic / Boarding	
Day Care	Day Care Facility, Fewer than 30 Attendees	1 per 200 sf
	Day Care Facility, 30 or More Attendees	
Hotels and Motels	Bed and Breakfast Inn	2 + 1 per guestroom
	Hotels, Motels and Similar Uses	1 per guestroom + 1 per employee on largest shift + 75% of rate for accessory uses
Offices	Single Tenant (up to 5,000 sf GFA)	1 per 300 sf
	Single Tenant (more than 5,000 sf GFA)	
	Multi-tenant (up to 15,000 sf GFA)	
	Multi-tenant (more than 15,000 sf GFA)	

Recreation, Indoor	Commercial Recreation, Indoor (up to 5,000 sf GFA)	1 per 300 sf
	Commercial Recreation, Indoor (more than 5,000 sf GFA)	
USE CATEGORY	USE TYPE	PARKING REQUIREMENT
Recreation, Indoor	Country Club	1 per 300 sf + minimum number of spaces for accessory uses
	Equine Stable / Riding Academy	1 per employee + 1 per stall
Recreation, Outdoor	Arena, Amphitheater or Stadium	1 per 4 seats
	Commercial Recreation, Outdoor	1 per employee on largest shift + ½ space per maximum number of participants
	Golf Course, Public or Private	6 per hole
	Golf Driving Range	3 per tee
Restaurant	Restaurant without Drive-Through Service	1 per 200 sf
	Restaurant with Drive-Through Service	
Retail Sales and Services	Bar, Nightclub or Similar Establishment	1 per 100 sf
	Crematory	3 + 1 per employee
	Retail / Service Use with Gasoline Sales	1 per 150 sf
	Type I Retail or Service Use	1 per 250 sf
	Type II Retail or Service Use (up to 15,000 sf GFA)	1 per 300 sf
	Type II Retail or Service Use (more than 15,000 sf GFA)	
Type III Retail or Service Use	1 per 400 sf	
INDUSTRIAL USE CLASSIFICATION		
Extractive Industry	All	1 per employee on largest shift
Industrial Services	Building Contractor and Related Specialties	
	Fuel Oil / Bottled Gas Distributor	
	Heavy Equipment Sales, Rental or Repair	
	Research and Development	
Manufacturing, and Production	Manufacturing, Heavy	
	Manufacturing, Light	
Self Storage	All	1 per employee + 1 per 50 units
Warehousing and Distribution	Parcel Services	1 per employee on largest shift
	Truck or Freight Terminal	
	Warehouse	
Outdoor Storage	All	
Wholesale Sales	All	1 per 1,000 sf

13.4.2 Minimum Separation

All parking areas shall be separated at least ten feet from buildings in order to allow room for sidewalks, landscaping, and other plantings between the building and the parking area. This separation may be eliminated in the rear of buildings in areas designed for loading and unloading materials.

13.4.3 Cross Access Required

(A) General

All development except for detached residential development and attached residential development with fewer than four dwelling units shall be designed to allow for cross-access to adjacent compatible sites in accordance with the following standards:

(1) Limited to Two Parcels

Cross-access ways shall be designed and located based on the standards of this Section, but in no case shall a development be required to provide cross-access to more than two adjacent parcels.

(2) Future Stubs Required

A stub for future cross access shall be provided to all adjacent vacant land designated as OI, NB, or HB; and

(3) Placement and Width

Cross access ways shall be located and configured in a manner to provide the most convenient access between adjacent parcels. No part of a cross access way shall be located within a street right of way. The minimum width of the cross access way shall be 22 feet.

(B) Waiver

The cross-access standard shall be waived by the Planning Department if the applicant demonstrates it is impractical to provide cross-access due to:

- (1)** Topography, or natural features;
- (2)** The size and configuration of the site;
- (3)** Vehicular safety factors;
- (4)** The presence of incompatible uses; or
- (5)** Existing development patterns on adjacent developed sites that make cross access impossible.

When cross-access is waived in accordance with this Section, pedestrian connections shall be provided between adjacent developments or uses, to the maximum extent practicable.

(C) Recording Required

Where provided, cross access easements must be recorded by the owner/developer of the property prior to the issuance of a Certificate of Occupancy.

13.4.4 Dimensional Standards for Parking Spaces and Drive Aisles

The minimum dimensions for standard car parking spaces and parking lot aisles shall comply with Table 13-2, Dimensional Standards for Parking Spaces and Aisles:

Table 13-2 Dimensional Standards for Parking Spaces and Aisles

Stall Type	Stall Width (feet)	Stall Depth (feet)	Minimum Aisle Width for Two Way Traffic ¹
Parallel	8	22	22
45 Degrees	8.5	19	24
90 Degrees	9	19	24

1. The aisle width may be reduced by one-half for one way traffic.

13.4.5 Accessible Parking for Disabled Persons

Off-street parking for disabled persons shall be provided in accordance with Federal ADA (Americans with Disabilities Act) standards.

13.5 Loading Area Standards

13.5.1 Minimum Number of Spaces Required

Unless otherwise expressly stated in this Section, loading areas shall be provided in accordance with Table 13-3, Loading Area Standards:

Table 13-3 Loading Area Standards

Use Type	Gross Floor Area (sq. ft.)	Minimum Number of Spaces
Offices	10,000 or more	1
Retail Sales and Service	3,000-14,999	1
	15,000-49,999	2
	50,000-99,999	3
	100,000 or more	4 + 1 per every additional 100,000 sq. ft.
Wholesale and Manufacturing	Up to 15,000	1
	15,000-49,999	2
	50,000 or more	3 + 1 per every additional 50,000 sq. ft.
All Other Industrial Uses(except Self Storage)	Up to 15,000	1
	15,000-49,999	2
	50,000-124,999	3
	125,000-249,999	4
	250,000 or more	5 +1 per every additional 125,000 sq. ft.

13.5.2 Design Standards

(A) Minimum Dimensions

- (1)** Each loading berth or space required by this Subsection shall be at least 10 feet wide by 60 feet long (or deep), with at least 15 feet of overhead clearance. Each off-street loading space shall have adequate, unobstructed paths for the ingress and egress of vehicles.
- (2)** Uses with less than 5,000 square feet of floor area which are required to provide an off-street loading space may provide a space which is 10 feet wide by 30 feet long (or deep), with at least 15 feet of overhead clearance.

(B) Location

Where possible, loading areas shall be located to the rear of the use they serve. In addition, the loading area shall be located adjacent to the buildings loading doors, in an area that promotes their practical use.

(C) Delineation of Loading Spaces

All loading spaces shall be delineated by signage, striping and labeling of the pavement.

(D) Access to a Street

Every loading area shall be provided with safe and convenient access to a street, but in no case shall the loading space extend into the required aisle of the parking lot.

(E) Paving

The ground surface of loading areas shall be paved with a durable, dust free and hard material, such as surface and seal treatment, bituminous hot mix or Portland cement, concrete, or some comparable material. Such paving shall be maintained for safe and convenient use at all times.

13.6 Stacking Space Standards

13.6.1 Minimum Number of Spaces Required

In addition to meeting the off-street parking standards in Table 13-1, Minimum Off-Street Parking Standards, uses with drive-through facilities or similar auto-orientation shall comply with the minimum stacking space standards in Table 13-4, Required Stacking/Standing Spaces:

Table 13-4 Required Stacking/Standing Spaces

Type of Use/ Activity	Minimum Stacking Spaces	Measured From
Automated Teller Machine	3	Teller Machine
Automobile Repair and Service	3 per service bay	Bay Entrance
Car Wash (Automatic)	3	Bay Entrance
Car Wash (Full Service)	10	Bay Entrance
Day Care Center	6	Building Entrance
Financial Institution	5 per lane	Teller Window
Gasoline Sales	30 feet from each end of the outermost island	
Nursing Home	3	Building Entrance
Restaurant Drive-through	8	Pick-up Window
Retail Sales and Service (drug store, dry cleaning, etc.)	5 per lane	Agent Window
Unlisted Uses	Determined by the Ordinance Administrator based on the size and type of use.	

13.6.2 Dimensional Standards

Stacking spaces shall be a minimum of 12 feet wide and 20 feet deep.

13.7 Pedestrian and Bicycle Facilities

13.7.1 Pedestrian Circulation

Off-street parking lots with 25 or more spaces shall include pedestrian corridors through parking areas and sidewalks along building facades to accommodate safe pedestrian travel. Pedestrian corridors shall be demarcated by painting, material changes, or differing heights where they cross vehicular travelways.

13.7.2 Pedestrian Pathways Through Parking Lots

Off-street parking lots containing 150 or more spaces shall provide fully separated pedestrian pathways within the parking lot. These pathways shall:

- (A) Be located within planted landscaping strips located a minimum of every 130 feet, or every four parking rows;
- (B) Be paved with asphalt, cement, or other comparable material;
- (C) Be of contrasting color or materials when crossing drive aisles;
- (D) Be at least 3 feet in width when located within planting strips, and 10 feet in width when crossing drive aisles;
- (E) Terminate at drive aisle edges;
- (F) Be positively drained; and
- (G) Provide safe and efficient pedestrian access to the use they serve.

13.7.3 Bicycle Parking

All development with parking areas with 25 or more spaces shall provide bicycle parking facilities, which shall comply with the following standards:

- (A)** Bicycle parking spaces shall be conveniently located, but in no case shall such facilities be located farther than 100 linear feet from the primary building entrance;
- (B)** Bicycle parking spaces shall be provided at the rate of 1 space per 10 off-street parking spaces, with a maximum requirement of 10 bicycle spaces.
- (C)** Bicycle facilities shall include a rack or other device to enable bicycles to be secured.
- (D)** Access from the bicycle parking area to the primary building entrance shall be constructed of asphalt, concrete or other durable material. Such access shall also be lighted through sidewalk or parking lot lighting.

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ARTICLE 14 – SUBDIVISION STANDARDS

14.1 General

14.1.1 Design

All proposed subdivisions, including group developments, shall comply with this Article, and shall be designed to promote beneficial development of the community, and shall bear a reasonable relationship to the approved plans of the Town.

14.1.2 Reasonable Relationship

All required improvements, easements, and rights-of-way (other than required reservations) shall substantially benefit the development or bear a reasonable relationship to the need for public facilities attributable to the new development.

14.1.3 Off-Site Connections

When in the opinion of the approving body, it is necessary to connect streets and/or utilities off-site to adjoining streets and/or utilities, said improvements may be required in accordance with Town policy.

14.1.4 Land Suitability

Land which has been determined, on the basis of an engineering assessment or other expert survey, to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed shall not be platted for that purpose until the subdivider has taken the necessary measures to correct said conditions and to eliminate said dangers. Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Granville-Vance District Health Department, a structural engineer and a soils expert determine that the land is suitable for the purpose proposed.

14.1.5 Placement of Monuments

The Standards of Practice for Land Surveying in North Carolina, as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, shall apply when installing permanent monuments.

14.1.6 Sites for Public Use

In subdividing property, due consideration shall be given by the subdivider to the reservation of suitable sites for schools and other public uses in accordance with NCGS 160 A-372.

14.1.7 Property Owners' Associations

(A) Creation

An Owners' Association shall be established to fulfill requirements of the NC Condominium Act, NC Planned Community Act, or to accept conveyance and maintenance of all common elements (common areas) within a development. The Owners' Association shall be in legal existence prior to the conveyance,

lease-option, or other long-term transfer of control of any unit or lot in the development.

(B) Conveyance

Where developments have common elements serving more than one (1) dwelling unit, these areas shall be conveyed to the Owners' Association, in which all owners of lots in the development shall be members. All areas other than public street rights-of-way, other areas dedicated to the Town, and lots shall be designated as common elements. In a condominium development the common elements shall be platted in accordance with the NC Condominium Act. In other developments, the fee-simple title shall be conveyed by the subdivider or developer to the Owners' Association prior to the sale of the first lot.

(C) Subdivision or Conveyance of Common Elements

Common elements shall not subsequently be subdivided or conveyed by the Owners' Association unless a revised Preliminary Plat and a revised Final Plat showing such subdivision or conveyance have been submitted and approved.

(D) Minimize Number of Associations

Developments, whether including different land uses, different types of housing, or simply different sections, shall hold the number of Owners' Associations to a minimum. An association may establish different categories of membership, different budgets for the categories, and different rates of assessment when different kinds of services are provided to different categories. Smaller associations under an umbrella (master) association are permitted.

(E) Exemption from Owners' Association Requirement

A development involving only two units attached by a party wall (or two separate walls back-to-back) shall not be required to have common elements or an Owners' Association. Such developments without an Owners' Association shall establish a binding agreement between owners to govern any party walls and to ensure reciprocal easement rights needed for maintenance.

14.2 Lot Standards

The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated and shall conform to the following:

14.2.1 Conformance with Other Regulations

Every lot shall have sufficient area, dimensions, and street access to permit a principal building to be erected thereon in compliance with all zoning and other requirements of this Ordinance.

14.2.2 Minimum Building Area

Every lot shall have at least forty percent (40%) of its total area, or three thousand (3,000) square feet, whichever is less, of contiguous buildable area of a shape sufficient to hold a principal building. Said area shall lie at or be filled to an elevation at least 1 foot above the 100 year flood elevation.

14.2.3 Lot Depth to Width Ratio

No lot shall have a depth greater than 4 times the width at the minimum front street setback.

14.2.4 Side Lot Line Configuration

Side lines of lots should be at or near right angles or radial to street lines.

14.2.5 Lot Lines and Drainage

Lot boundaries shall coincide with natural and pre-existing manmade drainageways to the extent practicable to avoid lots that can be built upon only by altering such drainageways.

14.2.6 Lots on Thoroughfares

Major subdivisions shall not be approved that permit individual residential lots to access major or minor thoroughfares.

14.2.7 Access Requirements

All lots must have public street access and frontage meeting the requirements set forth in Article 6, Zoning, or as follows:

(A) Flag lots may be allowed only if the following requirements are met:

- (1)** A flag lot shall contain only 1 single family dwelling and its uninhabited accessory structures.
- (2)** The maximum flagpole length shall be 300 feet.
- (3)** The minimum flagpole width shall be 25 feet.
- (4)** The maximum lot size in areas with public sewer shall be 1 acre.
- (5)** The maximum lot size without public sewer shall be 3 acres. (Note: The flagpole portion of the lot is not used to calculate area, width, depth, coverage, and setbacks of the lot or to provide off-street parking).
- (6)** Where public water is available, any building on the flag lot must be within 500 feet of a fire hydrant. This distance shall be measured along the street, then along the flagpole, then in a straight line to the building location.

- (7) Where public sewer is available, occupied buildings on the flag lot shall have a gravity service line, or the sewer pump requirement shall be noted on the plat.
- (8) Use of a single driveway to serve adjoining flag lots or to serve a flag lot and an adjoining conventional lot is permitted and encouraged. In the latter case, the preferred location for the driveway is on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole.

14.3 Streets

14.3.1 Dedication of Right-of-Way

Right-of-way for public streets shall be dedicated to the Town pursuant to NCGS 160A, Article 19, Part 2 and other applicable State laws. When dedication cannot be required, any future street right-of-way indicated on adopted thoroughfare plans or collector street plans shall be shown on the plat.

14.3.2 Conformance with Thoroughfare Plans and Collector Street Plans

The location and design of streets shall be in conformance with applicable thoroughfare plans and collector street plans. Where conditions warrant, right-of-way widths and pavement widths in excess of the minimum street standards may be required.

14.3.3 Conformance with Adjoining Street Systems

The planned street layout of a proposed subdivision shall be compatible with existing or proposed streets and their classifications on adjoining or nearby tracts.

14.3.4 Internal Street Network Connectivity

- (A) A minimum street connectivity index, as determined by the method outlined in 14.3.4(B) shall be established for all new residential subdivisions. Within the RP and RR districts, the minimum index score shall be 1.2 and within the RS, RT and RMX districts the minimum index score shall be 1.4. Planned Unit Developments shall have a minimum index score of 1.5 for the entire street network serving the development.
- (B) The street connectivity index shall be calculated by dividing the number of "links" contained in the network by the number of "nodes" contained in the network. For the purpose of this calculation, a "node" is the intersection of two streets or the head of a cul-de-sac within the development. "Links" are lengths of street that connect the nodes. Street stubs shall be considered to be links, but alleys and temporary dead end streets within the development are not counted as links. One link beyond each node that connects the internal street network to the external street network shall be included in this calculation.
- (C) The minimum connectivity index score may be reduced if the developer demonstrates that it is impossible or impractical to achieve the required score due to topography, environmental conditions, natural features or adjacent existing development patterns,

14.3.5 Access to Adjoining Property

Where, in the opinion of the approving body, it is desirable to provide for street access to adjoining property, proposed streets shall be extended to the boundary of such property.

14.3.6 Minimum Number of Access Points to Public Street Network

The minimum number of points of street access shall be based on the number of dwelling units in the proposed development as set forth below.

- (A) Residential developments with more than 50 lots or dwelling units shall have at least 2 separate points of public road access.
- (B) Residential developments with more than one hundred 150 lots or dwelling units shall have at least 3 separate points of public road access.

14.3.7 Reserve Strips

Reserve strips adjoining street rights-of-way for the purpose of preventing access to adjacent property shall not be permitted under any condition.

14.3.8 Public Street Design Criteria

Public streets shall be constructed in accordance with the standards contained in the NCDOT Roadway Design Manual or the NCDOT Subdivision Roads Minimum Construction Standards as appropriate.

14.3.9 Private Street Design Criteria

(A) Where Permitted

Private streets shall be permitted in single family detached residential developments, townhouses developments, and in residential developments that are gated or otherwise secured self-contained developments that have their access to public street(s) at one or more secured points.

(B) Design and Construction

The pavement, construction, and design standards for all private streets shall be equivalent to the standards for local residential streets unless the developer supplies an alternate pavement design (supported by an engineering study) approved by the Town. The developer must furnish an engineer's seal and certification that the private streets have been tested and certified for the subgrade, base and asphalt. Common area may need to be widened to include the side ditch section.

(C) Through Streets

No through street in a residential area connecting two public streets can be designated as a private street.

(D) Connections to Public Streets

All private streets connecting with public streets require approved driveway permits from the Town or NCDOT as applicable.

(E) Sidewalks

Where sidewalks are installed on private streets, they shall be constructed in accordance with all applicable standards as specified in this Ordinance and shall meet or exceed the Town's standard specifications for sidewalks

14.3.10 Street Intersections

Streets shall be designed to intersect each other at angles as close to 90 degrees as possible. Property lines at street intersections shall be a tangent connecting points on each right-of-way line, which are located a minimum distance of 20 feet back from the intersection of the 2 right-of-way lines in residentially zoned areas and 50 feet in non-residentially zoned areas.

14.3.11 Streets Crossing Natural Areas

All streets crossing natural areas, wetlands, or streams shall cross at or as near to 90 degrees as possible within topographic limits.

14.3.12 Spacing Between Intersections

A minimum spacing of 150 feet between intersections shall be maintained. In no case shall a pair of intersecting streets be approved with an offset that does not meet this minimum distance standard.

14.3.13 Maximum Length of Cul-de-sacs

The maximum distance from an intersecting through street to the end of a cul-de-sac shall be 1,000 feet, except in the Watershed Critical Area, where a maximum length of 1,600 feet is allowed.

14.3.14 Temporary Turnarounds

Streets stubbed to adjoining property or to phase lines shall be required to have temporary turnarounds at the end of the street which are of a sufficient size to permit sanitation and emergency vehicles to turn around.

14.3.15 Grades at Intersections

The grade on stop streets approaching an intersection shall not exceed 5% for a distance of 100 feet from the centerline of the intersection.

14.3.16 Street Names

Street names, prefixes, suffixes and addresses shall conform to the guidelines and policies set forth by the Granville County E-911 street naming and addressing standards.

14.3.17 Street and Traffic Control Signs

(A) Street Signs

At each intersection, the developer shall be required to install street name signage in accordance with Town standards for the design of such signage.

(B) Traffic Control Signs

The developer shall provide traffic control signs that meet the Manual on Uniform Traffic Control Devices (MUTCD) standards in locations designated by the Town.

(C) Maintenance

Maintenance of signs on private streets or drives shall be the responsibility of the owner or Owners' Association, as appropriate.

14.4 Sidewalks

14.4.1 General

Sidewalks shall be installed on public and private streets that are within or abut a subdivision in accordance with the following standards.

14.4.2 Required Locations

- (A)** Along both sides of new and existing major thoroughfares and minor thoroughfares.
- (B)** Along one side of new and existing collector and sub-collector streets, except that upon review by the approving body, both sides may be required where one or more of the following conditions exists:
 - (1)** The current or projected average daily traffic volume is greater than 8,000 vehicles per day.
 - (2)** The posted speed limit is greater than 35 miles per hour
 - (3)** The street is identified as a pedestrian route on a pedestrian transportation network plan.
 - (4)** Other pedestrian safety, access, or circulation needs are identified.
 - (5)** Along one side of new and existing local streets, unless other pedestrian safety, access, or circulation needs are identified.

14.4.3 Exempt Locations

- (A)** Along new and existing local and sub-collector residential streets where, upon review by the approving body, the following conditions are found to exist:

- (1) The proposed development is within an area consisting predominantly of existing single-family residential development, where no sidewalks are present; and
 - (2) The character and size of the proposed development will not result in substantial additional pedestrian facility needs; and
 - (3) There are no new pedestrian facilities planned or identified in a pedestrian transportation network plan that would provide a pedestrian connection to the proposed development.
- (B) Along existing streets in predominantly industrial areas where no sidewalks are present and where, upon review by the approving body, a sidewalk is not deemed necessary or feasible.
 - (C) Along new and existing cul-de-sac streets and permanent dead-end streets, which are eight hundred (800) feet or less in length, and which are not strategic pedestrian routes.

14.4.4 Extent

Sidewalks required by this Ordinance shall be constructed along that portion of the street or streets that the parcel abuts, for the full length of the property line abutting the street or streets. Where sidewalks are required to be installed on one side of a street, the approving body shall determine upon which side the sidewalks are to be installed, in accordance with the Town's standard specifications for sidewalks.

14.4.5 Construction Standards

All sidewalks, whether required by this Ordinance or installed voluntarily, shall be constructed to the Town's standard specification for sidewalks and have a minimum width of 5 feet and a minimum thickness of 4 inches of concrete.

14.4.6 Payment in Lieu of Sidewalk alternative

As an alternative to sidewalks construction, the applicant has the option to make a payment in lieu of constructing the required sidewalks and shall be informed of the amount of payment in lieu before issuance of a zoning permit. Payment in lieu requirements:

- (A) Approval must be given for payment in lieu of sidewalks by the Ordinance Administrator with guidance from the Planning Board, and/or Technical Review Committee.
- (B) Payment in lieu of sidewalks is allowed where
 - (1) Construction of sidewalks would be inconsistent or unreasonable based on surrounding conditions such as topography, wetlands, etc.
 - (2) Where a sidewalk would not connect to adjacent sidewalks nor are there proposed or adopted plans for a connecting sidewalk at the site.
- (C) **Payment in lieu is not permitted if**

- (1) Site is located in the RMF, CB, SI, NI, CX, CW or CE zoning districts.
- (2) If property is adjacent to any existing sidewalk, greenway bikeway, or pathway.
- (3) Site is adjacent to a proposed development plan with sidewalk, and/or adjacent to any sidewalk planned for construction.

(D) Payment in lieu of sidewalks fund requirements

Funds must be equal to the estimated cost of construction of the required sidewalk, which includes materials, labor, engineering and any required infrastructure improvements for that sidewalk. In situations where the payment in lieu is being made because topography or wetlands make the construction of the sidewalk impractical or impossible, the Ordinance Administrator may take such impracticality or impossibility into account and may accept a payment lower than the actual costs of building a sidewalk or trail in such location provided such lower payment is not less than cost of construction of such a sidewalk under ordinary conditions. Payment shall be made prior to final plat approval.

(E) Fund appropriations

Such funds shall be used at the discretion of the Town for use in building or completing pedestrian, bikeway, and/or pathway systems.

14.5 Utilities

14.5.1 Public Water and Sewer Construction Requirements

Water and sewer lines, connections, and equipment shall be constructed in accordance with the South Granville Water and Sewer Authority's standard specifications for utility line construction.

14.5.2 Water and Sewer Connections

Connection of each lot to public water and sewer utilities shall be required if the proposed subdivision is within 300 feet of the nearest adequate line of a public system, provided that no geographic or topographic factors would make such connection infeasible. Where public sewer is not available, lots shall meet applicable Granville-Vance District Health Department regulations. The Final Plat shall show the Certificate of Approval from the Environmental Health Division as shown in Appendix B.

14.5.3 Water and Sewer Capacity

Subdivisions which are required connect to public utilities must obtain adequate water and sewer capacity allocations from the South Granville Water and Sewer Authority (SGWASA) for the expected amount of usage for the entire subdivision prior to the approval of a preliminary plat. As a condition of approval for a preliminary plat, the subdivider may be required to release allocated water and sewer capacity back to SGWASA if the preliminary plat is allowed to expire.

14.5.4 Underground Utilities

Electrical, telecommunication, cable television and other utility lines installed within and along streets abutting major subdivisions shall be underground unless the approving body determines underground installation is inappropriate.

14.5.5 Utility Easements

(A) Widths

To provide for electric, telecommunication, cable television and gas service conduits, and water and sewer lines within a subdivision, adequately sized utility easements not to exceed 30 feet in width shall be provided. The location of such easements shall be reviewed and approved by the approving body, with advice from utility providers, before Final Plat approval.

(B) Restrictions on Improvements

Utility easements shall be kept free and clear of any buildings or other improvements that would interfere with the proper maintenance or replacement of utilities. The Town shall not be liable for damages to any improvement located within the utility easement area caused by maintenance or replacement of utilities located therein.

14.5.6 Street Lights

Street lights shall be required to be installed along all public streets within the Town's corporate limits.

14.5.7 Fire Protection Equipment

Fire protection equipment shall be installed in locations as determined by the Butner Public Safety Division in consultation with South Granville Water and Sewer Authority.

ARTICLE 15 – WATER SUPPLY WATERSHED PROTECTION

15.1 Authority

This Article is adopted pursuant to NCGS 143-214.7, Session Law 2006-246 and the rules promulgated by the North Carolina Environmental Management Commission thereunder. Specifically, this Article is adopted to comply with the standards of the Universal Stormwater Management Program and the Falls Nutrient Strategy New Development Rule as set forth in the North Carolina Administrative Code (15A NCAC 2H.1020(b) and 15A NCAC 02B .0277).

15.2 Findings

It is hereby determined that:

- 15.2.1 Development and redevelopment alter the hydrologic response of local watersheds and increase 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;
- 15.2.2 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
- 15.2.3 These effects can be managed and minimized by applying proper design and well-planned controls to manage stormwater runoff from development sites.
- 15.2.4 Further, the Commission has identified Falls of Neuse reservoir, a water supply reservoir as nutrient sensitive waters; has identified all or a portion of the reservoir as impaired waters under the Federal Clean Water Act due to exceedances of the chlorophyll a standard; and has promulgated rules (the “Falls Rules”) to reduce the average annual loads of nitrogen and phosphorus delivered to Falls Reservoir from all point and nonpoint sources of these nutrients located within its watershed, including stormwater from new development in this jurisdiction;
- 15.2.5 Therefore, the Town of Butner 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.

15.3 Purpose

15.3.1 General

The purpose of this Article 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 and phosphorus in stormwater runoff, and nonpoint and point source pollution associated with new development and redevelopment. 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.

15.3.2 Specific

This Article seeks to meet its general purpose through the following specific objectives and means:

- (A) Establishing decision-making processes for development that protect the integrity of watersheds and preserve the health of water resources;
- (B) Requiring that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable for the applicable design storm to reduce flooding, stream bank erosion, nonpoint and point source pollution and increases in stream temperature, and to maintain the integrity of stream channels and aquatic habitats;
- (C) Establishing minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
- (D) Establishing design 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;
- (E) Encouraging the use of better management and site design practices, such as the use of vegetated conveyances for stormwater and the preservation of open space, riparian buffers and other conservation areas to the maximum extent practicable;
- (F) 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;
- (G) Establishing administrative procedures for the inspection of approved projects and to assure adequate and appropriate long-term maintenance.

15.4 Applicability

15.4.1 General

This Article shall be applicable to all development and redevelopment activities within the Watershed Protection Overlay Districts (WPO-GA and WPO-CA) as established in Article 6, unless exempt pursuant to Section 15.4.2, Exemptions.

15.4.2 Exemptions

(A) Thresholds

- (1) Single-family and duplex residential and recreational development that cumulatively disturbs less than 1 half acre of land, and is not part of a larger common plan of development or sale, and non-residential and multi-family development that cumulatively disturbs less than 12,000

square feet, and is not part of a larger common plan of development or sale, is exempt from the provisions of this Article.

- (2) Redevelopment outside of the floodplain that results in no net increase in built-upon area and provides equal or greater stormwater control than the previous development is exempt from the provisions of this Article.
- (3) Redevelopment of residential structures that results in no net increase in built-upon area and provides equal or greater stormwater control than the previous development is exempt from the provisions of this Article whether or not within the floodplain.
- (4) Redevelopment of non-residential structures that disturbs less than 12,000 square feet, that is not part of a larger common plan of development or sale, that is within the floodplain, and that results in no net increase in built-upon area and provides equal or greater stormwater control than the previous development is exempt from the provisions of this Article.
- (5) Development and redevelopment that disturb less than a stated area threshold are not exempt if such activities are part of a larger common plan of development or sale that exceeds the area threshold, even though multiple, separate or distinct activities take place at different times on different schedules.

(B) General Exemption

Activities that are exempt from permit requirements of Section 404 of the federal Clean Water Act as specified in 40 CFR 232 (primarily, ongoing farming and forestry activities) are exempt from the provisions of this Article.

15.4.3 No Development or Redevelopment Until Compliance and Permit

No development or redevelopment shall occur except in compliance with the provisions of this Article as evidenced by the issuance of a Stormwater Management Permit, unless exempted herein.

15.4.4 Map

- (A) The provisions of this Article shall apply within the areas designated on the map titled "USMP Map of the Town of Butner, North Carolina", which is adopted simultaneously herewith. The USMP Map and all explanatory matter contained thereon accompanies, and is hereby made a part of, this Ordinance and is integrated with the Official Zoning Map.
- (B) The USMP Map shall be kept on file by the Ordinance Administrator and shall be updated to take into account changes in the land area covered by this Article and the geographic location of all structural BMPs permitted under this Ordinance. In the event of a dispute, the applicability of this Article to a particular area of land or BMP shall be determined by reference to the North Carolina Statutes, the North Carolina Administrative Code, and the standards for determining zoning district boundaries as set forth in Article 1.8.3.

15.5 Design Manual

15.5.1 Reference to Design Manual

The Ordinance Administrator 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 structural and non-structural stormwater BMPs.

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 water quality performance standards of Phase II, Falls Rules and other applicable stormwater laws.

15.5.2 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.

15.5.3 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 Ordinance but prior to approval, the new information shall control and shall be utilized in reviewing the application and in implementing this Ordinance with regard to the application.

15.6 Stormwater Management Standards

All development and redevelopment to which this Article applies shall comply with the standards of this Section.

15.6.1 Impervious Surface Requirements

(A) Setback Requirement

All impervious surfaces, except for roads, paths, and water dependent structures, shall be located at least 30 feet landward of all perennial and intermittent surface waters. Public Roadway crossings, bridges and greenways may be allowed in the setback where no practicable alternative exists.

A perennial or intermittent surface water shall be deemed present if the feature is shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture (USDA) or the most recent complete version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). An exception to this requirement may be allowed when surface waters are not present in accordance with the provisions of 15A NCAC 2B .0233 (3)(a) or similar site-specific determination made using Division approved methodology.

(B) No New Impervious or Partially Pervious Surface in Floodplain

No new impervious or partially pervious surfaces, except for roads, paths, and water dependent structures, shall be allowed within the floodplain.

(C) Development in Critical Area of Water Supply Watersheds

All development activities that are located within the area designated by the Environmental Management Commission as a Critical Area of a Water Supply Watershed shall be limited to a maximum impervious surface density of 36 percent.

15.6.2 Structural Stormwater Control Requirements

Owners of property subject to this Article and required to install structural stormwater control measures shall implement those measures in compliance with each of the following standards:

- (A)** The measures shall control and treat runoff from the first inch of rain. Runoff volume drawdown time for wet detention ponds shall be a minimum of 48 hours, but not more than 120 hours.
- (B)** All structural stormwater treatment systems used to meet these requirements shall be designed to have a minimum of 85% average annual removal for Total Suspended Solids (TSS);
- (C)** General engineering design criteria for all projects shall be in accordance with 15A NCAC 2H .1008(c), as explained in the Design Manual;
- (D)** The measure shall discharge the storage volume at a rate equal or less than the pre-development discharge rate for the 1-year, 24-hour storm.
- (E)** 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 shall not contribute to degradation of waters of the State.
- (F)** The approval of the Stormwater Management Permit shall require enforceable restrictions on property usage that runs with the land, including recorded deed restrictions and protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans.

15.6.3 Nitrogen and Phosphorus Standards

- (A)** Nitrogen and Phosphorus Loading
 - (1)** Nitrogen and phosphorus loads contributed by the proposed new development shall not exceed the following unit-area mass loading rates: [2.2 and .33 pounds per acre per year for nitrogen and phosphorus, respectively.]

- (2) Notwithstanding 15A NCAC 2B.104(q), redevelopment subject to this ordinance that would replace or expand existing structures or improvements and would result in a net increase in built-upon area shall have the option of either meeting the loading standards identified in subsection (A)(1) or meeting a loading rate that achieves the following nutrient loads compared to the existing development: 40 percent and 77 percent reduction for nitrogen and phosphorus, respectively.
- (3) The developer shall determine the need for engineered stormwater controls to meet these loading rate targets by using the approved accounting tool.

(B) Partial offset of nutrient control requirements

Development subject to this ordinance shall attain nitrogen and phosphorus loading rate reductions on –site that meet the following criteria prior to using an offsite offset measure:

- (1) 30 percent or more reduction in both nitrogen and phosphorus loading from the untreated conditions for any single-family, detached and duplex residential development disturbing one half acre but less than one acre.
- (2) 50 percent or more reduction in both nitrogen and phosphorus loading from the untreated conditions for any single-family, detached and duplex residential development disturbing more than one acre.
- (3) 30 percent or more reduction in both nitrogen and phosphorus loading from the untreated condition for other development, including multi-family residential, commercial and industrial development disturbing 12,000 square feet but less than one acre.
- (4) 50 percent or more reduction in both nitrogen and phosphorus loading from the untreated condition for other development, including multi-family residential, commercial and industrial development disturbing more than one acre.
- (5) 30 percent or more reduction in both nitrogen and phosphorus loading from the untreated condition for proposed redevelopment activities in a designated downtown area that would replace or expand structures or improvements that existed as of December 2006.

A developer subject to this ordinance may achieve the additional reductions in nitrogen and phosphorus loading required by this ordinance by making offset payments to the NC Ecosystem Enhancement program contingent upon acceptance of payments by that Program. A developer may use an offset option provided by The Town of Butner. A developer may propose other offset measures to the Town of Butner, including providing his or her own offsite offset or utilizing a private seller. All offset measures permitted by this ordinance shall meet the requirements of 15A NCAC 02B .0282 and 15A NCAC 02B .0240.

(C) Nitrogen and Phosphorus standard is supplemental

The nitrogen and phosphorus loading standards in this ordinance are supplemental to, not replacements for, stormwater standards otherwise required by federal, state or local law, including without limitation any riparian buffer requirements applicable to the location of the development. This includes, without limitation, the riparian buffer protection requirements of 15A NCAC 2B.0233 and .0242.

15.6.4 Standards for Stormwater Control Measures

(A) Evaluation According to Contents of Design Manual

All stormwater control measures and stormwater treatment practices (also referred to as Best Management Practices, or BMPs) required under this Article shall be evaluated by the Ordinance 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 Ordinance Administrator shall determine whether proposed BMPs will be adequate to meet the requirements of this Article.

(B) Determination of Adequacy; Presumptions and Alternatives

Stormwater treatment practices that are designed, and constructed, and maintained in accordance with the criteria and specifications in the Design Manual will be presumed to meet the minimum water quality and quantity performance standards of this Article. 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 Article. The Ordinance Administrator may require the applicant to provide the documentation, calculations, and examples necessary for the Ordinance Administrator to determine whether such an affirmative showing is made.

(C) Separation from Seasonal High Water Table

For BMPs that require a separation from the seasonal high-water table, the separation shall be provided by at least 12 inches of naturally occurring soil above the seasonal high-water table.

(D) Dedication of BMPs, Facilities & Improvements

The Town of Butner may accept the dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this Article and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

15.7 Maintenance

15.7.1 Standards for Maintenance

(A) Function of BMPs As Intended

The owner of each structural BMP installed pursuant to this Article 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 structural BMP was designed.

(B) Annual Maintenance Inspection and Report

The person responsible for maintenance of any structural BMP installed pursuant to this Article shall submit to the Ordinance Administrator an inspection report from one of the following persons performing services only in their area of competence: a qualified registered North Carolina professional engineer, surveyor, landscape architect, soil scientist, aquatic biologist, 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:

- (1) The name and address of the land owner;
- (2) The recorded book and page number of the lot of each structural BMP;
- (3) A statement that an inspection was made of all structural BMPs;
- (4) The date the inspection was made;
- (5) A statement that all inspected structural BMPs are performing properly and are in compliance with the terms and conditions of the approved maintenance agreement required by this Article; and
- (6) The original signature and seal of the engineer, surveyor, or landscape architect.

All inspection reports shall be on forms supplied by the Ordinance Administrator. An original inspection report shall be provided to the Ordinance 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.

15.7.2 Operation and Maintenance Agreement

(A) In General

- (1) Prior to the conveyance or transfer of any lot or building site to be served by a structural BMP pursuant to this Article, and prior to issuance of any permit for development or redevelopment requiring a structural BMP pursuant to this Article, 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 structural BMP. Until the transference of all property, sites,

or lots served by the structural BMP, the original owner or applicant shall have primary responsibility for carrying out the provisions of the maintenance agreement.

- (2) The operation and maintenance agreement shall require the owner or owners to maintain, repair and, if necessary, reconstruct the structural BMP, and shall state the terms, conditions, and schedule of maintenance for the structural BMP. In addition, it shall grant to the Town of Butner a right of entry in the event that the Ordinance Administrator has reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the structural BMP; however, in no case shall the right of entry, of itself, confer an obligation on the Town of Butner to assume responsibility for the structural BMP.
- (3) The operation and maintenance agreement must be approved by the Ordinance Administrator prior to plan approval, and it shall be referenced on the final plat and shall be recorded with the Granville Register of Deeds upon final plat approval. A copy of the recorded maintenance agreement shall be given to the Ordinance Administrator within fourteen (14) days following its recordation.

(B) Special Requirement for Homeowners' and Other Associations

For all structural BMPs required pursuant to this Article 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:

- (1) Acknowledgment that the association shall continuously operate and maintain the stormwater control and management facilities.
- (2) Establishment of an escrow account, which can be spent solely for sediment removal, structural, biological or vegetative replacement, major repair, or reconstruction of the structural BMPs. If structural BMPs are not performing adequately or as intended or are not properly maintained, the Town of Butner, 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 structural BMPs, provided that the Town shall first consent to the expenditure.
- (3) Both a developer contribution(s) 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% of the initial construction cost of the structural BMPs. Two-thirds of the total amount of sinking fund budget shall be deposited into the escrow account within the first 5 years and the full amount shall be deposited within 10 years following initial construction of the structural BMPs. 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.

- (4) The percent of developer contribution and lengths of time to fund the escrow account may be varied by the Town of Butner depending on the design and materials of the stormwater control and management facility.
- (5) Granting to the Town of Butner a right of entry to inspect, monitor, maintain, repair, and reconstruct structural BMPs.
- (6) Allowing the Town of Butner to recover from the association and its members any and all costs the (name of local government) expends to maintain or repair the structural BMPs 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.
- (7) A statement that this agreement shall not obligate the Town of Butner to maintain or repair any structural BMPs, and the Town shall not be liable to any person for the condition or operation of structural BMPs.
- (8) A statement that this agreement shall not in any way diminish, limit, or restrict the right of the Town of Butner to enforce any of its ordinances as authorized by law.
- (9) A provision indemnifying and holding harmless the Town of Butner for any costs and injuries arising from or related to the structural BMP, 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.

15.7.3 Inspection Program

Inspections and inspection programs by the Town of Butner 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 Ordinance Administrator shall proceed to obtain an administrative search warrant pursuant to G.S. 15-27.2 or its successor. No person shall obstruct, hamper or interfere with the Ordinance Administrator or his designee while carrying out his official duties.

15.7.4 Performance Security

(A) Performance Security May Be Required

The Ordinance Administrator may, at his discretion, require the submittal of a performance security or bond with surety, cash escrow, letter of credit or other acceptable legal arrangement prior to issuance of a permit in order to ensure that the structural BMPs are:

- (1)** Installed by the permit holder as required by the approved Stormwater Management Permit, and/or
- (2)** Maintained by the owner as required by the operation and maintenance agreement.

(B) Amount of Security

(1) Installation Security

The amount of an installation performance security shall be the total estimated construction cost of the BMPs approved under the permit, plus 25%.

(2) Maintenance Security

The amount of a maintenance performance security shall be the present value of an annuity of perpetual duration based on a reasonable estimate of the annual cost of inspection, operation and maintenance of the BMPs approved under the permit, at a discount rate that reflects the jurisdiction's cost of borrowing minus a reasonable estimate of long-term inflation.

(C) Uses of Performance Security

(1) 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 ordinance, approvals issued pursuant to this ordinance, or an operation and maintenance agreement established pursuant to this ordinance.

(2) Default

Upon default of the owner to construct, maintain, repair and, if necessary, reconstruct any structural BMP in accordance with the applicable permit or operation and maintenance agreement, the Ordinance 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.

(3) Costs in Excess of Performance Security

If the Ordinance Administrator 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.

(4) 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 25%) of landscaping installation and ongoing maintenance associated with the BMPs covered by the security. Any such landscaping shall be inspected 1 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.

15.7.5 Notice to Owners

(A) Deed Recordation and Indications On Plat

The applicable operations and maintenance agreement, conservation easement or dedication and acceptance into public maintenance, as applicable, pertaining to every structural BMP shall be referenced on the final plat and shall be recorded with the Granville County Register of Deeds upon final plat approval. If no subdivision plat is recorded for the site, then the operations and maintenance agreement, conservation easement or dedication and acceptance into public maintenance, as applicable, shall be recorded with the Granville County Register of Deeds so as to appear in the chain of title of all subsequent purchasers under generally accepted searching principles.

(B) Signage

Where appropriate in the determination of the Ordinance Administrator to assure compliance with this Article, structural BMPs 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.

15.7.6 Records of Installation and Maintenance Activities

The owner of each structural BMP shall keep records of inspections, maintenance, and repairs for at least 5 years from the date of creation of the record and shall submit the same upon reasonable request to the Ordinance Administrator.

15.7.7 Nuisance

The owner of each stormwater BMP, whether a structural or non-structural BMP, shall maintain it so as not to create or result in a nuisance condition.

15.7.8 Inspection Easement

Every structural BMP installed pursuant to this Article shall be made accessible for inspection by an inspection easement. The easement shall be recorded and its terms shall specify who may make use of the easement and for what purposes.

15.8 Illicit Discharges

15.8.1 Illicit Discharges and Connections

(A) Illicit Discharges

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) Individual residential car washing;
- (16) Flows from riparian habitats and wetlands;
- (17) Dechlorinated swimming pool discharges;
- (18) Street wash water; and
- (19) 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 (name of Phase II jurisdiction).

Prohibited substances include but are not limited to: oil, anti-freeze, chemicals, animal waste, paints, garbage, and litter.

(B) Illicit Connections

- (1) 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, waste water from washing machines or sanitary sewers, wash water from commercial vehicle washing or steam cleaning, and waste water from septic systems.
- (2) Where such connections exist in violation of this section and said connections were made prior to the adoption of this provision or any other ordinance 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 ordinance. 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.
- (3) Where it is determined that said connection:
 - (i) 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
 - (ii) 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:

- (i) The quantity and complexity of the work,
- (ii) The consequences of delay,
- (iii) The potential harm to the environment, to the public health, and to public and private property, and
- (iv) The cost of remedying the damage.

(C) Spills

Spills or leaks of polluting substances released, discharged to, or having the potential to be 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 Butner Public Safety 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.

(D) Nuisance

Illicit discharges and illicit connections which exist within the Town of Butner 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 and the same shall be addressed as slowed by N.C. Gen. Stat. §160A-193 or other applicable law. Such public nuisances shall be abated in accordance with the procedures set forth in Article 4.

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ARTICLE 16 – FLOOD DAMAGE PREVENTION

16.1 Statutory Authorization

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

16.2 Findings Of Fact

16.2.1 The flood prone areas within the jurisdiction of the Town of Butner are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

16.2.2 These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

16.3 Statement Of Purpose

It is the purpose of this Article to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

16.3.1 Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;

16.3.2 Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

16.3.3 Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

16.3.4 Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and

16.3.5 Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

16.4 Objectives

The objectives of this Article are to:

- (1) Protect human life, safety, and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

- (4) Minimize prolonged business losses and interruptions;
- (5) 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;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (7) Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

16.5 General Provisions

16.5.1 Applicability

This Article shall apply to all Special Flood Hazard Areas within the corporate limits and extraterritorial jurisdiction (ETJ) of the Town of Butner.

16.5.2 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 Flood Insurance Study (FIS) for Durham County dated August 2, 2007 and Granville County dated April 16, 2007 and its accompanying Flood Insurance Rate Map Panels (848K, 854J, 855J, 856J, 857J, 864K, 865K, 866K, 867J, 868K, 876K, 877K, 878K, 887J, & 888J), which are adopted by reference and declared to be part of this ordinance.

16.5.3 Establishment Of Floodplain Development Permit.

A Floodplain Development Permit shall be required in conformance with the provisions of this Article prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Section 16.5.2.

16.5.4 Warning And Disclaimer Of Liability.

The degree of flood protection required by this Article 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 Article 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 Article shall not create liability on the part of the Town of Butner or by any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made hereunder.

16.6 Provisions for Flood Hazard Reduction

16.6.1 General Standards

In all Special Flood Hazard Areas the following provisions are required:

- (A) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (B) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (C) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (D) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Regulatory Flood Protection Elevation. 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.
- (E) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (F) 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.
- (G) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (H) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this Article, shall meet the requirements of “new construction” as contained in this Article.
- (I) Nothing in this Article 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 Article.
- (J) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted. 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 the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and a certification to this effect is obtained.
- (K) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

- (L) 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.
- (M) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (N) 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.
- (O) 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.
- (P) 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 base flood elevation shall apply.

16.6.2 Specific Standards

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, the following provisions, in addition to the provisions of 16.6.1, 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.

(B) Non-Residential 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. Structures located in A, AE, AO, and A1-30 Zones 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 Section 16.6.6. A registered professional engineer or architect shall certify that the standards of this Subsection are satisfied. Such certification shall be provided to the Ordinance Administrator along with the operational and maintenance plans.

(C) Manufactured Homes

- (1)** New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation.
- (2)** Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by a certified engineered foundation system, or in accordance with 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 thirty-six (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 thirty-six (36) inches in height, an engineering certification is required.
- (3)** All enclosures or skirting below the lowest floor shall meet the requirements of Section 16.6.2(D).
- (4)** 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 Ordinance Administrator and the local Emergency Management coordinator.

(D) Elevated Buildings

Fully enclosed area of new construction and substantially improved structures, which is 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 be constructed entirely of flood resistant materials at least to the regulatory flood protection elevation;
- (3)** Shall include, in Zones A, AO, AE, and A1-30, 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 1 foot above the 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; and
- (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.

(E) Additions / Improvements

- (1) Additions and/or improvements to pre-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 must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - (ii) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (2) Additions to post-FIRM structures with no modifications 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.
 - (ii) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(F) Recreational Vehicles

Recreational vehicles shall either:

- (1) Be on site for fewer than 180 consecutive days and 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); or
- (2) Meet all the requirements for new construction.

(G) Temporary Non-Residential Structures

Prior to the issuance of a Floodplain Development Permit for a temporary structure, the applicant must submit to the Ordinance 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 Ordinance Administrator for review and written approval:

- (1) 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;
- (2) The name, address, and phone number of the individual responsible for the removal of the temporary structure;
- (3) 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);
- (4) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
- (5) Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

(H) 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 in accordance with the provisions of Section 16.6.1(A);
- (6) All service facilities such as electrical shall be installed in accordance with the provisions of Section 16.6.1(D) and
- (7) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with the provisions of Section 16.6.2(D)(3).
- (8) An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures.

16.6.3 Standards For Floodplains Without Established Base Flood Elevations

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 16.5.2, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Section 16.6.1, shall apply:

- (A) 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 certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (B) The BFE used in determining the regulatory flood protection elevation shall be determined based on the following criteria:
 - (1) When Base Flood Elevation (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 Article and shall be elevated or floodproofed in accordance with standards in Sections 16.6.1 and 16.6.2.
 - (2) When floodway data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway areas shall also comply with the requirements of Sections 16.6.2 and 16.6.5.
 - (3) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if the development is greater than 5 acres or has more than 50 lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Section 16.5.2 and utilized in implementing this Article.
 - (4) When Base Flood Elevation (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. All other applicable provisions of Section 16.6.2 shall also apply.

16.6.4 Standards For Riverine Floodplains With BFE But Without Established Floodways Or Non-Encroachment Areas

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- (A) Standards of Sections 16.6.1 and 16.6.2; and
- (B) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the community.

16.6.5 Floodways And Non-Encroachment Areas

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in 16.5.2. 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 Sections 16.6.1 and 16.6.2, shall apply to all development within such areas:

- (A) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
 - (1) It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Ordinance Administrator prior to issuance of floodplain development permit; or
 - (2) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
- (B) If Section 16.6.5(A) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this Article.
- (C) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
 - (1) The anchoring and the elevation standards of Section 16.6.2(C); and

- (2) The no encroachment standard of Section 16.6.5(A).

16.6.6 Standards For Areas Of Shallow Flooding (Zone AO)

Located within the Special Flood Hazard Areas established in Section 16.5.2, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Sections 16.6.1 and 16.6.2, all new construction and substantial improvements shall meet the following requirements:

- (A) 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 4 feet, above the highest adjacent grade; or at least 4 feet above the highest adjacent grade if no depth number is specified.
- (B) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 16.6.6(1) 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 of compliance with these requirements shall be provided to the Ordinance Administrator.
- (C) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

ARTICLE 17– DEFINITIONS

17.1 General

Except as specifically defined in this Article, all words used in this Ordinance shall be as defined in the most recent edition of The Illustrated Book of Development Definitions (Rutgers). Words not defined in this Article or in the above book shall be construed to have the meaning given by common and ordinary use, and shall be interpreted within the context of the Article and Section in which they occur.

For the purpose of this Ordinance, certain words or terms used herein shall be defined as follows:

#

1-YEAR, 24-HOUR STORM

The surface runoff resulting from a 24-hour rainfall of an intensity expected to be equaled or exceeded, on average, once in 12 months and with a duration of 24 hours.

A

ABANDONMENT (OF REAL PROPERTY)

A parcel of land, use, or structure which has been physically and objectively discontinued, ceased, relinquished, vacated, and/or not maintained for a consecutive period of 180 or more days.

ABUTTING

The condition of two adjoining lots having a common property line or boundary including cases where two or more lots adjoin a corner, but not including cases where adjoining lots are separated by a street or alley.

ACCESSORY DWELLING UNIT

A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, whether part of the same structure as the principal dwelling unit, or as a detached structure on the same lot.

ACCESSORY STRUCTURE

A structure that is subordinate in use and square footage to a principal structure or permitted use.

ACCESSORY USE

A use that is customarily incidental, appropriate, and subordinate to the principal use of land or buildings and is located upon the same lot.

ADJACENT

A lot or parcel of land that shares all or part of a common lot line or boundary with another lot or parcel of land or that is directly across a public street or right-of-way.

ADULT ENTERTAINMENT

An Adult Entertainment establishment shall include any place defined as an “Adult Establishment” or “Sexually Oriented Establishment” by North Carolina General Statutes Section 14-202.10, including Adult Cabarets or any massage establishment where massages are rendered by any person exhibiting Specified Anatomical Areas or where massages are performed on any client’s Specified Anatomical Areas. Adult Entertainment establishments may consist of, include, or have the characteristics of any or all of the following:

- Adult or Sexually Oriented Bookstore Sales and Distribution;
- Adult or Sexually Oriented Paraphernalia Sales and Distribution;
- Adult or Sexually Oriented Cabaret;
- Adult or Sexually Oriented Mini Motion Picture Theater;
- Adult or Sexually Oriented Motion Picture Theater; and
- Adult Retail.

AGGRIEVED PARTY

A person, with a legally recognized interest (i.e., fee simple ownership) and standing to appeal, that is injuriously affected by a decision from any decision-making body of the Town, including any officer or agent of the Town.

ALLEY

A service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION

Any change or expansion in the size, configuration, or location of a structure; or any change or expansion in the use of a structure or lot, from a previously approved or legally existing size, configuration, location, or use.

APPEAL OF ADMINISTRATIVE DECISION

An appeal of an administrative decision maker’s interpretation or decision reviewed and approved, approved with conditions, or denied by the Board of Adjustment in accordance with Section 3.2.13, Appeal of Administrative Decision.

APPLICANT

The owner of land, or the authorized representative of the landowner, applying for a development approval or permit.

APPLICATION

The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate Town Officer, Board, or Commission as part of the development review processes.

APPROVED ACCOUNTING TOOL

The accounting tool for nutrient loading approved by the EMC for the relevant geography and development type under review.

ARCHITECTURAL LIGHTING

Exterior lighting that is designed to highlight structures, plantings, or significant architectural features in a direct or indirect fashion.

ASSESSED VALUE

The monetary price that a parcel of land, portion of land, improvement on land, or other commodity assigned by the Granville County Property Appraiser’s office for the purposes of taxation.

ASSISTED LIVING/NURSING FACILITIES

A building, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, health care assistance, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or proprietor.

Accessory uses may include dining rooms and infirmary facilities for intermediate or skilled nursing care solely for the use of the occupants residing in the principal facility.

ATTACHED RESIDENTIAL

Residential development including the duplex, multi-family, and town house dwellings.

AUTHORIZED AGENT

A person with express written consent to act upon another's behalf.

B

BANNER

A sign made of flexible material used to advertise a business or a product for sale.

BAR, NIGHTCLUB, OR SIMILAR ESTABLISHMENT

An establishment having as its principal or predominant use the serving of alcohol for consumption on the premises, and which sets a minimum age requirement for entrance, consistent with state law. The primary source of revenue for such uses is derived from alcohol sales, and the secondary source from the serving of food. Such uses may also provide on-site entertainment in the form of live performances, dancing, billiards, or other entertainment activities. Performances related to the display of Specific Anatomic Areas (as classified by Section 14-202.10 of the North Carolina General Statutes) are considered as Adult Entertainment uses.

BED AND BREAKFAST INN

A private residence, generally a single-family detached dwelling located in a residential district, engaged in renting one or more dwelling rooms on a daily basis to tourists, vacationers, and businesspeople, where provision of meals is limited to guests only.

BERM

An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses.

BLOCK

A unit of land bounded by streets or by a combination of streets and public land, railroads rights-of-ways, waterways or any other barrier to the continuity of development.

BOARD OF ADJUSTMENT

A quasi-judicial board appointed by the Town Council and Granville County Commissioners.

BUFFER, RIPARIAN

The area of natural or planted vegetation adjacent to a natural watercourse as measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams, rivers, lakes, ponds, or wetlands which is intended to remain undisturbed.

BUILDING

A structure that is enclosed and isolated by a roof and exterior walls and used for shelter, support, or enclosure as a residence, business, industry, or other public or private purpose, or accessory thereto, the construction of which may require a Building Permit under the State Building Code.

BUILDING ENVELOPE

The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations, and minimum yard setbacks or build-to lines, buffers, easements, or other applicable regulations.

BUILDING FOOTPRINT

The area of a lot or parcel of land included within the surrounding exterior walls and/or outermost projection of the roof of a building or portion of a building, exclusive of courtyards.

BUILDING HEIGHT

The vertical distance measured from the main level of the finished grade along the front of a building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, or to the mean height level between eaves and ridge of gable, hip, cone, gambrel, or shed roofs.

BUILDING, INTERSTATE FRONTAGE

A building visible from an interstate that is located on a lot or parcel of land that joins the right-of-way of an interstate or the right-of-way of an access road which abuts the right-of-way of an interstate.

BUILDING LINE

A line establishing the minimum allowable distance between the nearest part of any building, excluding porches, bay windows, covered porches, decks, and patios, to the nearest edge of a street right-of-way, lot line, or easement.

BUILDING MASS

The height, width, and depth of a structure.

BUILDING PERMIT

An official document issued by the Granville County Inspections Department pursuant to this Ordinance and the State Building Code authorizing the erection, construction, reconstruction, restoration, alteration, enlargement, conversion, remodeling, demolition, moving, or repair of a building or structure.

BUILDING, PRINCIPAL

A building in which is conducted the principal use of the lot on which it is located.

BUILDING ZONE

The minimum and maximum building setbacks. Applies to buildings in the Gateway Districts.

BULK REGULATIONS

Standards and controls that establish the maximum size of buildings and structures on a lot and the buildable areas within which the building can be located, including coverage, setbacks, height, impervious surface ratio, floor area ratio and yard requirements.

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.

C

CALIPER

A horticultural method of measuring the diameter of a tree trunk for the purpose of determining size. The caliper of the trunk is measured six inches above the ground for trees up to and including four

inches in diameter, 12 inches above the ground for trees greater than four inches and up to ten inches in diameter, and at breast height (4½ feet) for trees ten inches or greater in diameter.

CANOPY

A permanent, but not completely enclosed structure that may be attached or adjacent to a building for the purpose of providing shelter to people or automobiles, or a decorative feature on a building wall. A canopy is not a completely enclosed structure.

CARPORT

A roofed structure not more than 75 percent enclosed by walls and attached to the main building for the purpose of providing shelter for one or more motor vehicles.

CASUALTY DAMAGE

Damage to a use, lot, or structure from an event that is sudden, unexpected, and unusual, such as a hurricane, earthquake, fire, flood, theft, or similar event.

CERTIFICATE OF OCCUPANCY

A document issued by a the Granville County Inspections Department allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with this Ordinance and all other applicable regulations.

CHANGE OF USE

The change in the use of a structure or land, for which a certificate of occupancy is required. Change of use shall include a change from one use to another use in the list(s) of permitted uses.

CIVIC SPACE

An outdoor area dedicated for public use.

COLLECTOR STREET

A street whose principal function is to carry traffic between local, subcollector and cul-de-sac streets and streets of higher classification, but which may provide direct access to abutting properties.

COLLEGE OR UNIVERSITY

A public or private, non-profit institution for post-secondary education offering courses in general or technical education which operates on buildings or premises of any tract size owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities and sororities, and other facilities which further the educational mission of the institution.

COMMENCEMENT OF CONSTRUCTION

The first placement of permanent evidence of a structure on a site pursuant to a duly issued building permit, such as the pouring of slabs or footings or any work beyond the stage of excavation, including the relocation of a structure. "Commencement of construction" does not include the installation of streets or walkways; nor the excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of temporary buildings, such as garages, sheds, or trailers, not part of the main structure nor occupied as dwelling units.

COMMERCIAL RECREATION, INDOOR

A private indoor (entirely within enclosed structure) use providing for sport and recreation activities, that are operated or carried on primarily for financial gain. Examples of indoor commercial recreation uses include, but are not limited to, fitness centers, bowling alleys, skating rinks, indoor commercial swimming pools, and racquet and tennis club facilities (indoor).

COMMERCIAL RECREATION, OUTDOOR

A private outdoor use providing facilities for sport activities, which is operated or carried on primarily for financial gain, outdoors. Examples of outdoor commercial recreation uses include, but are not limited to, miniature golf facilities, outdoor commercial tourist attractions, and privately owned active sports facilities such as ball fields and basketball courts, and racquet and tennis club facilities (outdoor).

COMMISSION

The North Carolina Environmental Management Commission, in the Department.

COMPATIBLE

A term used to describe how the visual aspects of a structure (including signage) are similar to or consistent with the other structures on the same parcel, site, or in the immediate vicinity. Visual aspects include, but are not limited to: color, texture, materials, scale, size, form and aspect.

CONDOMINIUM

A development containing individually owned dwelling units and jointly owned and shared areas and facilities that is subject to the North Carolina Unit Ownership Act (North Carolina General Statutes Section Ch. 47A) and/or the North Carolina Condominium Act (North Carolina General Statutes Section Ch. 47C).

CONNECTIVITY

The relative degree of connection between streets, sidewalks, or other means of travel.

CONTIGUOUS

Abutting directly or immediately adjacent to a boundary or separated only by a street, railroad or public utility right-of-way.

CONTINUOUS VISUAL SCREEN

Screening of vehicular use areas or outside storage by vegetative material, berms, or structures (walls and fences), or a combination of these items designed to completely obstruct off-site views of the vehicular use area typically to a height four feet above the adjacent grade.

COPY

Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign display surface area.

COUNTY

Granville County, North Carolina.

COUNTRY CLUB

Land area and buildings containing golf courses, swimming pools, tennis courts, or similar recreational facilities along with a clubhouse and customary accessory uses which are open to members and their guests, or to the general public on a fee basis.

CREMATORY

A facility containing furnaces for the reduction of dead bodies to ashes by fire.

CROSS-ACCESS

Vehicular access provided between the vehicular use areas of two or more development sites or parcels of land intended to allow travel between the sites without the use of a public or private street.

CUL-DE-SAC STREET

A short local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.

D**DAY CARE**

A place where daytime care, supervision, and protection is provided to three or more children or adults who are not the legal wards or foster children of the attendant adult within an occupied residence.

DENSITY, GROSS

The number of dwelling units on the entire area of a tract or lot.

DENSITY, NET

The number of dwelling units on a tract or lot minus the area of public rights-of-way, areas of flood hazard, lakes or water bodies, or wetlands under the jurisdiction of the U.S. Army Corps of Engineers.

DEPARTMENT

The North Carolina Department of Environment and Natural Resources.

DEVELOPER

The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.

DEVELOPMENT

The initiation, construction, change, or enlargement of any use or structure, the disturbance of land through the removal of trees or ground cover, or the division of land into two or more parcels. "Development" shall include, but not be limited to, the following:

- Construction or enlargement of a building or structure;
- Change in the type of use of a building, structure, or land;
- Material increase in the intensity of use of land, such as an increase in the number of businesses, offices, manufacturing establishments, or dwelling units located in a building or structure or on the land;
- Commencement or expansion of resource extraction, agricultural, horticultural, or forestry activities on a parcel of land;
- Demolition of a structure or the removal of trees from a parcel of land;
- Deposition of refuse, solid or liquid waste, or fill on a parcel of land;
- Alteration, either physically or chemically, of the shore, bank, or channel of any stream, lake, or other body of water or alteration of any wetland; and
- Any land disturbing activity that adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

DESIGN MANUAL

The stormwater design manual approved for use in this part of the Falls Watershed by the NC Department of Environment and Natural Resources for the proper implementation of the requirements of the Falls Watershed stormwater program. All references herein to the Design Manual are to the latest published edition or revision.

DIAMETER AT BREAST HEIGHT (DBH)

The measurement of the diameter of a tree trunk over 12 inches in diameter taken at a height of four and one-half (4½) feet above the ground. Trees with multiple trunks should be treated as multiple trees and the DBH for each trunk added to aggregate diameter measurement.

DISTRICT

An area delineated on the Official Zoning Map which sets forth standards and guidelines for all development within the prescribed district.

DISTRICT, OVERLAY

A zoning district that encompasses one or more underlying zoning district and that imposes additional requirements above that required by the underlying zoning district.

DIVISION

The Division of Water Quality in the Department.

DRIPLINE

A vertical line that extends from the outermost branches of a tree's canopy to the ground around the circumference of the tree.

DRIVE-THROUGH

A facility designed to enable a person to transact business while remaining in a motor vehicle.

DRIVEWAY

A vehicular accessway or series of accessways providing ingress and egress to a use or development from a public street, private street, or vehicular use area associated with another use. Such accessway may be the primary drive aisle, or may be a separate driveway.

DWELLING OR DWELLING UNIT

A building or portion thereof, provides complete and permanent living facilities for one family. This term shall not apply to a hotel, motel, guesthouse, or other structures designed for transient residence.

DWELLING, DUPLEX

A single-family dwelling unit attached to one other single-family dwelling unit by a common vertical wall. Each dwelling unit may be located on its own lot, or both may be located on a single lot.

DWELLING, MANUFACTURED HOME

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

1. The manufactured home has a length not exceeding four (4) times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis;
2. The manufactured home has a minimum of one thousand two hundred (1,200) square feet of enclosed and heated living area;
3. The pitch of the roof of the manufactured home has a minimum vertical rise of three and two-tenths (3.2) feet for each twelve (12) feet of horizontal run and the roof is finished with a type of composition shingle that is commonly used in standard residential construction;
4. The roof eaves and gable overhangs shall be twelve-inch minimum (rain gutters may be included in the minimum dimensions);

5. The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
6. The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home;
7. The front entrance to the manufactured home has stairs and a porch, the porch being at least four (4) feet by six (6) feet in size. Stairs, porches, and entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the North Carolina State Building Code;
8. The moving hitch, wheels and axles, and transporting lights have been removed;
9. Each manufactured home shall be only for single-family occupancy;
10. A manufactured home shall comply with the Federal Housing Administration requirements relative to tie downs;
11. The electrical meters servicing the manufactured home is mounted (attached) directly to the manufactured home;

DWELLING, MULTI-FAMILY

A dwelling containing three or more individual dwelling units, with the units often stacked one above the other in a vertical configuration, sharing common vertical walls and/or horizontal floors and ceilings.

DWELLING, SINGLE-FAMILY DETACHED

A residential building containing not more than one dwelling unit to be occupied by one family, not physically attached to any other principal structure. For regulatory purposes, this term does not include manufactured homes, recreational vehicles, or other forms of temporary or portable housing.

DWELLING, TOWNHOUSE

A type of multi-family dwelling, in which three (3) or more individual dwelling units are located on individual lots, but attached by one or more common party walls which are shared by one or more units for more than 50 percent of their total linear distance along the lot line. The habitable spaces of different dwelling units are typically arranged on a side-by-side rather than a stacked configuration.

E

EASEMENT

A grant by the property owner of a strip of land for a specified purposes and use by the public, a corporation, or persons, such as for utilities.

ENCROACHMENTS

Any portion of a structure or appurtenance extending beyond a designated zoning setback, easement, property line, or public right-of-way.

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.

ERECT

To build, construct, attach, hang, place, suspend or affix, also including the painting of wall signs.

ESTABLISHED GRADE

Established grade is the finished grade following grading, excavation, or other land-disturbing activity.

EXISTING DEVELOPMENT

Structures, buildings, site specific development plans or other projects that are completely built or that at a minimum have established a vested right as of the effective date of this Ordinance based on at least one of the following being satisfactorily proven to the Ordinance Administrator for the specific development in question:

1. Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the development, or
2. Having an outstanding valid building permit as authorized by North Carolina General Statutes Section 153A-344.1 and North Carolina General Statutes Section 160A-385.1, or
3. Having an approved site specific or phased development plan as authorized by North Carolina General Statutes Sections 153A-344.1 and 160A-385.1.

EXPANSION

An increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements or structures.

EXTRATERRITORIAL JURISDICTION

The area outside municipal limits where the Town of Butner exercises planning, zoning, and subdivision powers.

F

FAÇADE

The exterior wall of a building parallel to the frontage line or the street that fronts the parcel on which the building is located. Facades may be on the front, side, or rear elevation of the building.

FAMILY

An individual, or two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit; or a group of not more than six persons not related by blood, marriage, or adoption living together as a single housekeeping unit, as in a family care home.

FAMILY CARE HOME

A home 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 disabilities (NCGS 168-21).

FENCE

A structure used to delineate a boundary or act as a barrier or means of protection, confinement, or screening.

FLOOR AREA, GROSS

The sum of the gross horizontal areas of each floor of the principal building' and any accessory buildings or structures, measured from the exterior walls or from the center line of party walls. The term does not include any area used exclusively for the surface parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space.

FLOOR AREA RATIO

The total floor area of all structures on a lot, divided by the total horizontal area of the lot.

FOOT CANDLE

The amount of light that falls onto a surface as emitted by an exterior lighting device.

FRONT LOT LINE

The front lot line is the line connecting the two side lot lines along the edge of the lot adjacent to the right-of-way of the street that provides the lot's street address (also referred to as the "Lot Frontage").

FULL CUT-OFF LENS

An artificial outdoor lighting fixture designed to ensure that no light is directly emitted above a horizontal line parallel to the ground.

G**GLARE**

The reflection or harsh, bright light and the physical effect resulting from high luminances or insufficiently shielded light sources to cause annoyance, discomfort, or loss in visual performance and visibility.

GOLF DRIVING RANGE

A limited area on which golf players do not walk, but onto which they drive golf balls from a common driving tee. Such uses may include a concessions stand, netting, exterior lighting fixtures, putting greens, as well as maintenance and outdoor storage areas. Such uses do not include golf courses.

GOVERNMENT OFFICES AND FACILITIES

An office or other facility of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to, town and county administrative offices, courts, employment offices, public assistance offices, motor vehicle licensing and registration services, maintenance and repair centers, and supply and equipment depots. This use does not include jails or correctional institutions.

GRADE

The elevation of the land or land level at a specific point.

GRADE, STREET

The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel.

GROUND COVER

Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

GROUP CARE FACILITY

A facility licensed by the State of North Carolina (called by any name, which is not a “Family Care Home” as defined by this ordinance) which employs supervisory and support personnel to provide care for fewer than thirty (30) individuals, including room, board and personal care and habilitation services in a communal setting.

H**HEAVY EQUIPMENT SALES AUCTION**

An auction that exists primarily for the sale of construction, agricultural and transportation equipment and other related items. These auctions must be intermittent in nature (limited to a maximum of eight (8) annual events).

HEIGHT

The vertical distance from the mean grade elevation taken at the fronting street side of a structure to the parapet or roof line of a flat roof, the eave of a pitched roof, or the deck line of a mansard roof.

HOME OCCUPATION

A business, profession, occupation, or trade which is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling, and is incidental and secondary to the residential use of the lot and which does not adversely or perceptively affect the character of the lot or surrounding area. Home occupation includes but is not limited to: offices; electronic and offsite retail; personal services such as physical therapy by licensed individuals, beauty parlors, pet grooming, and the like. Home occupation does not include such businesses as: automotive repair and the like; any licensed or unlicensed practitioner who performs invasive procedures (acupuncture, tattooing, body piercing, and the like); restaurants, bars, social clubs and the like; animal kennels or hospitals and the like; or any other business which is clearly inappropriate or out of character for a residential area such that its location constitutes an adverse impact on neighboring residential properties.

HOSPITAL

An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, that is licensed by state law to provide facilities and services in surgery, obstetrics, or general medical practice. Such institutions may include in-patient medical or surgical care for the sick or injured and related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

HOTELS AND MOTELS

Hotel and motel are to be considered synonymous uses. A hotel or motel means a building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis, not including bed and breakfast establishments or a rooming house. Such uses may include microwaves and refrigerators for each guest unit.

I

IMPERVIOUS SURFACE

Buildings; parking areas; driveways; streets; sidewalks; areas of concrete, asphalt, gravel, or other compacted aggregate; and areas covered by the outdoor storage of goods or materials which do not absorb water.

IMPROVEMENT

Any building, structure, bridge, work of art, area, parking facility, public facility, fence, gate, wall, landscaping, or other object, or any part thereof, constituting physical addition to real property.

INDUSTRY, LIGHT

The mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration. Examples include, but are not limited to: production or repair of small machines or electronic parts and equipment; woodworking and cabinet building; publishing and lithography; computer design and development; research, development, testing facilities and laboratories; apparel production; sign making; assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item.

INTERPRETATION

An interpretation of this Ordinance made in writing by the Ordinance Administrator or designee in accordance with the standards in Section 3.2.8, Ordinance Interpretation.

INTERMITTENT STREAM

A stream which fails to convey water for some or part of the year due to fluctuations in season, temperature, or humidity.

J

JUNK VEHICLE

A vehicle which does not lawfully display a current license plate and which is partially dismantled or wrecked, or cannot operate under its own power.

JUNK YARD

An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, or waste, or for operation and maintenance of a place of business for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor parts.

K

KENNEL, COMMERCIAL

A facility where dogs, cats, or other domestic animals over three months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed. Such a facility may have an indoor and outdoor component.

L

LAND

The earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

LAND DEVELOPMENT PERMIT

A permit reviewed and approved, approved with conditions, or denied by the Ordinance Administrator in accordance with Section 3.2.10, Land Development Permit.

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.

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. The person shown on the records of the register of deeds of the county shall be presumed to be the person in control of the property.

LARGER COMMON PLAN OF DEVELOPMENT OR SALE

Any area where multiple separate and distinct construction or land-disturbing activities will occur under one plan. A plan is any announcement or piece of documentation (including but not limited to a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, permit application, zoning request, or computer design) or physical demarcation (including but not limited to boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot.

LATTICE TOWER

A freestanding steel framework tower with three or four sides designed to support antennas or other communications equipment.\

LOADING SPACE, OFF-STREET

Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles, and not considered as part of the minimum required off-street surface parking.

LOCAL STREET

A street whose primary function is to provide access to abutting properties.

LOT

A parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such accessways, parking area, yards, and open spaces required in these regulations.

LOT COVERAGE

The portion of the lot that is covered by impervious surfaces.

LOT DEPTH

Lot depth means the horizontal distance between the midpoints of straight lines connecting the front lot line and the rear lot line.

LOT DOUBLE FRONTAGE

A lot having frontage on two parallel or approximately parallel streets.

LOT FRONTAGE

See “Front Lot Line”.

LOT LINE

Lot lines mean the lines bounding a lot as established by ownership.

LOT OF RECORD

A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to October 1, 2008, or a lot described by metes and bounds recorded prior to the enactment of a subdivision ordinance within the controlling jurisdiction.

LOT WIDTH

The distance between the side lot lines measured along a setback line or build-to line, or the distance measured between the side lot lines along the street right-of-way if no setback has been established.

LOT, CORNER

A lot located at the intersection of two or more streets.

LOT, FLAG

A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

LOT, INTERIOR

A lot other than a corner lot with only one frontage on a street.

LOT, IRREGULARLY SHAPED

A lot with three sides, more than four sides, or with corner angles greater or less than 90 degrees. The front yard of such lots shall be determined with respect to adjacent homes and street vistas.

LOT, NONCONFORMING

A lot that met all legal requirements when it was platted or otherwise recorded but which does not comply with the minimum lot area or minimum lot width requirements of this Ordinance, or a subsequent amendment hereto, for the zoning district in which it is located.

LOT, REVERSE FRONTAGE

Any lot oriented to an abutting street in such a way that the intersection of the front building line, extended, and the street right of way line form an interior angle of less than 45 degrees. A reverse frontage lot may also be a corner lot, through lot, or an interior lot.

LOT, SINGLE-TIER

A lot which backs up to a limited access highway, railroad, water body, physical barrier, or other type of use other than another lot.

LOT, THROUGH

A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

M**MAJOR THOROUGHFARE**

Major thoroughfares consist of interstate, other freeway, expressway or parkway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.

MANUFACTURED HOME PARK

A parcel of land developed to accommodate manufactured housing.

MAXIMUM EXTENT PRACTICABLE

No feasible or practical alternative exists, as determined by the Ordinance Administrator, and all possible efforts to comply with the standards or regulation or minimize potential harmful or adverse

impacts have been undertaken by an applicant. Economic considerations may be taken into account but shall not be the overriding factor determining “maximum extent practicable.”

MEDICAL TREATMENT CENTER

An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, or psychologists, and where patients may or may not be lodged overnight.

MINIMUM LOT SIZE

The minimum amount of land area, measured horizontally, included within the lines of a lot as required by this Ordinance. Lands located within any private easements shall be included within the lot size.

MINOR THOROUGHFARE

Minor thoroughfares collect traffic from collector, subcollector and local streets and carry it to the major thoroughfare system. Minor thoroughfares are used to supplement the major thoroughfare system by facilitating the movement of moderate volumes of traffic within and through urban areas.

MIXED-USE

A single structure or tract of land containing more than one type of use, where the different types of uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

MOBILE UNIT (NON-RESIDENTIAL)

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.

MONOPOLE TOWER

An antenna-supporting structure typically composed of a single hollow steel shaft with one or more platforms intended for mounting antennas or other communications equipment.

MOTOR VEHICLE USE AREA

The area containing the driveways, drive aisles, parking, stacking and standing areas provided for motor vehicles.

N

NONCONFORMING LOT

A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NONCONFORMING SIGN

Any sign lawfully existing on the effective date of an ordinance, or amendment thereto, that renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

NONCONFORMING STRUCTURE OR BUILDING

A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NONCONFORMING USES

Any actual and active use lawfully being made of any land, building, sign or structure not otherwise abandoned, which exists on the effective date of this Ordinance or on the effective date of any

amendment thereto, and renders such existing use illegal within a district, or which does not comply in any fashion with any of the regulations of this Ordinance or any amendments thereto. If the property or structure is vacant or unused on the effective date of this Ordinance or any amendment thereto, it shall be conclusively presumed that the property or structure is subject to the provisions of this Ordinance or any amendments thereto. A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NONCONFORMITY

A nonconforming use, structure, lot of record, or sign.

NORTH CAROLINA GENERAL STATUTES

The laws created by the State of North Carolina legislature and to which the Town of Butner is required to uphold.

NOTICE OF VIOLATION

An initial notice indicating an infraction of the Ordinance; not associated with a fine.

NURSING HOME

See “Assisted Living/Nursing Facilities”.

O

OPACITY

A measurement indicating the degree of obscuration of light or visibility.

ORDINANCE

A document of regulations enforceable as municipal law.

OUTDOOR DISPLAY/SALES

The placement of products or materials for sale outside the entrance of a retail or wholesale sales establishment.

OUTDOOR STORAGE

The keeping, in an unroofed area of any goods, material, merchandise, or vehicles in the same place for more than 24 hours. This shall not include the display of vehicles for sale in a new or used car sales lot, or junk vehicles. Such activities may be the principal use of the land where located or as an accessory use to another principal use.

OUTFALL

A point at which stormwater (1) enters surface water or (2) exits the property of a particular owner.

OVERLAY DISTRICT

A zoning district that includes supplementary or replacement regulations to the requirements of the underlying, base zoning district.

OVERSTORY TREE

A tree that has an expected height at maturity of greater than 30 feet.

OWNER

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 property. "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

P**PARCEL**

Any quantity of land and/or water capable of being described in definitive terms with respect to its location and boundaries. It may be established as distinct from other parcels which are designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

PARK, PUBLIC

Land used for recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, specifically excluding commercially operated amusement parks.

PARKING, OFF-SITE

An off-street parking area provided on a different parcel than the use it is intended to serve.

PARKING, ON STREET

A location or area within the right-of-way of a public or private street that is reserved for the parking of vehicles. Such areas may or may not be formally designated with signage, striping, or parking meters.

PARKING, SHARED

Off-street parking facilities shared by two or more uses that are in close proximity to one another and the parking area, and that have different operational characteristics such that use of the parking facilities by one use will not generally overlap with the use of the parking area by the other use(s).

PARKING LOT

The portion of a site or development dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not necessarily including vehicular storage areas.

PARKING LOT DRIVE AISLE

A vehicular accessway located within an off-street parking or vehicular use area which serves individual parking stalls and driveways.

PARKING SPACE, ACCESSIBLE

A space designated for the parking or temporary storage of one motor vehicle in addition to the space necessary for the ingress and egress from the vehicle by a disabled person and any equipment needed for that purpose.

PARKING SPACE, OFF-STREET

A space that is designated for the parking or temporary storage of one motor vehicle located outside of a dedicated street right-of-way, vehicular travel way, or parking aisle.

PATHWAYS, PEDESTRIAN

Interconnected paved walkways that provide a pedestrian passage through blocks running from street to street, vehicular use areas, or other locations.

PERENNIAL STREAM

A stream or other channel that holds flowing water 365 days a year.

PERFORMANCE GUARANTEE

Any security that may be accepted by the Town or another government unit to assure that improvements required as part of an application for development will be satisfactorily completed.

PERMITTED USES

Uses allowed to occur by right within a designated zoning or other planning district.

PERSON

For the purposes of enforcing this Ordinance in accordance with Article 4, Enforcement Procedures, "person" includes any individual, corporation, government agency, government official, business trust, partnership, two or more persons having a joint interest, or any other legal entity. Persons subject to the remedies and penalties established in Article 4, Enforcement Procedures, for violating this Ordinance shall include: an 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 Ordinance; or an owner, any tenant or occupant, or any other person, who has control over, or responsibility for, the use or development of the land on which the violation occurs. For all other purposes, "person" means any individual, corporation, government agency, business trust, partnership, two or more persons having a joint interest, or any other legal entity.

PERSON WITH DISABILITIES

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).

PERVIOUS SURFACE

A surface that is penetrable by water to some degree. Pervious surfaces may be constructed of mixed pervious and impervious surfaces such as concrete and grass, or 'grass-crete'

PLAN, CONCEPT

A general plan reviewed as part of another development review process in accordance with Section 3.2.6, Concept Plan.

PLAN, SITE

A site specific plan reviewed and approved or denied by the Ordinance Administrator in accordance with Section 3.2.7, Site Plan.

PLANNING BOARD

The Town of Butner Planning Board, established by ordinance in accordance with NCGS 160A-361 and 160A-362.

PLANTING STRIP

Areas adjacent to property lines intended for the placement of vegetation within the interior of vehicular use areas or along street right-of-way edges, typically between the back of the curb and the inside edge of the sidewalk.

PLAT

A map or plan of a parcel of land which is to be, or has been subdivided.

PORCH

A roofed structure not more than 75 percent enclosed by walls, attached to the main building, and not heated or cooled.

PORTABLE SELF STORAGE CONTAINER

Transportable containers designed and used primarily for temporary storage of building materials, household goods, personal items, or other materials on residential lots.

PRIMARY ENTRANCE

The place of ingress and egress to a building, parcel, or development used most frequently by the public.

PRINCIPAL USE

The primary purpose or function that a lot serves or is proposed to serve.

PRODUCE STAND

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 unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold. Such uses also include “pick your own” establishments where customers gather their own produce from the fields for purchase and off-site consumption.

PROJECT AREA

Any area of land or water, regardless of the number of individual lots contained therein, on which development is proposed under this Ordinance.

PUBLIC HEARING

A meeting open to the public advertised in advance in the local printed media, or as otherwise required by statute, concerning proposed ordinances, amendments or other official Town business which require public participation and input.

PUBLIC SPACE

Active use areas in the Gateway Districts, including any space that is intended for recreational use by the general public and/or patrons of the tenants or building owners of the buildings to which the Public Space is attached. The foregoing notwithstanding, property owners of Public Space shall allow ingress and egress across Public Space designated routes approved on the concept plan at least five feet in width dedicated to sidewalks and similar pedestrian, bicycle, or other non-vehicular routes of ingress and egress to and through surrounding properties. Public Space may be privately or publicly owned and maintained and also may include open spaces and pedestrian use areas. Examples of Public Spaces can include squares, plazas, greens, courtyards, storefront gathering areas, etc. and may be located within the Building Zone.

Q**QUASI-JUDICIAL PUBLIC HEARING**

A formal public hearing involving the legal rights of specific parties conducted by the Board of Adjustment based on evidence and sworn testimony presented during the public hearing. Decisions made during such hearings are based upon and supported by the record developed at the hearing, and typically involve findings of fact made by the decision-making body.

R

REAR LOT LINE

The rear lot line is the line connecting the two side lot lines along the edge of the lot opposite from the frontage line.

RECREATIONAL VEHICLE (RV) PARK

A place for the temporary parking of Recreational Vehicles (RV's) for temporary living quarters for recreation, camping, travel, transient workers, and seasonal use. For the purposes hereof, "temporary" means that an RV shall not be parked in a RV Park for more than eighteen months in any twenty-four month period.

REDEVELOPMENT

Any development on previously-developed land. Redevelopment of structures or improvements that (i) existed prior to December 2006 and (ii) would not result in an increase in built-upon area and (iii) provides stormwater control at least equal to the previous development is not required to meet the nutrient loading targets of this ordinance.

REGISTER OF DEEDS

The duly designated Register of Deeds of Granville County, North Carolina.

RESTAURANT, WITH DRIVE-THROUGH SERVICE

An establishment where provision is made on the premises for the selling, dispensing, or serving of food, refreshments, or beverages to persons seated inside, outside, in automobiles, and/or in other than a completely enclosed building on the premises.

RIGHT-OF-WAY

The land dedicated, deeded, used, or to be used for a street, road, alley, pedestrian way, crosswalk, bikeway, drainage facility, or other public uses, wherein the owner gives up rights to the land so long as it is being or will be used for the intended purpose. Right-of-way also is a land measurement term, meaning the distance between lot property lines which generally contain not only the street pavement, but also the sidewalk, grass area, and underground or aboveground utilities.

ROOF, MANSARD

A four-sided roof having a double slope on each of the four sides, with the lower slope much steeper than the upper.

ROOF LINE

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

Any building or portion thereof for providing lodging, but not meals, to not more than five guests where rent is paid to the owner or proprietor.

S

SCHOOL (ELEMENTARY, MIDDLE, SEINIOR HIGH)

A public or private school offering general, technical, or alternative instruction at the pre-school, elementary, middle, and/or secondary school levels which operates in buildings or on premises of any tract size leased or owned by the educational institution for administrative purposes, classrooms, vocational training (including that of an industrial nature for instructional purposes only), laboratories,

auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities which further the education mission of the institution.

SELF STORAGE FACILITY

A building divided into sections for use for storage of items, either temporary or long-term, and not to be used for any other purpose (such as small offices, garages, etc.).

SETBACK

The shortest horizontal distance from the property line or right-of-way to the nearest point (leading edge) of the structure or its supporting member whichever is nearest to the property line or right-of-way.

SHOEBOX-STYLE LIGHTING FIXTURE

An exterior lighting device in the shape of a box that is typically mounted on a pole and constructed to direct illumination to a constrained area directly beneath the lighting fixture.\

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.

SIDE LOT LINE

The side lot line is the lot line connecting the front and rear lot lines regardless of whether it abuts a right-of-way or another lot line.

SIGHT DISTANCE TRIANGLE

The triangular area computed based on the visibility at an intersection, within which no sign may interfere with visibility (Assuming eye level at three-and-one-half (3½) feet to six feet from a distance of 15 feet from the edge of the pavement).

SIGHT TRIANGLE

The triangular area formed by a diagonal line connecting two points located on intersecting right-of-way lines (or a right-of-way line and the curb or a driveway).

SIGN

Any object, display or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. The term "sign" does not include the flag or emblem of any nation, organization of nations, state, political subdivision thereof, or any fraternal, religious or civic organization; works of art which in no way identify a product or business; scoreboards located on athletic fields; or religious symbols.

SIGN, CAMPAIGN OR ELECTION

A sign that advertises a candidate for political office, or issue to be voted on, on a definite election day.

SIGN, CANOPY (OR AWNING SIGN)

A sign attached to or painted on a canopy or awning.

SIGN, DIRECTIONAL

A sign used to guide vehicular and/or pedestrian traffic by using such words as "entrance," "exit," "parking," "one-way," or similar directional instructions, but not including any advertising message except logos.

SIGN, DIRECTORY

A ground or building sign that lists tenants or occupants of a building or development project, with unit numbers, arrows, or other directional information.

SIGN, FREESTANDING

A self-supporting sign resting on, or supported by means of poles, standards, or any other type of base on the ground.

SIGN, HANGING

A sign suspended from under a canopy covering a sidewalk or pedestrian arcade.

SIGN, IDENTIFICATION

A sign bearing the address of the premises or name of the occupant, but containing no logo or commercial message.

SIGN, INCIDENTAL

An informational sign that has a purpose secondary to the use of the site on which it is located, such as an "entrance" or "no parking" sign. Such signs do not contain a commercial message that is legible from off-site areas.

SIGN, MENU BOARD

An accessory sign providing menu items and prices associated with a drive-through window or walk-up service window.

SIGN, MONUMENT

A ground-mounted sign in which the area between the bottom edge of the sign and the ground is substantially filled with a solid architectural material. Solid architectural materials include wood, brick, stone, masonry, or hard-coat stucco but do not include aluminum or similar materials. Substantially filled shall be defined as at least two-thirds (2/3) of the area between the edges of the sign and the ground.

SIGN, PROJECTING

Any sign other than a wall sign that is attached to and projects from the wall or face of a structure more than 18 inches, including an arcade/marquee sign.

SIGN, PUBLIC INTEREST

A sign including noncommercial information of interest that may or may not be associated with a particular location.

SIGN, REAL ESTATE

A sign advertising real property for sale or lease

SIGN, REGULATORY

A sign indicating federal, state, or municipal regulations for automobiles, trucks, bicycles, pedestrian movement, loading, or parking.

SIGN, ROOF

A sign that is placed above or supported on the top of a building.

SIGN, TEMPORARY

A sign or advertising display designed to be displayed for a short period of time (thirty consecutive days, maximum; 6 months between occurrences). Included in this category are banners and retailers' signs temporarily displayed for the purpose of informing the public of a sale or "special" offer.

SIGN, WALL

A sign mounted parallel to or painted on a building facade or other vertical building surface that does not project more than eighteen (18) inches from the wall surface.

SIGN FACE

The advertising display surface area of a sign that includes the copy or message. In the case of freestanding signs, consists of the entire surface area of the sign on which copy could be placed. Where a sign has two display faces back to back, the area of only one face shall be considered the sign face area. Where a sign has more than one display face, all areas that can be viewed simultaneously shall be considered the sign face area. In the case of a sign whose message is fabricated together with the background that borders or frames that message, sign face area shall be the total area of the entire background. In the case of a sign whose message is applied to a background that provides no border or frame, sign face area shall be the area of the smallest rectangle which can encompass all words, letters, figures, emblems, and other elements of the sign message.

SIGN HEIGHT

The vertical distance as measured at the highest point of the sign to the elevation of the principal grade of the road or street to which the sign is oriented.

SIGN LIGHTING, BACK LIT

Illumination of a sign face where the letters are raised beyond the sign's background and lighting sources that illuminate the background. The lighting sources are covered so that they are not visible and only the sign's background is illuminated.

SIGN SUPPORT STRUCTURE

For freestanding signs, the poles or bracing to which the sign is attached or mounted.

SITE-SPECIFIC SITE PLAN (VESTING PLAN)

A diagram to scale showing the development plans for a project and containing all information required of Site Plans and/or Subdivision Plats.

STACKING/STANDING AREA

A portion of the vehicular use area on a site that is dedicated to the temporary storage or "standing" of vehicles engaged in drive-through use of the site or development. Parking or storage of vehicles is not permitted within the stacking/standing area.

STATE

The state of North Carolina.

STATE ROADWAY SYSTEM

The system of surface roadways owned and operated by the State of North Carolina.

STEPBACK

A setback located on the upper stories of a building, typically to reduce the bulk of a building or to provide outdoor floor space.

STORY

That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling above it.

STREET, PRIVATE

An area intended for local vehicular traffic, owned and maintained by a private corporation, individual, or group of individuals.

STREET, PUBLIC

An area for vehicular traffic that is dedicated to or maintained by a public agency.

STREET WALL

A wall of façades created in a pedestrian oriented district when stores are built to the front yard and side yard setback. Street walls can sometimes be used in place of building facades, and shall be designed to imitate the architecture of the building.

STORMWATER

The direct runoff response of a watershed to rainfall including the surface and subsurface runoff and any associated material that enters a ditch, stream, or storm sewer during a rainfall event.

STORMWATER SYSTEM

All engineered stormwater controls owned or controlled by a person that drain to the same outfall, along with the conveyances between those controls. A system may be made up of one or more stormwater controls.

STREET STUB

A nonpermanent dead end street intended to be extended in conjunction with development on adjacent lots or sites.

SUBCOLLECTOR STREET

A street whose principal function is to provide access to abutting properties, but which is also designed to be used to connect local streets with collector or higher classification streets.

STRUCTURAL REPLACEMENT COST

For the purposes of Article 5, Nonconformities, it means the cost of replacing the structure the day prior to its destruction, based on a market appraisal performed by a certified appraiser, at the landowner's expense.

STRUCTURAL BMP

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. Structural BMP includes physical practices such as constructed wetlands, vegetative practices, filter strips, grassed swales, and other methods installed or created on real property. "Structural BMP" 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.

STRUCTURE

Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and similar accessory construction.

SUBDIVIDER

Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein described.

SUBDIVISION

A subdivision will include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development of any type and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets; provided, however, that the following will not be included within this definition:

1. The combination or recombination of portions of parcels platted and recorded prior to the effective date of this Ordinance, or portions of lots platted in compliance with this Ordinance after its effective date, where the total number of lots is not increased and the resultant lots are equal to the standards of this Ordinance and the appropriate planning area classification.
2. The division of land into parcels greater than 10 acres where street right-of-way dedication or reservation is not involved.
3. The creation of strips of land for the widening or opening of streets, sidewalks, or greenways, or the location of public utility rights-of-way.
4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where street right-of-way dedication or reservation is not involved and where the resultant lots are equal to or exceed the standards of the appropriate planning area classification.
5. The division of land into plots or lots for use as a cemetery.

SUBDIVISION FINAL PLAT

A type of subdivision approval reviewed and approved or denied by the Town Council in accordance with Section 3.2.9(D), Subdivision Final Plat.

SUBDIVISION PRELIMINARY PLAT

A type of subdivision approval reviewed and approved or denied by the Town Council in accordance with Section 3.2.9(E), Subdivision Preliminary Plat.

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds 50 percent of the assessed value of a structure as determined either before the expansion or improvement begins or before the damage occurred giving rise to the repair or reconstruction. Substantial improvement shall not include, however any repair or improvement required bringing the structure into compliance with existing state or Town health, sanitary, safety, or building Ordinance specifications necessary to ensure safe habitation of the structure.

SUBSTANTIAL PROGRESS

For the purposes of determining whether sufficient progress has been made on an approved plan, one or more of the following construction activities toward the completion of a site or subdivision plan shall occur: obtaining a grading permit and conducting grading activity on a continuous basis and not discontinued for more than thirty (30) days; or installation and approval of on-site infrastructure; or obtaining a building permit for the construction and approval of a building foundation. "Substantial progress" for purposes of determining whether an approved plan is null and void is not necessarily the same as "substantial expenditures" used for determining vested rights pursuant to applicable law.

SWIMMING POOL

An above- or below-ground structure with a potential water depth of two (2) feet or more that may be filled with water and used for swimming.

T

TEXT AMENDMENT

An amendment to the language of this Ordinance approved, approved with conditions, or denied by the Town Council in accordance with Section 3.2.2, Land Development Ordinance Text Amendment.

TOWN

Town of Butner, North Carolina.

TRACT

All contiguous land and water bodies under single or diverse ownership being developed as a unit consisting of one or more parcels or lots.

TREE, DECIDIOUS

A tree that drops its foliage annually before becoming dormant.

TREE, EVERGREEN

A tree with foliage that is not dropped, or that remains green throughout the year.

U

UNDERSTORY TREE

A tree that has an expected height at maturity of no greater than 30 feet.

V

VARIANCE

A development application reviewed and approved, approved with conditions, or denied by the Board of Adjustment in accordance with Section 3.2.5, Variance.

VEHICULAR USE AREA

The portion of a site or development dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not necessarily including vehicular storage areas.

VERTICAL MIXED-USE STRUCTURE

A pattern of development that integrates several types of uses (e.g. retail, office, residential) within a building, occurring on different floors. A typical example of a vertical mixed-use development is a building that includes active uses, such as stores and restaurants, at the street level and residential or office uses on the upper floors.

VESTED RIGHT

The right to undertake and complete a development or use of property under the terms and conditions of an approved Site-Specific Development Plan currently in effect or as otherwise allowed by law.

W

WALL PACKS

An exterior lighting device that is flush-mounted on a vertical wall surface.

WAREHOUSE

A use engaged in storage of manufactured products, supplies, and equipment excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

WHOLESALE SALES

Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers. Wholesale establishment does not include contractor's materials or office or retail sales of business supplies/office equipment.

X

Y

YARD

Open space that lies between the principal structure(s) and the nearest lot line. The minimum required yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in this Ordinance. Yards are further classified as front, rear, and side. Uses and structures that may be permitted in required yards include accessory structures, patios, decks and open porches, bay windows, open steps, driveways, fences, and permitted signs, underground utilities, existing vegetation, required landscaping, and lighting.

YARD, FRONT

A space extending the full width of the lot between the front façade of a building and the front lot line or the fronting street right-of-way measured perpendicular to the building at the closest point to the front lot line. Typically, this yard is required to remain open and unoccupied, with the exception of certain encroachments such as porches, bay windows, porticos, arcades, stoops, sidewalks, street trees, street furniture, fences, walls, and landscaping.

YARD, REAR

A space extending across the full width of the lot between the rear façade of the principal structure and the rear lot line and measured perpendicular to the structure to the closest point of the rear lot line. Rear yards extend from the back of a structure to the lot line. Generally, accessory structures are permitted within this yard.

YARD, REQUIRED

The open space between a lot line and the yard line and the façade of a building within which no structure may be located except as permitted in this Ordinance.

YARD, SIDE

A space extending from the front yard to the rear yard between the principal structure façade and the side lot line and measured perpendicular from the side lot line to the closest point of the principal structure facade. Side yards extend from the sides of a structure to a street right-of-way or lot line.

Z

ZONING DISTRICT

A geographic area of land designated on the Official Zoning District Map and subject to uniform land use regulations related to uses, density, or other similar attributes.

ZONING MAP

The Official Zoning District Map upon which the boundaries of various zoning districts are drawn and which is an integral part of this Ordinance.

17.2 Flood Damage Prevention

Unless specifically defined below, words or phrases used in this ordinance related to flood damage prevention shall be interpreted so as to give them the meaning they have in common usage and to give the flood damage prevention related portions of this ordinance its most reasonable application.

For the purpose of this Ordinance, certain words or terms used in reference to Flood Damage Prevention herein shall be defined as follows:

A

ACCESSORY STRUCTURE (APPURTENANT STRUCTURE)

A structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the primary 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 dwellings or shop building.

ADDITION

An extension or increase in the floor area or height of a building or structure.

APPEAL

A request for review of the Floodplain Administrator's interpretation of any provision of this ordinance.

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).

B

BASE FLOOD

The flood having a one (1) percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION

A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a Special Flood Hazard Area, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the Freeboard, establishes the Regulatory Flood Protection Elevation.

BASEMENT

Any area of the building having its floor subgrade (below ground level) on all sides.

BUILDING

See Structure.

C**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.

D**DEVELOPMENT**

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

DISPOSAL

As defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

E**ELEVATED BUILDING**

A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

ENCROACHMENT

The advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow of capacity of a floodplain.

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 pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

F**FLOOD OR FLOODING**

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD 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 Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

FLOOD INSURANCE

The insurance coverage provided under the National Flood Insurance Program.

FLOOD INSURANCE RATE MAP (FIRM)

An official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

FLOOD INSURANCE STUDY (FIS)

An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

FLOOD PRONE AREA

see Floodplain

FLOODPLAIN

The one percent Annual Chance Floodplain as delineated by the North Carolina Floodplain Mapping Program in the Division of Emergency Management.

FLOODPLAIN ADMINISTRATOR

The individual appointed to administer and enforce the floodplain management regulations.

FLOODPLAIN DEVELOPMENT PERMIT

A permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity within an area subject to the Flood Damage Prevention Regulations in this Ordinance.

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.

FLOODPROOFING

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

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 (1) foot.

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.

FREEBOARD

The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation plus the freeboard establishes the Regulatory Flood Protection Elevation.

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 or unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

H**HAZARDOUS WASTE MANAGEMENT FACILITY**

As defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

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:

1. Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
2. 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;
3. Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or
4. 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.

L

LOWEST ADJACENT GRADE (LAG)

The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

LOWEST 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.

M

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 OR SUBDIVISION

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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.

MEAN SEA LEVEL

For purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

N

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.

NON-ENCROACHMENT AREA

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 (1) foot as designated in the Flood Insurance Study report.

P

POST-FIRM

Construction or other development for which the start of construction occurred on or after the effective date of the initial Flood Insurance Rate Map.

PRE-FIRM

Construction or other development for which the start of construction occurred before the effective date of the initial Flood Insurance Rate Map.

PRINCIPALLY ABOVE GROUND

At least 51% of the actual cash value of the structure is above ground.

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.

R**REAR LOT LINE**

The rear lot line is the line connecting the two side lot lines along the edge of the lot opposite from the frontage line.

RECREATIONAL VEHICLE (RV)

A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

REFERENCE LEVEL

The top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, A99 or AO.

REGULATORY FLOOD PROTECTION ELEVATION

The Base Flood Elevation plus the Freeboard. In Special Flood Hazard Areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In Special Flood Hazard Areas where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

REMEDY 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 impacts 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.

RIVERINE

Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

S**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.

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 FLOOD HAZARD AREA (SFHA)

The land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined by section 16.5.2 of this ordinance.

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 a 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 a building.

STRUCTURE

A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of substantial improvement. 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.

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:

1. 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
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

V

VARIANCE

A grant of relief from the requirements of this ordinance.

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 this Ordinance is presumed to be in violation until such time as that documentation is provided.

W

WATER SURFACE ELEVATION (WSE)

The height, in relation to mean sea level, 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.

APPENDIX A – SUBDIVISION PLAT CONTENT STANDARDS

Preliminary	Final / Minor / Recombination	Information
A TITLE BLOCK CONTAINING		
X	X	Property designation
X	X	Name of property owner
X	X	Location
X	X	Date or dates survey was conducted and plat prepared
X	X	Scale in feet per inch in words or figures and a bar graph
X	X	Name, address, registration number and seal of the registered land surveyor and/or engineer who prepared the plat
THE FOLLOWING DATA CONCERNING LOCATION AND LAND USE		
X	X	Sketch vicinity map showing the relationship between the proposed subdivision and surrounding area
X	X	Corporate limits
X	X	North arrow and orientation
X		The boundaries of the tract or portion thereof to be subdivided distinctly and accurately represented with all bearings and distances shown
	X	The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands
X	X	The names of owners of adjoining properties
X	X	The name of any adjoining subdivision of record or those under review
X	X	Minimum building setback lines
X		The zoning classifications of the tract to be subdivided and adjoining properties if applicable
X	X	Existing property lines on the tract to be subdivided
X	X	Existing buildings or other structures, watercourses, railroads, bridges, etc.
X	X	Proposed lot lines, lot and block numbers and approximate dimensions
X	X	The lots numbered consecutively throughout the subdivision
X	X	Wooded areas, marshes, swamps, out-crops, ponds or lakes, streams or stream beds and other natural features affecting the site
X	X	The exact location of the flood hazard areas from the Town's adopted FIRMs or other FEMA maps
X	X	Base flood elevations
X	X	404 Wetland boundaries

Preliminary	Final / Minor / Recombination	Information
THE FOLLOWING DATA CONCERNING STREETS		
X		Proposed streets
X	X	Existing and platted streets on adjoining properties and in the proposed subdivision
X	X	Right-of-way, locations and dimensions
X		Pavement widths
X		Approximate grades
X	X	Design engineering data for all corners and curves
X		Typical street cross sections
X	X	Street names & evidence that names have been approved by E-911
	X	Street maintenance agreement
X		Evidence that the sub divider has obtained approval on street design and driveway permits
X	X	Utility and other easements
X	X	Natural buffers
X	X	Greenways, sidewalks or bicycle paths
X	X	Parks and recreation areas with specific type indicated
X	X	Areas to be dedicated to or reserved for public use
X	X	Areas to be used for purpose other than residential with the purpose of each stated
X	X	The future ownership (dedication or reservation for public use to government body, for owners to duly constituted homeowner's association or for tenants remaining in sub divider's ownership) of recreation and open space lands
PLANS FOR UTILITY LAYOUTS INCLUDING		
X		Sanitary sewers
X		Storm sewers
X		Other drainage facilities, if any
X		Water distribution lines
X		Natural gas lines
X		Communications lines
X		Electric lines
X		Profiles based upon mean sea level datum for sanitary sewers and storm sewers.

Preliminary	Final / Minor / Recombination	Information
X		Illustration of connections to existing systems, showing line sizes, the location of fire hydrants, blowoffs, manholes, force mains and gate valves
SITE CALCULATIONS INCLUDING		
X	X	Acreage in total tract to be subdivided
X	X	Acreage in parks and recreation areas and other nonresidential uses
X	X	Total number of parcels created
X		Size of the smallest lot in the subdivision
X	X	Linear feet in streets
	X	Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, right-of-way, easement line, and setback line, including dimensions, bearings or deflection angles, radii, central angles, and tangent distance for the centerline of curved property lines that are not the boundary line of curved streets. All dimensions shall be measured to the nearest one one-hundredth of a foot and all angles to a minimum angular accuracy of the nearest minute.
	X	The accurate locations and descriptions of all monuments, markers and control points
ADDITIONAL INFORMATION		
	X	A copy of any proposed deed restrictions is mandatory when private recreation areas or common areas are established
	X	Evidence of erosion control plan approval
X		Topographic map with contour intervals as determined by the Ordinance Administrator

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APPENDIX B – REQUIRED SUBDIVISION PLAT CERTIFICATIONS

Certificate of Ownership and Dedication

The undersigned hereby certifies that the land shown hereon is owned by the undersigned, and hereby freely dedicates all rights-of-way, easements, streets, recreation areas, open spaces, common areas, utilities and other improvements to public or private common use as noted on this plat, and further assumes full responsibility for the maintenance and control of said improvements until they are accepted for maintenance and control by an appropriate public body or by an incorporated neighborhood or homeowners association or similar legal entity.

Owner(s)

Date

Certificate of Survey and Accuracy

I _____, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book ____, Page ____, etc.) (other); that the ratio of precision is 1: _____; that the boundaries not surveyed are shown as broken lines plotted from information found in Book ____, Page ____; that this plat was prepared in accordance with NCGS 47-30, as amended. Witness my original signature, registration number and seal this ____ day of _____, A.D. 20__.

Surveyor

Seal or Stamp

Registration Number

Certificate of Review Officer

I, _____, Review Officer of Granville County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer

Date

Certificate of Land Use Regulation and Purpose of Plat

I, _____, certify to one (1) of the following:

- a. That this survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
- b. That this survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
- c. Any one (1) of the following:
 - 1) That this survey is of an existing parcel or parcels of land and does not create a new street or change an existing street;
 - 2) That this survey is of an existing building or other structure, or natural feature, such as a watercourse; or
 - 3) That this survey is a control survey.
- d. That this survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision;
- e. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor’s professional ability as to provisions contained in a) through d) above.

Surveyor

Seal or Stamp

Registration Number

Certificate of Approval of Proposed State Roads

I hereby certify that these streets as installed, or as designed and guaranteed, are in accordance with the minimum design criteria presently required by the North Carolina Department of Transportation, Division of Highways, for the acceptance of streets onto the State system for maintenance

District Engineer
North Carolina Department of Transportation
Division of Highways

Date

Certificate of Approval of Proposed Town Roads

I hereby certify that these streets as installed, or as designed and guaranteed, are in accordance with the minimum design criteria presently required by the Town of Butner, for the acceptance of streets onto the Town system for maintenance.

Town Manager
Town of Butner

Date

Certificate of Approval of On-site Sewage Disposal Systems

I hereby certify that the lot(s) on this Final Plat have been evaluated under the current provisions of Title 15A NCAC 18A.1900 et. seq., and found that it/they has/have acceptable soils for an on-site, subsurface sewage treatment and disposal system.

Granville-Vance District Health Department

Date

Certificate of Lots Served by Public Water and/or Sewer Systems

I hereby certify that the construction plans for the water system and/or sewer system have been approved for _____ (Name of Subdivision). The utilities have been constructed, or secured via a financial guarantee, to _____ SGWASA standards.

Utilities Director
South Granville Water and Sewer Authority

Date

Certificate of Major Subdivision Approval

I hereby certify that the major subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Butner, North Carolina and that this plat has been approved by the Butner Town Council for recording in the Office of the Register of Deeds. This approval is valid for a period of 30 days from the date of the Mayor's signature.

Mayor, Town of Butner

Date

Certificate of Minor Subdivision Approval

I hereby certify that the minor subdivision plat shown hereon has been found to comply with the Town of Butner Subdivision Regulations. his approval is valid for a period of thirty 30 days from the date of the Ordinance Administrator's signature.

Ordinance Administrator
Town of Butner

Date

Certificate of Recombination Plat Approval

I hereby certify that the recombination plat shown hereon has been found to comply with the Town of Butner Subdivision Regulations. This approval is valid for a period of thirty (30) days from the date of the Ordinance Administrator's signature.

Ordinance Administrator
Town of Butner

Date

Certificate of Exemption

I hereby certify that the division of land shown and described hereon is not a division of land subject to the Town of Butner Subdivision Regulations. No approval of this plat is required.

Ordinance Administrator
Town of Butner

Date